



The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 5. CUTTACK, FRIDAY, DECEMBER 24, 1937.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

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 7th October, 1937, and is hereby promulgated for general information:—

ACT No. XXIV OF 1937.

An Act to provide for the continuance in force of certain rules and regulations.

WHEREAS it is expedient to provide for the continuance in force of certain rules made under the Indian Electricity Act, 1910, and certain regulations made under the Indian Boilers Act, 1923; It is hereby enacted as follows:—

1. This Act may be called the Rules and Regulations Continuance Act, 1937.

Short title.

2. Rules made before the 31st day of March, 1937, under sections 37 of the Indian Electricity Act, 1910, and regulations made before the 28th day of March, 1937, under section 28 of the Indian Boilers Act, 1923, by the Governor General in Council shall, on and from the said dates respectively, be deemed to have been made under the said sections of the said Acts by the authority substituted for the Governor General in Council by the Indian Electricity (Amendment) Act, 1937, and the Indian Boilers (Amendment) Act, 1937, respectively, and shall continue to be in force until superseded by rules or regulations made under the said sections of the said Acts by the Central Electricity Board or the Central Boilers Board, as the case may be.

G. H. SPENCE,

Secy. to the Govt. of India.

IX of 1910.
V of 1923.

X of 1937.
XI of 1937.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 7th October, 1937, and is hereby promulgated for general information:—

ACT No. XXV OF 1937.

An Act to empower the Federal Court to make rules for regulating the service of processes issued by the Court.

WHEREAS it is expedient to confer upon the Federal Court a supplemental power which is necessary for the purpose of enabling the Court more effectively to

exercise the jurisdiction conferred upon it by or under the Government of India Act, 1935; It is hereby enacted as follows:—

Short title.
Court Act, 1937.

1. This Act may be called the Federal

2. The Federal Court may make rules for regulating the service of processes issued by the Court, including rules requiring a High Court from which an appeal has been preferred to the Federal Court to serve any process issued by the Federal Court in connection with that appeal.

Power of Federal Court to make rules.

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 7th October, 1937, and is hereby promulgated for general information :—

ACT No. XXVI OF 1937.

An Act to make provision for the application of the Muslim Personal Law (Shariat) to Muslims in British India.

WHEREAS it is expedient to make provision for the application of the Muslim Personal Law (*Shariat*) to Muslims in British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Muslim Personal Law (*Shariat*) Application Act, 1937.

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

2. Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including *talaq, ila, zihar, lian, khula* and *mubaraat*, maintenance, dower, guardianship, gifts, trusts and trust properties, and *wakfs* (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (*Shariat*).

3. (1) Any person who satisfies the prescribed authority—

- (a) that he is a Muslim, and
(b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872, and

(c) that he is a resident of British India, may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.

(2) Where the prescribed authority refuses to accept a declaration under sub-section (1), the person desiring to make the same may

appeal to such officer as the Provincial Government may, by general or special order, appoint in this behalf, and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.

4. (1) The Provincial Government may make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) for prescribing the authority before whom and the form in which declarations under this Act shall be made;

(b) for prescribing the fees to be paid for the filing of declarations and for the attendance at private residences of any person in the discharge of his duties under this Act, and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied.

(3) Rules made under the provisions of this section shall be published in the official Gazette and shall thereupon have effect as if enacted in this Act.

5. The District Judge may, on petition made by a Muslim married woman, dissolve a marriage on any ground recognised by Muslim Personal Law (*Shariat*).

6. Provisions of the Acts and Regulations mentioned below shall be repealed is so far as they are inconsistent with the provisions of this Act, namely:—

- (1) Section 26 of the Bombay Regulation IV of 1827;
(2) Section 16 of the Madras Civil Courts Act, 1873;
(3) Section 37 of the Bengal, Agra and Assam Civil Courts Act, 1887;
(4) Section 3 of the Oudh Laws Act, 1876;
(5) Section 5 of the Punjab Laws Act, 1872;
(6) Section 5 of the Central Provinces Laws Act, 1875; and
(7) Section 4 of the Ajmere Laws Regulation, 1877.

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 7th October, 1937, and is hereby promulgated for general information:—

ACT No. XXVII OF 1937.

An Act further to amend the Indian Tariff Act, 1934, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1934, for the purpose

hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Second Amendment) Act,
Short title. Amendment) Act,

1937.

2. (1) In the First Schedule to the Indian Tariff Act, 1934, Item XXXII of No. 10 (1) and Item No. 11 (1) shall be omitted.

(2) This section shall have effect retrospectively as if it had come into force on 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 3rd December 1937, and is hereby promulgated for general information:—

ACT No. XXIX OF 1937.

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

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

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

Short title.

Amendment of section 2, Act XI of 1936.

2. In section 2 of the Indian Mines (Amendment) Act, 1936,—

XI of 1936.

(a) in sub-section (1), for the words “the following sub-section shall be deemed to be inserted” the words “the following sub-section shall be inserted” shall be substituted, and

(b) sub-section (2) shall be omitted.

3. In section 9 of the Indian Mines Act, 1923 (hereinafter referred to as the said Act),—

IV of 1923.

Amendment of section 9, Act IV of 1923.

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

“and shall not be disclosed to any person other than a Magistrate or an official superior or the owner, agent or manager of the mine concerned, unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the safety of any persons”;

(b) in sub-section (2), for the words “to any one, other than a Magistrate or an officer to whom he is subordinate” the following words shall be substituted, namely:—

“contrary to the provisions of sub-section (1)”;

(c) in sub-section (3), for the words following the words “under this section” the following words shall be substituted, namely:—

“except with the previous sanction of the Central Government”.

4. In section 30A of the said Act, for the word “regulations” the word “rules” shall be substituted, and for clauses (a), (b), (c) and (d) the following clauses shall be substituted, namely:—

Amendment of section 30A, Act IV of 1923.

“(a) requiring the establishment of central rescue stations for groups of specified mines or for all mines in a specified area, and prescribing how and by whom such stations shall be established;

(b) providing for the management of central rescue stations, and regulating the constitution powers and functions of, and the conduct of business by, the authorities (which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned) charged with such management;

(c) prescribing the position, equipment, control, maintenance and functions of central rescue stations;

(d) providing for the levy and collection of a duty of excise (at a rate not exceeding six pias per ton) on coko and coal produced in and despatched from mines specified under clause (a) in any group or included under clause (a) in any specified area, the utilisation of the proceeds thereof for the creation of a central rescue station fund for such group or area and the administration of such funds;

(e) providing for the formation, training, composition, and duties of rescue brigades; and

(f) providing generally for the conduct of rescue work in mines.”

5. In sub-section (1) of section 31 of the said Act, for the word and figure “and 30” the figures and word “30 and 30A” shall be substituted.

Amendment of section 31, Act IV of 1923.

G. H. SPENCE,

Secy. to the Govt. of India.