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PART V.

Acts of the Indian Legislature assented to by the Governor General.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT No. III OF 1937.

An Act further to amend the Land Customs Act, 1924, for certain purposes.

WHEREAS it is expedient further to amend the Land Customs Act, 1924, for the purposes hereinafter appearing;

AND WHEREAS it is expedient that certain other enactments should be repealed;

It is hereby enacted as follows:—

1. (1) This Act may be called the Land Customs (Amendment) Act, 1937.

Short title and commencement.

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

2. In the long title and preamble to the Land Customs Act, 1924 (hereinafter referred to as the said Act),

XIX of 1924. Amendment of long title and preamble, Act XIX of 1924.

for the word "India" the words "British India" shall be substituted.

3. In clause (f) of section 2 of the said Amendment of section 2, Act XIX of 1924. Act the brackets and words "(other than territory forming part of a State in India)" shall be omitted.

4. Section 10 of the said Act shall be omitted.

5. In the Schedule to the said Act, before the word and figures "section 167" the word and figures "section 88," shall be inserted, and for the word and figures "sections 169" the word and figures "sections 168" shall be substituted.

6. (1) The Acts mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

(2) All notifications published and all rules and orders made, or deemed to have been made, under any of those Acts and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the Land Customs Act, 1924, be deemed to have been published and made under that Act.

XIX of 1924. Repeals. XIX of 1924.

THE SCHEDULE.

ENACTMENTS REPEALED.

[See section 6 (1).]

Year.	No.	Short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1844	VI	The Madras Inland Customs Act, 1844.	So much as has not been repealed.
1857	XXIX	The Bombay Land-customs Act, 1857	So much as has not been repealed.
1874	XV	The Laws Local Extent Act, 1874	So much of the Second Schedule as relates to Act VI of 1844.
1901	XI	The Amending Act, 1901 ...	So much of the First Schedule as relates to the Madras Inland Customs Act, 1844, and the Madras Inland Customs (Amendment) Act, 1893.
1920	XXXVIII	The Devolution Act, 1920 ...	So much of the First Schedule as relates to Act XXIX of 1857.
<i>Acts of the Indian Legislature.</i>			
1934	XIV	The Sugar (Excise Duty) Act, 1934	Sub-section (2) of section 6.
1934	XXXII	The Indian Tariff Act, 1934 ...	Section 7.
<i>Madras Act.</i>			
1893	II	The Madras Inland Customs (Amendment) Act, 1893.	The whole.
<i>Bombay Acts.</i>			
1915	III	The Bombay Decentralization Act, 1915.	The Second Schedule.
1921	II	The Bombay Short Titles Act, 1921	So much of the Schedule as relates to the Bombay Land-customs Act, 1857.

G. H. SPENCE,
Secretary to Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

being a married daughter, by such individual; and

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT NO. IV OF 1937.

An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.

XI of 1922.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Income-tax (Amendment) Act, 1937.

XI of 1922.

2. To section 16 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following sub-section shall be

Amendment of section 16, Act XI of 1922.

added, namely:—

“(3) In computing the total income of any individual for the purpose of assessment, there shall be included—

(a) so much of the income of a wife or minor child of such individual as arises directly or indirectly—

(i) from the membership of the wife in a firm of which her husband is a partner;

(ii) from the admission of the minor to the benefits of partnership in a firm of which such individual is a partner;

(iii) form assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration or in connection with an agreement to live apart; or

(iv) from assets transferred directly or indirectly to the minor child, not

(b) so much of the income of any association of individuals consisting of such individual and his wife as arises from assets transferred to the association by such individual.”

3. To sub-section (5) of section 18 of the said Act the

Amendment of section 18, Act XI to 1922.

following proviso shall be added, namely:—

“Provided further that where such person or owner is a person whose income is included under the provisions of sub-section (3) of section 16 in the total income of another person that person shall be deemed to be the person or owner on whose behalf payment has been made and to whom credit shall be given in the assessment for the following year.”

4. After sub-section (3) of section 48 of the said Act the

Amendment of section 48, Act XI of 1922.

following sub-section shall be inserted, namely:—

“(3A) Where the shareholder referred to in sub-section (1), or the member of a registered firm or the minor admitted to the benefits of partnership referred to in sub-section (2), or the owner of a security referred to in sub-section (3) is a person whose income is included under the provisions of sub-section (3) of section 16 in the total income of another person, the provisions of sub-sections (1), (2) and (3) shall apply as if that person were himself the person entitled to a refund under those sub-sections.”

5. The amendment made in the said Act by section 2 shall not have effect in respect of any income chargeable to income-tax for any year ending before the 1st day of April 1937.

G. H. SPENCE,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT No. V of 1937.

An Act further to amend the Indian Lac Cess Act, 1930, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Lac Cess Act, 1930, for the

XXIV of
1930.

purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Lac Cess (Amendment) Act, 1937.
Short title.
2. In section 4 of the Indian Lac Cess Act, 1930, for the words "Bihar and Orissa", where they occur in clause (v) of sub-section (4) and in clauses (ii) and (v) of sub-section (5), the word "Bihar" shall be substituted.
Amendment of section 4, Act XXIV of 1930.

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT No. VI OF 1937.

An Act to make certain further provisions respecting the law of arbitration in British India.

WHEREAS India was a State signatory to the Protocol on Arbitration Clauses set forth in the First Schedule, and to the Convention on the Execution of Foreign Arbitral Awards set forth in the Second Schedule, subject in each case to a reservation of the right to limit its obligations in respect thereof to contracts which are considered as commercial under the law in force in British India;

AND WHEREAS it is expedient, for the purpose of giving effect to the said Protocol and of enabling the said Convention to become operative in British India, to make certain further provisions respecting the law of arbitration;

It is hereby enacted as follows:—

1. (1) This Act may be called the Arbitration (Protocol and Convention) Act, 1937.

Short title, extent and operation.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) The provisions of this Act, except this section, shall have effect only from such date as the Governor General in Council may, by notification in the *Gazette of India*, appoint in this behalf, and the Governor General in Council may appoint different dates for the coming into effect of different provisions of the Act

2. In this Act "foreign award" means an award on differences relating to matters considered as commercial under the law in force in British India, made after the 28th day of July, 1924,—

(a) in pursuance of an agreement for arbitration to which the Protocol set forth in the First Schedule applies, and

(b) between persons of whom one is subject to the jurisdiction of some one of such Powers as the Governor General in Council, being satisfied that reciprocal provisions have been made, may, by notification in the *Gazette of India*, declare to be parties to the Convention set

forth in the Second Schedule, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid, and

(c) in one of such territories as the Governor General in Council, being satisfied that reciprocal provisions have been made, may, by like notification, declare to be territories to which the said Convention applies,

and for the purposes of this Act an award shall not be deemed to be final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

3. Notwithstanding anything contained in the Indian Arbitration Act, 1899, or in IX of 1899, the Code of Civil Procedure, 1908, if V of 1908.

Stay of proceedings in respect of matters to be referred to arbitration.

any party to a submission made in pursuance of an agreement to which the Protocol set forth in the First Schedule as modified by the reservation subject to which it was signed by India applies, or any person claiming through or under him, commences any legal proceedings in any Court against any other party to the submission or any person claiming through or under him in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court unless satisfied that the agreement or arbitration has become inoperative or cannot proceed, or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings

4. (1) A foreign award shall, subject to the provisions of this Act, be enforceable in British India as if it were an award made on a matter referred to arbitration in British India.

(2) Any foreign award which would be enforceable under this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence set off or otherwise in any legal proceedings in British India, and any references in this Act to enforcing a foreign award shall be construed as including references to relying on an award.

5. (1) Any person interested in a foreign award may apply to any Court having jurisdiction over the subject-matter of the award that the award be filed in Court.

Filing of foreign award in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

(3) The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

6. (1) Where the Court is satisfied that the foreign award is enforceable under this Act, the Court shall order the award to be filed and shall proceed to pronounce judgment according to the award.

(2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of or not in accordance with the award.

7. (1) In order that a foreign award may be enforceable under this Act it must have—

- (a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed,
- (b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties,
- (c) been made in conformity with the law governing the arbitration procedure,
- (d) become final in the country in which it was made,
- (e) been in respect of a matter which may lawfully be referred to arbitration under the law of British India,

and the enforcement thereof must not be contrary to the public policy or the law of British India.

(2) A foreign award shall not be enforceable under this Act if the Court dealing with the case is satisfied that—

- (a) the award has been annulled in the country in which it was made, or
- (b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented, or
- (c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration :

Provided that if the award does not deal with all questions referred the Court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject

to the giving of such security by the person seeking to enforce it as the Court may think fit.

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in clauses (a), (b) and (c) of sub-section (1), or the existence of the conditions specified in clauses (b) and (c) of sub-section (2), entitling him to contest the validity of the award, the Court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the Court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

8. (1) The party seeking to enforce a foreign award must produce—

- (a) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made;
- (b) evidence proving that the award has become final; and
- (c) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in clauses (a), (b) and (c) of sub-section (1) of section 7 are satisfied.

(2) Where any document requiring to be produced under sub-section (1) is in a foreign language, the party seeking to enforce the award shall produce a translation into English certified as correct by a diplomatic or consular agent of the country to which that party belongs or certified as correct in such other manner as may be sufficient according to the law in force in British India.

9. Nothing in this Act shall—

- (a) prejudice any rights which any person would have had of enforcing in British India any award or of availing himself in British India of any award if this Act had not been passed, or
- (b) apply to any award made on an arbitration agreement governed by the law of British India.

10. The High Court may make rules consistent with this Act as to—

- (a) the filing of foreign awards and all proceedings consequent thereon or incidental thereto;
- (b) the evidence which must be furnished by a party seeking to enforce a foreign award under this Act; and
- (c) generally, all proceedings in Court under this Act.

THE FIRST SCHEDULE.

PROTOCOL ON ARBITRATION CLAUSES.

The undersigned, being duly authorised, declare that they accept, on behalf of the countries which they represent, the following provisions.

1. Each of the Contracting States recognises the validity of an agreement whether relating to existing or future differences between parties subject respectively to the jurisdiction of different Contracting States by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations in order that the other Contracting States may be so informed.

2. The arbitral procedure, including the constitution of the Arbitral Tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The Contracting States agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.

3. Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

4. The Tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an Arbitration Agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the Arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or becomes inoperative.

5. The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratification shall be deposited as soon as possible with the

Secretary-General of the League of Nations, who shall notify such deposit to all the Signatory States.

6. The present Protocol will come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7. The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other Signatory States and inform them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8. The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the under-mentioned territories: that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all Signatory States. They will take effect one month after the notification by the Secretary-General to all Signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

THE SECOND SCHEDULE.

CONVENTION ON THE EXECUTION OF FOREIGN ARBITRAL AWARDS.

Article 1.--In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called "a submission to arbitration") covered by the Protocol on Arbitration Clauses opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary:

- (a) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
- (b) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;
- (c) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
- (d) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to opposition, appel or pourvoi en cassation (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
- (e) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

Article 2.—Even if the conditions laid down in Article 1 hereof are fulfilled; recognition and enforcement of the award shall be refused if the Court is satisfied:

- (a) That the award has been annulled in the country in which it was made;
- (b) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;
- (c) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it thinks fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

Article 3.—If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a) and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

Article 4.—The party relying upon an award or claiming its enforcement must supply, in particular:

- (1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;
- (2) Documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (d), in the country in which it was made;
- (3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (a) and (c), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translations must be certified correct by a diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

Article 5.—The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

Article 6.—The present Convention applies only to arbitral awards made after the coming into force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

Article 7.—The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

Article 8.—The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

Article 9.—The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notifications, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, *ipso facto*, the denunciation of the present Convention.

Article 10.—The present Convention does not apply to the Colonies, Protectorates or

territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

Article 11.—A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

G. H. SPENCE,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT No. VII OF 1937.

An Act further to amend the Workmen's Compensation Act, 1923, for a certain purpose.

VIII of 1923. WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Workmen's Compensation Act, 1937.
Short title. (Amendment) Act, 1937.

VIII of 1923. 2. (1) Section 35 of the Workmen's Compensation Act, 1923, shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered—

Amendment of section 35, Act VIII of 1923.

- (a) for the words "paid to" the words "deposited with" shall be substituted;
- (b) for the words "for the benefit of", where they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;
- (c) after the word "receipt" the word, "distribution" shall be inserted;

(d) for the word "awarded" the word "deposited" shall be substituted; and

(e) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so re-numbered the following proviso shall be added, namely:—

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8."

(3) After the said section as so re-numbered the following sub-section shall be added, namely:—

"(2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money."

G. H. SPENCE,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT No. VIII OF 1937.

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1937.

Short title and commencement.

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

2. After section 44 of the Code of Civil Procedure, 1908, the following section shall be inserted, namely:—

Insertion of new section 44A in Act V of 1908.

“44A. (1) Where a certified copy of a decree of any of the superior Courts of the United Kingdom or any reciprocating territory has been filed in a District Court, the decree may be executed in British India as if it had been passed by the District Court.

Execution of decrees passed by Courts in the United Kingdom and other reciprocating territory.

(2) Together with the certified copy of the decree shall be filed a certificate from such superior Court stating the extent, if any, to which the decree has been satisfied or adjusted and such certificate shall, for the purposes of proceedings under this section, be conclusive proof of the extent of such satisfaction or adjustment.

(3) The provisions of section 47 shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls

within any of the exceptions specified in clauses (a) to (f) of section 13.

Explanation 1.—‘Superior Courts’, with reference to the United Kingdom, means the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham.

Explanation 2.—‘Reciprocating territory’ means any country, or territory, situated in any part of His Majesty’s Dominions or in India, which the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare to be reciprocating territory for the purposes of this section; and ‘superior Courts’, with reference to any such territory, means such Courts as may be specified in the said notification.

Explanation 3.—‘Decree’, with reference to a superior Court, means any decree or judgment of such Court under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, and

(a) with reference to superior Courts in the United Kingdom, includes judgments given and decrees made in any Court in appeals against such decrees or judgments, but

(b) in no case includes an arbitration award even if such award is enforceable as a decree or judgment.”

3. In rule 22 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908, in 1 (b) after the words “party to the decree” the following

Amendment of rule 22 of Order XXI of the First Schedule of Act V of 1908.

v of 1908.

shall be inserted, namely:—

“or where an application is made for execution of a decree filed under the provisions of section 44A”.

G. H. SPENCE,

Secy. to the Govt of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT No. IX OF 1937.

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

V of 1908. WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure
Short title. (Second Amendment)

Act, 1937.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908,—
Amendment of section 60, Act V of 1908.

V of 1908.

(a) for clauses (h) and (i) the following clauses shall be substituted, namely:—

“(h) the wages of labourers and domestic servants, whether payable in money or in kind; and salary, to the extent of the first hundred rupees and one-half the remainder of such salary;

(i) the salary of any public officer or of any servant of a railway company or local authority to the extent of the first hundred rupees and one-half the remainder of such salary:

Provided that, where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree;”;

(b) in clause (k) for the figures “1897” the figures “1925” shall be substituted;

(c) for clause (l) the following clause shall be substituted, namely:—

“(l) any allowance forming part of the emoluments of any public officer or of any servant of a railway company or local authority which the Governor General in Council may by notification in the *Gazette of India* declare to be exempt from attachment, and any subsistence grant or allowance made to any such officer or servant while under suspension;”;

(d) the *Explanation* at the end shall be re-numbered as *Explanation 1* and, to the *Explanation* as so re-numbered the following words shall be added, namely:—

“and in the case of salary other than salary of a public officer or a servant of a railway company or local authority the attachable portion thereof is exempt from attachment until it is actually payable”; and

(e) after the *Explanation* as so renumbered the following *Explanation* shall be added, namely:—

“*Explanation 2.*—In clauses (h) and (i), ‘salary’ means total monthly emoluments, excluding any allowance declared exempt from attachment under the provisions of clause (l) derived by a person from his employment whether on duty or on leave.”

3. The amendments made by section 2 shall not have effect in respect of any proceedings arising out of any suit instituted before the first day of June, nineteen hundred and thirty-seven.

G. H. SPENCE,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT NO. X OF 1937.

An Act further to amend the Indian Electricity Act, 1910, for certain purposes.

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Electricity (Amendment) Act, 1937.

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

2. The Indian Electricity Act, 1910 (hereinafter referred to as the said Act), shall, in its application to British India, including British Baluchistan and the Sonthal Parganas but excluding Burma, be amended in the manner hereinafter provided.

3. After section 36 of the said Act the following section shall be inserted, namely:—

“36A. (1) A Board to be called the Central Electricity Board shall be constituted to exercise the powers conferred by section 37.

(2) The Central Electricity Board shall consist of fifteen members, namely:—

(a) a chairman to be nominated by the Governor General in Council;

(b) one member to be nominated by each of the Local Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces, Assam, the North-West Frontier Province, Sind and Orissa;

(c) one member, holding office for a period of three years, to be nominated alternately by the Local Government of Delhi and the Local Government of Ajmer-Merwara;

(d) one member to be nominated by the Chief Commissioner of Railways; and

(e) one member to be nominated by the Chief Inspector of Mines.

(3) Any vacancy occurring in the Board, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2), shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by by-laws or otherwise its own procedure and the conduct of all business to be transacted by it.

(5) The powers of the Central Electricity Board may be exercised notwithstanding any vacancy in the Board.”

4. In section 37 of the said Act, for the words “Governor General in Council”, in both places where they occur, the words “Central Electricity Board” shall be substituted.

5. In section 38 of the said Act,—

(a) sub-section (3) shall be omitted, and
(b) sub-section (4) shall be re-numbered as sub-section (3).

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 4th March, 1937, and is hereby promulgated for general information:—

ACT NO. XI OF 1937.

An Act further to amend the Indian Boilers Act, 1923, for certain purposes.

V of 1923. WHEREAS it is expedient further to amend the Indian Boilers Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Boilers (Amendment) Act, 1937.
Short title and commencement.

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

V of 1923. 2. The Indian Boilers Act, 1923 (hereinafter referred to as the said Act), shall, in its application to British India, including British Baluchistan and the Sonthal Parganas but excluding Burma, be amended in the manner hereinafter provided.

3. In section 2 of the said Act, after clause (a) the following clause shall be inserted, namely:—
Amendment of section 2, Act V of 1923.

“(aa) ‘Board’ means the Central Boilers Board constituted under section 27A:”

4. After section 27 of the said Act the following section shall be inserted, namely:—
Insertion of new section 27 A in Act V of 1923.

“27A. (1) A Board to be called the Central Boilers Board, shall be constituted to exercise the powers conferred by section 28.

(2) The Board shall consist of fourteen members, namely:—

(a) a chairman to be nominated by the Governor General in Council;

(b) one member, to be nominated by each of the Local Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces, Assam, the North-West Frontier Province, Sind and Orissa;

(c) one member, holding office for a period of three years, to be nominated alternately by the Local Government of Delhi and the Local Government of Ajmer-Merwara; and

(d) one member to be nominated by the Chief Commissioner of Railways.

(3) Any vacancy occurring in the Board, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2), shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by by-laws or otherwise its own procedure and the conduct of all business to be transacted by the Board.

(5) The powers of the Board may be exercised notwithstanding any vacancy in the Board.”

5. In section 28 of the said Act,—
Amendment of section 28, Act V of 1923.

(a) for the words “Governor General in Council” in both places where they occur, the word “Board” shall be substituted; and

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

“(aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted;”

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 10th March, 1937, and is hereby promulgated for general information:—

ACT No. XII OF 1937.

An Act to amend the Contempt of Courts Act, 1926, for a certain purpose.

WHEREAS it is expedient to amend the Contempt of Courts Act, 1926, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Contempt of Courts (Amendment) Act, 1937.
- Short title.

2. In the preamble to the Contempt of Courts Act, 1926 (hereinafter referred to as the said Act), the word "subordinate" shall be omitted.

3. To section 3 of the said Act the following proviso shall be added, namely:—

"Provided further that notwithstanding anything elsewhere contained in any law no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a Court subordinate to it."

G. H. SPENCE,
Secy. to the Govt. of India.