



The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, SEPTEMBER 2, 1939.

PART I

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

GOVERNMENT OF BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATIONS.

No. 4671P.—2nd September 1939. — In exercise of the power conferred on the Central Government by paragraph 3 of the Foreigners Order, 1939, which has been entrusted by the Central Government to the Provincial Government, the Governor is pleased to appoint the Commissioner of Police, Calcutta, and every Superintendent of Police in Bengal to be civil authorities for the purposes of the said order for the areas within their respective ordinary jurisdictions.

No. 4672P. — 2nd September 1939. — Whereas the Central Government have entrusted to the Provincial Government the power conferred on the Central Government by clause (b) of paragraph 6 of the Foreigners Order, 1939, to specify any undertaking for the purpose of the said paragraph;

Now, therefore, in exercise of that power the Governor is pleased to direct that no foreigner shall, without the permission in writing of the civil authority, enter or be employed in or in connection with the premises owned and occupied by the Indian Iron and Steel Company, Limited, and the

Steel Corporation of Bengal, Limited, Burnpur, in the subdivision of Asansol, district Burdwan.

No. 4673P.—2nd September 1939.—In exercise of the power conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor is pleased to direct that the Foreigners Ordinance, 1939 (Ordinance I of 1939), shall apply to the Darjeeling district and to the partially excluded areas of the Mymensingh district.

By order of the Governor,

E. N. BLANDY,

Chief Secy. to the Govt. of Bengal.

REVENUE DEPARTMENT.

NOTIFICATION.

No. 4674P.—2nd September 1939.—In exercise of the power conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor is pleased to direct that the Foreigners Ordinance, 1939 (Ordinance I of 1939), shall apply to the Chittagong Hill-tracts.

By order of the Governor,

N. V. H. SYMONS,

Secy. to the Govt. of Bengal.

GOVERNMENT OF BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 4675P.—2nd September 1939.—The following from the *Gazette of India Extraordinary*, dated Wednesday, the 30th August 1939, is published for general information.

E. N. BLANDY,

Chief Secy. to the Govt. of Bengal.

GOVERNMENT OF INDIA

DEFENCE CO-ORDINATION DEPARTMENT.

Simla, the 30th August 1939.

ORDINANCE No. III OF 1939.

AN

ORDINANCE

TO

Provide for the requisitioning of vessels for the service of His Majesty.

WHEREAS an emergency has arisen which makes it necessary to provide for the requisitioning of vessels for the service of His Majesty;

NOW, THEREFORE, in exercise of the power 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:—

Short title,
extent and
commencement.

1. (1) This Ordinance may be called the Requisitioning of Vessels Ordinance, 1939.

(2) It extends to the whole of British 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) "owner" of a vessel includes the agent of any such owner in any port in which the vessel may be; and

(b) "vessel" means any British or Indian ship or vessel registered in British India wherever such vessel may be, and includes all tackle, appliances, coal, stores and other moveable property of any description on, or appertaining to, such vessel, except cargo and the personal effects of passengers and the officers and crew.

Power to
requisition
vessels for
His Majesty's
service.

3. The Central Government may, by notification in the official Gazette, empower the Flag Officer Commanding or any Commissioned Officer of the Royal Indian Navy or such other officers as may be considered necessary to requisition vessels temporarily for the service of His Majesty.

Requisition upon owners and masters of vessels required for such service.

4. (1) Any officer empowered under section 3 may issue a requisition in writing to the owner of any vessel or in the absence of such owner or if the name and address of such owner cannot after reasonable inquiry be ascertained, to the master of such vessel, to furnish the same for the service of His Majesty at the time and place to be specified in the requisition.

(2) An officer making a requisition under sub-section (1) shall state therein, if possible, the approximate period for which the vessel will be required.

(3) Any such officer may, at the time of making the requisition, or subsequently, exempt therefrom any tackle, appliances, coal, stores or other moveable property on, or appertaining to, the vessel requisitioned.

Payment of compensation for vessels requisitioned and assessment thereof.

5. (1) Compensation shall be paid by the Central Government to the owner of any vessel requisitioned under this Ordinance.

(2) Such compensation shall be assessed by agreement between the officer making the requisition and the owner of the vessel requisitioned, or failing such agreement, in such manner as may be prescribed by the Central Government by rules in this behalf.

Powers of requisitioning officer in case of failure of owner, etc., to furnish vessels.

6. (1) If the owner or master of any vessel requisitioned for the service of His Majesty under this Ordinance fails to furnish such vessel in accordance with the terms of the requisition, the officer by whom the requisition was made may, whether the compensation payable in respect of the requisition of such vessel has been assessed or not, seize, retain and use such vessel for the service of His Majesty, and for such purposes may use such force as may be required.

(2) All magistrates and police officers shall be bound to render such assistance as the requisitioning officer may reasonably demand in seizing and detaining a vessel under sub-section (1).

Penalty.

7. If any person contravenes the provisions of this Ordinance, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Bar of jurisdiction of Courts.

8. No requisition made under this Ordinance shall be called in question in any court, and save as herein provided no liability, civil or criminal, shall be incurred by any officer of Government by reason of anything done or purporting to be done in accordance with the provisions of this Ordinance.

Saving of powers conferred by Proclamation or Orders in Council of His Majesty.

9. Nothing in this Ordinance shall be deemed—

(a) to affect, or derogate from, any power of seizure or requisition exercised in pursuance of any Proclamation or Order in Council of His Majesty; or

(b) to authorise any seizure or requisition in contravention of any such Proclamation or Order in Council.

LINLITHGOW,
Governor General.

SIMLA:

The 30th August 1939.

A. DEC. WILLIAMS,

Secretary to the Government of India.

GOVERNMENT OF INDIA
DEPARTMENT OF COMMERCE.
NOTIFICATION.
COMMERCE.

Simla, the 30th August 1939.

No. F. 25-W./39.—In exercise of the powers conferred by section 3 of the Requisitioning

of Vessels Ordinance, 1939, the Central Government is pleased to empower the Flag Officer Commanding and all Commissioned Officers of the Royal Indian Navy to requisition vessels temporarily for the service of His Majesty.

A. H. LLOYD,

Secy. to the Govt. of India.