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PART I

Orders and Notifications by the Governor of Bengal, the High Court,
Government Treasury, etc.

GOVERNMENT OF BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 4631P.—1st September 1939.—The following from the *Gazette of India, Extraordinary*, dated Monday, the 28th August 1939, is published for general information.

E. N. BLANDY,
Chief Secy. to the Govt. of Bengal.

GOVERNMENT OF INDIA

DEPARTMENT OF COMMUNICATIONS.

NOTIFICATIONS.

Simla, the 28th August 1939.

No. W.-10/1.—Whereas the Central Government is of opinion that in the interests of public safety the issue of certain orders

of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934) is expedient; And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of the said section, the Central Government is pleased to make orders and to authorize the taking of steps to secure compliance with the same as follows:—

- (1) Save under the authority of, and in accordance with the conditions specified in, a permit in writing issued by the Director of Civil Aviation in India no aircraft shall be flown over any portion of British India between the hours of sunset and sunrise.

Provided that no such permit shall be valid within 50 miles of the defended ports of Karachi, Bombay, Madras or Calcutta if and when the Military Commander concerned has issued an order that night flying within these areas is prohibited, which order shall be conveyed to the holders of permits for night flying by radio electric or other means.

- (2) If an aircraft flying over any portion of British India between the hours of sunset and sunrise receives a visual signal consisting of an intermittent luminous white beam directed at the aircraft or any other visual signal or if in any other circumstances it is necessary to reveal its identity, it shall reply by visual signal only giving the special letter of the day previously issued to the Commander. If necessary or requested it shall also signal by visual means its registration letters and aerodrome of destination.

Provided that if a radio electric signal enquiring the identity of the aircraft is received, the aircraft shall reply only by radio electric signal giving its registration letters and the aerodrome of destination. The special letter of the day shall not be signalled by radio electric means.

- (3) If an aircraft flying over any portion of British India between the hours of sunset and sunrise receives the signal to land specified in clause (b) of Rule 110 of the Indian Aircraft Rules, 1937, the person in charge of the Aircraft shall forthwith give the visual or radio electric signals in the circumstances and in accordance with the conditions prescribed in paragraph (2) hereof and shall forthwith cause the aircraft to land at the nearest aerodrome or at such aerodrome as may be indicated to him by visual or radio electric signal.
- (4) If an aircraft on receiving any signal referred to in paragraphs (2) and (3) fails within a reasonable time to respond, or fails to establish its identity by signalling the special letter of the day when such letters have been communicated to aircraft in possession of permits or otherwise fails to comply with the orders or if any aircraft flies between the hours of sunset or sunrise over any area in respect of which no permit has been issued under paragraph (1), the aircraft may forthwith be fired on with a view to compelling it to land or terminating the flight.

No. W.-10/2.—Whereas the Central Government is of opinion that in the interests of the public safety the issue of certain orders of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934) is expedient.

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the said

section, the Central Government is pleased to order:—

- (1) All aircraft flying within 50 miles of the defended ports of Karachi, Bombay, Madras, or Calcutta shall be flown in such a manner that the aircraft and its registration marks are clearly visible from the ground. Such aircraft shall in no case be flown at a height greater than 3,000 feet above the ground, nor, except as may be required by the exigencies of the weather or for the purpose of landing at or departing from a recognized aerodrome, at a height below 500 feet.

- (2) Any aircraft flying in contravention of this order may be fired on.

No. W.-10/3.—Whereas the Central Government is of opinion that in the interests of public safety the issue of certain orders of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934) is expedient:

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary:

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of the said section, the Central Government is pleased to make orders and to authorize the taking of steps to secure compliance with the same as follows:—

1. No person shall fly or assist in flying an aircraft over any of the areas specified in column 1 of the First Schedule annexed hereto except in the circumstances and in accordance with the conditions specified in the corresponding entry in column 2 thereof; and the provisions of rule 12 of the Indian Aircraft Rules, 1937, shall apply to these areas as they apply to areas over which the navigation of aircraft is prohibited under that rule.
2. No aircraft shall enter British India from a place outside India or shall leave British India for a place outside India except by landing at or departing from one of the appointed customs aerodromes at Karachi, Bombay, Madras, Trichinopoly or Calcutta.
3. Every aircraft approaching or leaving Karachi and any aircraft approaching or leaving Calcutta over the area specified in column 1 of the First Schedule annexed hereto, shall fly along the appropriate air corridor specified in the Second Schedule annexed hereto, and the provisions of rule 114 of the Indian Aircraft Rules, 1937, shall apply to those air corridors as they apply to air traffic routes.
4. Any aircraft which fails to comply with any of the provisions of this Order may be fired on or otherwise compelled to land.

THE FIRST SCHEDULE.

Area. 1	Circumstances and conditions. 2
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I. *Karachi.*

The area lying within a radius of eight miles from Keamari.

Seaplanes proceeding to or from Karachi seaplane port shall be flown along the Corridor prescribed in Schedule II and subject to the conditions prescribed in paragraph 3.

II. *Calcutta.*

The area (excepting the area within a radius of 2 miles of Chittagong aerodrome) to the south of the following lines:—

A straight line joining Chittagong aerodrome and Dum Dum Junction Railway Station; thence a straight line to Amta Railway Station; thence the Damodar River downstream to the B.-N. Railway and the railway line *via* Khargpur to Balasore.

Aircraft proceeding to or from Calcutta may be flown along the Corridor prescribed in Schedule II and subject to the conditions prescribed in paragraph 3.

III. *Bombay.*

The area (excepting the area within a radius of two miles of Juhu aerodrome) to the west and south of the following lines:—

The railway line from Dahanu *via* Bassein Bridge to Juhu; thence by a straight line due east to the Bombay Thana railway; the railway line *via* Thana approximately north-east to Kalyan; a straight line from Kalyan approximately to Ratnagiri.

When it is necessary by reason of poor visibility or other emergency to follow the railway lines or road specified in column 1, aircraft may be flown over the area provided that they are not flown at an altitude exceeding 1,500 feet or at a distance from the railway line or road exceeding 400 yards and the provisions contained in rule 114 of the Aircraft Rules, 1937; are observed.

IV. *Madras.*

The area (excepting the area within a radius of two miles of St. Thomas' Mount aerodrome) to the east of the following lines—

The railway line from Tindivanam in the south to St. Thomas' Mount Railway Station; thence a straight line to Pulal Lake; thence the Madras-Nellore road to its junction with the railway; thence the railway line from Madras as far north as Gudur.

THE SECOND SCHEDULE.

Air Corridors.

I. Karachi.

A.—To and from the West.

From Jiwani along and within 10 miles of the coast to Karachi.

Land planes.—North side of the Karachi prohibited area.

Seaplanes.—Along the coast within a zone 1,000 yards in width to Manora Signal Station, thence along the shipping channel at an altitude not exceeding 1,000 feet.

B.—To and from the East.

Land planes.—No corridor.

Seaplanes.—Along the shipping channel to Manora Signal Station at an altitude not exceeding 1,000 feet, thence within a zone 1,000 yards in width along the course due east from Manora Signal Station to the limits of the prohibited area.

II. Calcutta.

To and from the East or from seaward.

A zone five miles in width along a true course 118-298 degrees from Dum Dum aerodrome to the mouth of the Haringhata River (Lat. 21 55' N. Long. 89 55' E.), at an altitude not exceeding 1,500 feet.

No. W.-10/4.—In exercise of the powers conferred by sub-section (3) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to authorize the officers specified in the Schedule annexed hereto to take, for the purposes of securing compliance with any order made (whether before or after the date of notification) under

sub-section (1) of the said section, any of the following steps, namely:—

- (a) to inspect and take possession of or detain any aircraft or part thereof or any documents appertaining thereto;
- (b) to use such force as may be necessary for the purpose aforesaid.

SCHEDULE.

Director of Civil Aviation.
 Deputy Director of Civil Aviation.
 Chief Inspector of Aircraft.
 Chief Aerodrome Officer.
 Technical Officers.
 Aircraft Inspectors.
 Assistant Aircraft Inspectors (Grade I).
 Aerodrome Officers.
 Assistant Aerodrome Officers when holding independent charge of an aerodrome.
 Any Commissioned Officer of His Majesty's Forces in India.
 District Magistrates.
 District Superintendents or Superintendents of Police.

JOHN D. TYSON,
 Secy. to the Govt. of India.

GOVERNMENT OF BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 4651P.—1st September 1939.—The following from the *Gazette of India, Extraordinary*, dated Wednesday, the 30th August 1939, is published for general information.

E. N. BLANDE,

Chief Secy. to the Govt of Bengal.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

Simla, the 30th August 1939.

ORDINANCE No. II OF 1939.

AN

ORDINANCE

TO.

provide for the registration of certain European British subjects.

WHEREAS an emergency has arisen which renders it necessary to require certain European British subjects to register themselves in the manner hereinafter provided;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:—

26 Geo. 5,
c. 2.

Short title,
extent and
commencement.

1. (1) This Ordinance may be called the Registration Ordinance, 1939.

(2) It extends to the whole of British India, and applies also to European British subjects in any part of India.

(3) It shall come into force at once.

Definitions.

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

(a) "European British subject" means any subject of His Majesty of European descent in the male line, born, naturalised or domiciled in the British Islands or any British Dominion or Colony;

(b) "prescribed" means prescribed by rules made under this Ordinance.

Obligation to register.

3. (1) Every male European British subject for the time being in India (not being—

(a) a member of His Majesty's naval, military or air forces, or

(b) a person who is enrolled under the Auxiliary Force Act, 1920; or is in holy orders, or is a regular minister of any religious denomination)—

who for the time being has attained the age of sixteen years but has not attained the age of fifty years, shall,

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1920.

within the prescribed period, correctly fill up to the best of his knowledge and belief, or cause so to be filled up, sign and lodge with the appropriate registration authority specified in the First Schedule or such other registration authority as may be prescribed, the form set out in the Second Schedule, and if any such European British subject claims not to be ordinarily resident in India, he shall lodge with the said form a statement of such claim.

(2) If any registration authority has reason to believe that any person is a European British subject to whom the provisions of sub-section (1) are applicable, he may, by order in writing, require such person to furnish such particulars as may be specified in the order within such time as may be so specified, and such person, whether or not he is a European British subject to whom the said sub-section applies, shall within the specified time furnish correctly to the best of his knowledge and belief the said particulars to the said registration authority in such form or manner as such order may require, and shall sign the same.

(3) If any person refuses, or without lawful excuse (the burden of proving which shall be upon such person) neglects fully to comply with the requirements of sub-section (1) or of any order made under sub-section (2), he shall be punishable with fine which may extend to five hundred rupees.

(4) Every registration authority under this Ordinance shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of
1860.

Determination
of disputes as to
applicability of
this Ordinance.

4. If any question arises with reference to this Ordinance or any rule made thereunder whether a person is a European British subject to whom the provisions of sub-section (1) of section 3 are applicable, a person appointed in writing in this behalf by the prescribed authority may apply to the District Magistrate or to any officer specially empowered in this behalf by the Central Government in the area in which the person to whom the dispute relates is for the time being present, and such Magistrate or other officer, after hearing such person or giving him a reasonable opportunity for being heard, shall summarily determine the question, and the decision of such Magistrate or other officer shall be final.

Power of Central
Government to
make rules.

5. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

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

- (a) prescribe registration authorities, in addition to those specified in the First Schedule;
- (b) prescribe the time within which the form set out in the Second Schedule shall be lodged with the registration authority;
- (c) prescribe authorities who may make the appointment referred to in section 4;
- (d) provide for the issue of certificates of registration;
- (e) provide for the preparation, compilation and correction of a register, and require the attendance of persons for any of such purposes;
- (f) require the notification of changes of address of registered persons.

(3) Rules made under this section may provide that any contravention thereof or of any order or notice issued thereunder shall be punishable with fine which may extend to five hundred rupees.

Ordinance not
to apply to
certain persons.

6. Nothing in this Ordinance shall apply to any person confined for the time being in a prison or lunatic asylum.

THE FIRST SCHEDULE.

(See SECTION 3.)

Registration Authorities.

In the case of any servant of the Crown	The Head of the Office or Department in which he serves.
In the case of any person in the employ of any public or local authority	The chief executive officer of such authority.
In the case of any person in the employ of any railway	The Head of the Railway Administration.
In any other case	The District Magistrate of the district in which the person is for the time being resident, or in the case of a person resident in a Presidency-town, the Commissioner of Police.

THE SECOND SCHEDULE.

(See SECTION 3.)

Form of Particulars.

1. Name in full.
2. Address.
3. Date of birth.
4. Whether single, married or widower.
5. Number of dependents, specifying their relationship, if any, to him.
6. Profession or occupation.
7. Name and nature of business, or name, address and nature of employer's business, or if employed in or under any Department of Government, the name of the Department.
8. Whether he has served, or undergone training of any description, in any naval, military or air force. If so, give particulars of such service or training including date and duration thereof.
9. Whether he possesses, or has possessed, a flying licence.

LINLITHGOW,

Viceroy and Governor General.

SIMLA :

The 29th August, 1939.

G. H. SPENCE,

Secy. to the Govt. of India.

The Registration Rules, 1939.

In exercise of the powers conferred by Section 5 of the Registration Ordinance, 1939, the Central Government is pleased to make the following rules:—

- Short title.** **1.** These Rules may be called the Registration Rules, 1939.
- Definitions.** **2.** In these rules, unless there is anything repugnant in the subject or context,
 (a) "the Ordinance" means "the Registration Ordinance, 1939",
 (b) "competent authority" means "the Officer Commanding the District or Independent Brigade Area within the limits of which the person concerned ordinarily resides".
- Period within which a person must register.** **3.** For the purpose of section 3 of the Ordinance, the prescribed period shall be:—
 (a) in the case of persons present in India at the commencement of the Ordinance, fourteen days from the commencement of the Ordinance,
 (b) in the case of persons becoming subject to the Ordinance after its commencement, fourteen days from the date on which they become so subject.
- Disposal of claims to non-liability.** **4.** (1) For the purpose of section 4 of the Ordinance the prescribed authority shall be the competent authority.
 (2) Where the statement of a claim is lodged with the registration authority in accordance with the provisions of sub-section (1) of section 3 of the Ordinance, the registration authority shall forward the same to the competent authority.
 (3) On receiving a statement of claim under sub-rule (2), the competent authority shall, unless he allows the same, direct the authority appointed under section 4 of the Ordinance to apply for the decision of the claim to the District Magistrate or other officer specially empowered under the said section.
 (4) If the competent authority or an officer deciding a question under section 4 of the Ordinance, allows a claim he shall forward a copy of his order to the registration authority.
- Notification of change of address.** **5.** (1) If any person registered under the Ordinance changes his registered address he shall, unless the change is for a period not exceeding 15 days, within seven days thereafter, notify the registration authority of such change.
 (2) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (1), he shall be punishable with a fine which may extend to two hundred rupees.
- Maintenance of Register.** **6.** The registration authority shall maintain a register in Form I set out in the Schedule, and shall, as soon as may be after the commencement of the Ordinance, forward to the Central Government a copy of the register, and thereafter at weekly intervals, copies of all additions and alterations made therein.
- Certificates of registration.** **7.** The registration authority shall supply to every person registered under the Ordinance a certificate of registration in Form II set out in the Schedule.

C. MACI. G. OGILVIE,

Secretary, Defence Department.

The 30th August, 1939.

THE SCHEDULE.

FORM I.

(See Rule 6.)

Form of particulars.

1. Name in full
2. Address
3. Date of birth
4. Whether single, married or widower
5. Number of dependents, specifying their relationship, if any, to him.
6. Profession or occupation, with full qualifications.
7. Name and nature of business, *or* name, address and nature of employer's business, *or* if employed in or under any Department of Government, the name of the Department.
8. Whether he has served, or undergone training of any description, in any naval, military or air force. If so, give particulars of such service or training, including date and duration thereof.
9. Whether he possesses, or has possessed, a flying licence.

Signature and date.

FORM II.

(See Rule 7.)

Certificate of registration.

This is to certify that _____

(a) _____

(b) _____ of

(c) _____ has been registered under the Registration Ordinance, 1939.

(a) Name, (b) occupation, (c) postal address.

*Signature of holder.**Signature of registration authority.**Extract from the Registration Rules, 1939.*

"5. (1) If any person registered under the Ordinance changes his registered address, he shall, unless the change is for a period not exceeding 15 days, within seven days thereafter, notify the registration authority of such change.

(2) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (1), he shall be punishable with fine which may extend to two hundred rupees."