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PART VI.

Bills introduced into the Council of the Governor-General of India and Bills published before introduction in that Council.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 8th February, 1939 :—

L. A. BILL No. 3 OF 1939.

A Bill to establish standards of weight throughout British India.

WHEREAS it is expedient to establish standards of weight throughout British India;

It is hereby enacted as follows :—

Short title, extent and commencement.

Act, 1939.

1. (1) This Act may be called the Standards of Weight

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

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

2. (1) The unit for weight shall be the standard grain, that is to say, that weight which when multiplied by 1799·84585 is the weight *in vacuo* of the iridio-platinum cylinder in the custody of the Mint Master, Bombay, certified by the Standards Department of the British Board of Trade as having a weight of 1799·84585 grains *in vacuo*.

(2) The standard grain shall be the only unit from which all other standard weights shall be ascertained.

3. (1) There shall be the following standard weights, namely :—

(a) the standard tola, being a weight of 180 standard grains;

- (b) the standard seer, being a weight of 80 standard tolas or 14,400 standard grains;
- (c) the standard maund, being a weight of 40 standard seers;
- (d) the standard pound, being a weight of 7,000 standard grains;
- (e) the standard ounce, being one-sixteenth part of the weight of a standard pound;
- (f) the standard hundredweight, being a weight of 112 standard pounds;
- (g) the standard ton, being a weight of 2,240 standard pounds.

(2) No weight other than the weights set forth in sub-section (1) and integral multiples or sub-multiples of any such weight shall be or be designated as a standard weight.

4. (1) The Central Government shall cause to be prepared one set of such of the standard weights specified in sub-section (1) of section 3 or multiples or sub-multiples thereof as the Central Government may consider expedient, and shall cause each weight of such set to be authenticated as having been

ascertained from the standard grain, and shall deposit the set in such custody as the Central Government may think fit.

(2) The Central Government shall cause similar sets of weights, similarly authenticated, to be prepared, and shall supply one set to each Provincial Government.

5. (1) The Central Government may, by notification in the official Gazette, make Rules. rules for carrying into effect the provisions of this Act.

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

- (a) the preparation of the sets of standard weights referred to in section 4;
- (b) the custody of the set of such weights which is to be maintained by the Central Government and the periodical verification and adjustment thereof;
- (c) the periodical verification and adjustment of the sets of standard weights supplied to Provincial Governments.

6. The Indian Weights and Measures of Capacity Act, 1871, XXX
 Repeal. in so far as it relates 1871
 to the establishment of standards of weight, hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The question of prescribing a scale of standard weights and measures throughout British India has been under the consideration of the Government of India from time to time. In 1871 the Indian Weights and Measures of Capacity Act, XXXI of 1871, was passed, section 8 of which empowered the Governor General in Council to introduce a system of weights and measures, consistent with the statutory units prescribed by section 3 thereof. This Act however remained inoperative since no notification prescribed thereunder was issued as it was hoped that weights and measures based on the statutory units would be gradually and generally adopted without further intervention on the part of Government.

2. In 1913, the Government of India appointed the Weights and Measures Committee to investigate the feasibility of introducing uniform weights and measures throughout the country. The Committee's recommendations were examined in consultation with the Local Governments and Administrations and in 1922 the Government of India issued a resolution containing the decisions arrived at. As 'weights and measures' became a Provincial transferred subject under the Government of India Act, 1919, subject to legislation by the Indian Legislature as regards standards, it was left to the Provincial Governments to undertake the necessary legislation with the previous consultation with the Govern-

ment of India as to the form which such legislation should take and the previous sanction of the Governor General required under that Act. Accordingly three Provinces, viz., the Central Provinces in 1928, Coorg in 1931 and Bombay in 1932, passed such legislation.

3. The constitutional position now is that according to item 51 in the Federal Legislative List in the Seventh Schedule to the Government of India Act of 1935, the Central Government is responsible for the establishment of standards of weights, while Provincial Governments are concerned with 'weights and measures', vide item 30 in the Provincial Legislative List. So far as concerns weights, therefore, it is for the Central Government to prescribe the standards. The enforcement of the use of weights based on these standards is a matter for the Provincial Governments.

4. The desirability of establishing standards of weight has lately been constantly pressed upon the Government of India and some Provinces are reported to have their Weights and Measures Bill ready for introduction as soon as a Central Act establishing standards of weight is passed. A Bill has accordingly been prepared prescribing the units of weight commonly used by the Railways and in commerce, viz., the tola, the seer and the maund and also the pound, the ounce, the hundred-weight and the ton.

ZAFRULLAH KHAN.

NEW DELHI;

The 4th February, 1939.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 18th February, 1939 :—

L. A. BILL NO. 9 OF 1939.

A Bill further to amend the Foreigners Act, 1864, for certain purposes.

WHEREAS it is expedient further to amend the Foreigners Act, 1864, for removing the disabilities of the subjects of Native States in India in alliance with His

Majesty's Government; It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Foreigners (Amendment) Act, 1939.

(2) It shall extend to the whole of British India.

(3) It shall come into force forthwith.

2. After section 1 of the Foreigners Act, 1864, the following shall be inserted as section 1A, namely :—

“1A. Nothing in this Act shall be deemed to apply to subjects of Native States in India in alliance with His Majesty's Government”.

STATEMENT OF OBJECTS AND REASONS.

In the course of the last four years it has been found that subjects of Native States were dealt with under Act III of 1864. Things have substantially changed since this Act was passed and was amended in

1915. In view of the present political situation and developments in the country it is necessary to evolve a common citizenship and therefore all obstacles in that direction should be removed.

N. V. GADGIL.

The 28th February, 1935.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill* was introduced in the Legislative Assembly on the 18th February, 1939:—

L. A. BILL No. 16 OF 1939.

A Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose.

WHEREAS it is expedient to amend the Indian States (Protection against Disaffec-

* The Governor General has been pleased to accord the previous sanction required by clause (b) of section 108 (1) of the Government of India Act, 1935.

tion) Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian States (Protection against Disaffection) Amendment Act, 1939.

2. After sub-section (2) of section 3 of the Indian States (Protection against Disaffection) Act, 1922, the following sub-section shall be inserted, namely:—

“(3) Every person accused of committing an offence under this section shall be prosecuted and tried in a Court of law in the town or district where such publications were printed and in every case the appeal shall lie to a High Court of Judicature.”

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend the Indian States (Protection against Disaffection) Act, 1922, so as to make it clear that the prosecution of an offence committed under the Act can only take place in the town or district where such publications were first printed or where the editor or author of a newspaper or book or document usually resides. A journalist usually resides at the place where his newspaper is printed. Cases have occurred in the past when powerful interests have started the prosecu-

tion of an editor in a place where the offending document has been sold, thereby causing undue hardship for an editor or author to defend his case. At the time when the Indian States (Protection against Disaffection) Act, 1922, was enacted, the Government gave assurance that in every case of prosecution the defendant will have the right of appeal to a High Court. The latter part of sub-section (3), if passed, will legalise the intentions of the Government so definitely expressed.

B. DAS.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY
DEPARTMENT.

The following Bill* was introduced in the Legislative Assembly on the 18th February, 1939 :—

L. A. BILL No. 20 OF 1939.

A Bill further to amend the Indian Medical Council Act, 1933.

XXVII 1933. WHEREAS it is expedient further to amend the Indian Medical Council Act, 1933; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act of 1933.

Short title, extent and commencement.

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

(3) It shall come into force on such date as the Governor General in Council may, by notification in the *Gazette of India*, appoint.

* The Governor General has been pleased to accord the previous sanction required by section 119(1) of the Government of India Act, 1935.

STATEMENT OF OBJECTS AND REASONS.

Ever since the Indian Medical Council Act of 1933 came into force, the discontent among that large and important class of medical men known as L. M. Ps. had become deeper and deeper. This state of affairs cannot be allowed to continue long.

(2) It is but right that the All India Medical Council should be seized with the problem of setting right the medical standard in this country and unless this Medical Council for India exercises its central control and authority over medical education in medical schools, as it does at present with that of the University Medical Colleges, the Provincial Governments who are in sole charge of medical schools education are not likely in any way in near future to bestow the desired and much needed attention.

(3) It is unimaginable that a vast body of medical men who are entitled to practise by law and statute of the Provincial Governments and who are recognised by the Provincial Medical Councils as legally

2. In the Preamble of the Indian Medical Council Act, 1933 Amendment of the Preamble of Act XXVII of 1933. (hereinafter referred to as the said Act), the word "higher" shall be omitted.

3. In sub-section (1) of section 3 of the said Act,--

- (i) in clause (c), the words "who possess recognised medical qualifications or medical qualifications granted by a British Indian University" shall be omitted; and
- (ii) in clause (d), for the word "three" the word "six" shall be substituted and after the words "Governor General in Council" the words "of whom three shall be licentiates having been elected by the All India Medical Licentiates Association" shall be added.

4. In the First Schedule to the said Act, the following shall be added at the end, namely :—

"Medical schools recognised by Provincial Governments.	Medical diplomas recognised by the Provincial Governments and the Provincial Medical Councils.	L. M. P.
		L. C. P. S.
		L. M. F.
		L. S. M. F.
		M. S. M. F.
		M. P. L.
		M. C. P. S.

qualified medical practitioners should be denied their legitimate right of being included in the All India Medical Council.

(4) It is patent that if the Medical Council for India has to justify its title it must include within its scope the medical licentiates who form a prepondering majority of medical men with responsible official and public situations.

(5) It may be mentioned, the original intention, as was proposed in the draft Bills previous to the passing of the Act in this final form, was to constitute a Medical Council in India in order to establish a uniform standard of qualifications in Medicine for all provinces, but that this laudable proposal was given up at the selfish behest of the General Medical Council.

It is therefore now proposed by the above amending Bill to make the Indian Medical Council Act No. XXVII of 1933 more comprehensive and equitable and make it acceptable to the Indian medical profession

MUHAMMAD AHMAD KAZMI.

SAHARANPUR;

Dated, December 20, 1935.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

NOTIFICATION.

New Delhi, the 28th February 1939.

No. F. 115-I/39A.—Under rule 18 of the Indian Legislative Rules, the Governor General has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information:—

L. A. BILL* No. 28 OF 1939.

A Bill to provide for the registration of foreigners in British India.

WHEREAS it is expedient to provide for the registration of foreigners entering, being present in, and departing from, British India;

It is hereby enacted as follows:—

1. (1) This Act may be called the
Registration of
Short title and extent. Foreigners Act, 1939.

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

2. In this Act—
Definitions.

(a) "foreigner" has the meaning assigned to it in the Foreigners Act, 1864, except that it does not include—

(i) a person duly appointed by a foreign Government to exercise diplomatic functions; or

(ii) a consul or vice-consul; or

(iii) any ruler or subject of any State in India;

(b) "household" includes any person having management of a hotel, boarding house, sarai or any premises of like nature;

(c) "prescribed" means prescribed by rules made under this Act.

3. The Central Government may, by notification in the official Gazette, make rules, either generally with respect to all

foreigners or with respect to any particular class or description of foreigner, for any or all of the following purposes, that is to say—

(a) for requiring any foreigner entering, or being present in, British India to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(b) for requiring any foreigner moving from one place to another place in British India to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(c) for requiring any foreigner who is about to leave British India to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;

(d) for requiring any foreigner entering, being present in, or departing from, British India to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;

(e) for requiring any householder, in whose premises any foreigner is residing, whether temporarily or permanently and whether on payment or otherwise, to report the name of such foreigner to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(f) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, British India in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act;

(g) for providing for such other incidental or supplementary matters as may appear to the Central Government necessary or expedient for giving effect to this Act.

* The Governor General has been pleased to give the previous sanction required by section 103(1)(c), read with section 3(3)(4)(a) of the Government of India Act, 1935, to the introduction in the Legislative Assembly of this Bill.

4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person.

1 of 1872.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

6. The Central Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner.

7. 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.

8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1864 and any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS.

Apart from the fact that from the Census Report of 1931 it is known that in that year there were in India some 450,000 persons who stated that they had been born outside His Majesty's dominions, there is no information as to the number, nationality and whereabouts of foreigners in India, nor, in the absence of any statutory obligation on foreigners to report their presence and movements, is it possible to obtain such information. The only law which provides for the registration of foreigners as a class is that which is contained in sections 6 to 9 of the Foreigners Act (III of 1864). Those provisions, however, are intended for use in emergency only, and, apart from this, even if they were brought into force, they would apply only to foreigners arriving, and not to those already resident, in British India. In the majority of other countries, both within and outside the British Commonwealth, foreign visitors and residents are required to report their presence and movements to

specified authorities, and the Governments of those countries are thereby possessed at all times of complete information as to the number and whereabouts of foreigners in their countries. It is desirable that the Government of India should also be at all times in possession of similar information, not only because it may be required for the purpose of national defence but also because, in its absence, it has from time to time been impossible to reply satisfactorily to questions asked in the Legislature and much difficulty and inconvenience has also been experienced in replying to enquiries as to the whereabouts of foreigners in India which have been received from their relatives.

The Bill which is based upon provisions contained in the Foreigners Act, 1864, the British Aliens Restriction Act, 1914 and the British Aliens Order of 1920 is intended to provide the statutory powers necessary for the collection of such information.

R. M. MAXWELL.

NEW DELHI:

The 23rd February, 1939.

NOTES ON CLAUSES.

Clause 2.—The exclusion of consular and diplomatic officers is based on usage which is recognised in the proviso to section 5 of the Foreigners Act of 1864 and in Article 22 of the British Aliens Order, 1920.

Clause 3 (i)—*Clauses (a), (b) and (c)* are required to provide for the preparation of a register and for its subsequent maintenance. Analogies exist in clause (f) of sub-section (1) of section 1 of the British Aliens Restriction Act, 1914, in Article 6 of the British Aliens Order of 1919, and in part, in sections 6 and 7 of the Foreigners Act of 1864.

(ii) Clause (d).—Except at the time of entry into British India there is at present no power to demand of any person the production of his passport or proof of identity. This clause which is analogous to Article 6 (1) (a), (b) and (c) of the British Aliens Order, 1920, is intended to confer this power.

(iii) Clause (e).—This provision is based upon Article 7 of the British Aliens Order

of 1920 and is primarily intended for use in the case of hotels.

(iv) Clause (f).—This clause has affinity with sections 20 to 22 of the Foreigners Act of 1864, clause (h) of sub-section (1) of section 1 of the British Aliens Restriction Act, 1914 and Article 5 of the British Aliens Order of 1920. The co-operation of shipping companies will greatly facilitate the administration of the Act to the advantage not only of the authorities but also of foreigners themselves.

Clause 4.—Is based upon section 2 of the Foreigners Act, 1864, and sub-section (4) of section 1 of the British Aliens Restriction Act of 1914.

Clause 6.—While clause 2 provides for certain exclusions it is proposed to exempt young persons and such other persons as should not be required to register by orders of exemption. Analogies exist in section 25 of the Foreigners Act, 1864 and Article 14 of the British Aliens Order of 1920.

MD. RAFI,

Secy. to the Govt. of India.