



# The Calcutta Gazette

## Extraordinary

Published by Authority

---

TUESDAY, SEPTEMBER 5, 1939.

---

### PART I

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

GOVERNMENT OF BENGAL

**HOME DEPARTMENT.**

**Political.**

NOTIFICATION.

No. 4745P.—4th September 1939.—It is notified for general information that the Government of India have decided to seize as prizes enemy merchant ships which are in port or which enter port without granting "days of grace".

By order of the Governor,

E. N. BLANDY,

*Chief Secy. to the Govt. of Bengal.*

GOVERNMENT OF BENGAL

**HOME DEPARTMENT.**

**Political.**

NOTIFICATION.

No. 4746P.—4th September 1939.—The following orders and notifications of the Government of India are published for general information:—

Home Department notification No. 21/73/39, dated 3rd September 1939 (Enemy Foreigners Order).

Home Department notification No. 21/73/39-11-1-Political (W), dated 3rd September 1939.

By order of the Governor,

E. N. BLANDY,

*Chief Secy. to the Govt. of Bengal.*

## GOVERNMENT OF INDIA

## HOME DEPARTMENT.

## Political. (W.)

## NOTIFICATIONS.

The 3rd September 1939.

No. 21/73/39.—In exercise of the powers conferred by sections 3, 4, 8 and 10 of the Foreigners Ordinance, 1939, the Central Government is pleased to make the following Order, namely:—

*The Enemy Foreigners Order, 1939.*

## PART I.—PRELIMINARY.

- Short title and extent.      1. (1) This Order may be called the Enemy Foreigners Order, 1939.  
 (2) It extends to the whole of British India, including those excluded and partially excluded areas to which the Foreigners Ordinance, 1939, has been, or may hereafter be, applied by notification under subsection (1) of section 92 of the Government of India Act, 1935. I of 1939.
- Definitions.      2. In this Order,—  
 (a) "Civil Authority" means the Civil Authority appointed under paragraph 3 of the Foreigners Order, 1939;  
 (b) "enemy foreigner" means a foreigner who possesses the nationality of a State at war with His Majesty, or, having possessed such nationality at any time, has lost it without acquiring any other nationality;  
 (c) "internee" means any person arrested or liable to arrest under paragraph 9 of this Order;  
 (d) "Ordinance" means the Foreigners Ordinance, 1939; I of 1939.  
 (e) "registered address" means registered address as defined in the Registration of Foreigners Rules, 1939; and  
 (f) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939.
- Restriction on departure from British India.      3. No enemy foreigner of the male sex who has completed the age of sixteen years shall depart from British India without the permission in writing of the Central Government.
- Restriction on change of residence.      4. No enemy foreigner shall change his residence without the permission in writing previously obtained of the Civil Authority for the area to which he proposes to transfer his residence.
- Reports of presence and movements.      5. Every enemy foreigner not under detention or confinement shall—  
 (a) report his presence at his registered address once in every 24 hours to the Registration Officer, and  
 (b) if he is at any time absent from his registered address for more than 24 hours, report once during every day of such absence to the nearest Civil Authority.
- Restrictions on movements.      6. (1) No enemy foreigner shall travel in British India over a distance of more than five miles from the place of his registered address except in accordance with the conditions, and during the validity, of a written permit previously obtained from the Civil Authority.

(2) Every permit issued in pursuance of sub-paragraph (1) shall specify the foreigner's name, nationality and description, the place or places which he is authorised to visit, the purpose of the journey and the date of expiry of the permit.

Prohibited articles.

7. (1) No enemy foreigner shall have in his possession or control any firearms or ammunition.

(2) No enemy foreigner shall, without the permission of the Civil Authority, have in his possession or control—

- (a) any explosive or any material capable of being used for the manufacture of an explosive;
- (b) more than three gallons of inflammable liquid;
- (c) any motor-car, motor-cycle, seagoing craft or aircraft;
- (d) any camera or other photographic apparatus;
- (e) any wireless apparatus, telephone, field glasses or signalling apparatus;
- (f) any map drawn to a scale larger than four miles to one inch;
- (g) any nautical chart;
- (h) any document intended for the use of members of any armed force; or
- (i) any such document describing or depicting any ship, aircraft, vehicle, weapon or equipment of a kind used by the armed forces of the Crown, or any such list of persons in His Majesty's service, as may be specified by an order of the Central Government.

### PART III.—INTERNMENT OF ENEMY FOREIGNERS.

Internment camps.

8. The Central Government may for the purposes of this Order establish internment camps at such places as it thinks fit, and shall appoint a Commandant of every such camp.

Arrest of certain enemy foreigners.

9. Every enemy foreigner of the male sex who has completed the age of sixteen years and who is, or may hereafter arrive, in British India, shall forthwith be arrested by the Civil Authority for the area in which such enemy foreigner may be found, and shall be surrendered, as soon as may be, to the Commandant of an internment camp:

Provided that nothing in this paragraph shall, except by an express direction of the Central Government, apply to any consul-general, consul, vice-consul, consular agent or person duly appointed by a foreign Government to exercise diplomatic functions:

Provided further that if, at the time of his arrest, an enemy foreigner is suffering from any infectious disease or is by reason of sickness unable to move, the Civil Authority making the arrest shall report the matter to the Commandant of an internment camp and await his instructions as to the time at which and the internment camp to which the arrested person should be removed.

Temporary detention of internees in civil custody.

10. The Civil Authority shall, pending the surrender of an internee to the Commandant of an internment camp, detain or confine such internee in such manner and at such place as may to such Authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898.

V of 1898.

Personal property of internees.

11. (1) An internee may take with him to an internment camp such personal property as may be permitted by the Civil Authority arresting him, and may, subject to the approval of that Authority, dispose of the rest of his personal property in such manner as he desires.



(2) Where an internee is unable to make arrangements for the disposal of such of his personal property as he is not allowed to take with him to the internment camp, the property shall remain in the custody of the Civil Authority making the arrest or of such other person as may be authorised by or under any law for the time being in force to take possession of property belonging to enemy foreigners.

Arrest and detention of suspected enemy foreigners.

**12.** (1) The Civil Authority may arrest without warrant any enemy foreigner, other than an internee, whom it reasonably suspects of having acted, of acting or of being about to act, with intent to assist a State at war with His Majesty, or in a manner prejudicial to the public safety or to the safety of any building or machinery.

(2) The Civil Authority making an arrest in pursuance of sub-paragraph (1) shall forthwith report the fact of such arrest to the Central Government, and pending the receipt of the orders of the Central Government, shall detain or confine the arrested person in such manner and at such place as may to such Authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898. V of 1898.

#### PART IV.—SUPPLEMENTARY.

Delegation of powers.

**13.** The Commander-in-Chief in India is hereby authorised to exercise all or any of the powers conferred on the Central Government—

- (a) by section 4 of the Ordinance in relation to enemy foreigners arrested and surrendered to the Commandant of any internment camp under paragraph 9 of this Order; or
- (b) by paragraph 8 of this Order.

Application of Foreigners Order, 1939, and Registration of Foreigners Rules, 1939, not barred.

**14.** The provisions of this Order shall be in addition to, and not in derogation of, the provisions of—

- (a) the Foreigners Order, 1939, and
- (b) the Registration of Foreigners Rules, 1939.

No. 21/73/39-11-1-Political (W).—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935, the Governor General in Council is pleased to entrust to the Provincial Governments, with their consent, the function of making orders of the nature specified in clauses (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Ordinance, 1939, as respects enemy foreigners (as defined in the Enemy Foreigners Order, 1939), subject to the conditions—

- (1) that notwithstanding this entrustment the Central Government may itself exercise the said function either generally or in any particular case or class of cases, and
- (2) that the Provincial Governments shall not exercise the said function in a manner inconsistent with any orders which have been, or may hereafter be, issued by the Central Government under the said Ordinance.

E. CONRAN-SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF BENGAL

## HOME DEPARTMENT.

## Political.

## NOTIFICATION.

No. 4759P.—5th September 1939.—The following from the *Gazette of India Extraordinary*, dated Saturday, the 2nd September 1939, is published for general information.

E. N. BLANDY,

*Chief Secy. to the Govt. of Bengal.*

members of the crew or passengers of the aircraft when it enters British India and shall place all such cameras in a place of security and shall deliver the cameras to the Customs Officer or Aerodrome Officer at the Airport of entry for sealing before the flight of the aircraft is resumed.

(4) If it appears to any Aerodrome Officer, Customs Officer, Police Officer above the rank of Sergeant, any Commissioned Officer of His Majesty's Forces or any other person specially authorised in this behalf, that any photograph has been taken in contravention of this Order, he may without prejudice to any other action which may be taken, confiscate or destroy the film or plate or confiscate the camera with which the photograph was taken.

JOHN D. TYSON,

*Secy. to the Govt. of India.*

## GOVERNMENT OF INDIA

## GOVERNMENT OF BENGAL

## DEPARTMENT OF COMMUNICATIONS.

## HOME DEPARTMENT.

## NOTIFICATION.

## Political.

Simla, the 2nd September 1939.

## NOTIFICATION.

No. W.-2(4).—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;

No. 4760P.—5th September 1939.—The following from the *Gazette of India Extraordinary*, dated Saturday, the 2nd September 1939, is published for general information.

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

E. N. BLANDY,

*Chief Secy. to the Govt. of Bengal.*

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:—

## GOVERNMENT OF INDIA

## DEFENCE DEPARTMENT.

Simla, the 2nd September 1939.

(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 photograph shall be taken from an aircraft in flight over any portion of British India.

No. 1170.—Whereas in the opinion of the Governor General in Council a state of emergency has arisen

(2) Any Customs Officer, any Aerodrome Officer and any other person specially authorised in this behalf may search any aircraft and the baggage of the crew and passengers of any aircraft, and may seal any cameras carried or intended to be carried on the aircraft in flight, and no person shall remove any seal so placed on a camera until the camera is removed from the aircraft.

Now, therefore, the Governor General in Council is pleased to direct that officers of the Army in India Reserve of Officers belonging to Category 1-C Censorship Staff, who have accepted or volunteer for service in an emergency, are hereby called to army service.

(3) The Commander or other person in charge of an aircraft, entering British India, shall collect all cameras in the possession of

C. MACI. G. OGILVIE,

*Secy. to the Govt. of India.*

## GOVERNMENT OF BENGAL

## HOME DEPARTMENT.

## Political.

## NOTIFICATION.

No. 4761P.—5th September 1939.—The following from the *Gazette of India Extraordinary*, dated Saturday, the 2nd September 1939, is published for general information.

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

## GOVERNMENT OF INDIA

## HOME DEPARTMENT.

## NOTIFICATION.

## POLITICAL (W.).

Simla, the 2nd September 1939.

No. 21/84/39.—In exercise of the powers conferred by section 3 of the *Foreigners Ordinance, 1939*, the Central Government is pleased to make the following amendment to the *Foreigners Order, 1939 (I of 1939)*, namely—

After paragraph 6 the following shall be added—

Powers of arrest and detention.

7. If in the opinion of the civil authority, it is necessary for the public safety so to do, the civil authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the *Code of Criminal Procedure, 1898 (V of 1898)*.

Powers to impose restrictions on movements, etc.

8. The civil authority may, by order in writing, direct that any foreigner shall comply with such conditions as may be specified in the order in respect of—

- (a) his place of residence,
- (b) his movements,
- (c) his association with any person or class of persons specified in the order, and
- (d) his possession of such articles as may be specified in the order.

H. J. FRAMPTON,  
*Deputy Secy. to the Govt. of India.*



## GOVERNMENT OF BENGAL

## HOME DEPARTMENT.

## Political.

## NOTIFICATION.

No. 4762P.—5th September 1939.—The following from the *Gazette of India, Extraordinary*, dated Saturday, the 2nd September 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 2nd September 1939.

No. W.-8(10).—Whereas the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in Section 68A of the Indian Ports Act, 1908, on the authorities exercising any powers or jurisdiction in the Ports of Karachi, Madras and Calcutta should be imposed on those authorities continuously during the existence of the emergency.

Now, therefore, in exercise of the powers conferred by Section 68B of the said Act, the Central Government is pleased to authorise

the officers specified in column 1 of the Schedule hereto annexed, to require the authorities exercising any powers or jurisdiction in the Port specified in the corresponding entry in column 2 thereof to perform the said duties until the Central Government is of opinion that the emergency has passed.

*Schedule.*

1	2
The Commander, Sind Brigade Area	.. Karachi.
Officer Commanding, Madras	.. Madras.
General Officer Commanding, Presidency and Assam District	.. Calcutta.

No. W.-10(7).—Whereas the Central Government is of opinion that in the interest of public safety the issue of the following order is expedient:

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to order as follows:—

The licence specified in the Schedule hereto annexed is hereby cancelled.

*Schedule of licences.*

Name.	Nature of licence.	No. of licence.	Period of validity of licence.	
			From	To
F. Gloeckle	Pilot's "A".	703	29-1-36	15-11-39

JOHN D. TYSON,

*Secy. to the Govt. of India.*