

PART V

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

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Acts of the Indian Legislature received the assent of the Governor-General on the 16th April 1945 and are hereby promulgated for general information :—

ACT No. III OF 1945

*An Act further to amend the Factories Act, 1934*

Whereas it is expedient further to amend the Factories Act, 1934 (XXV of 1934), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

**1. Short title and commencement**—(1) This Act may be called the Factories (Amendment) Act, 1945.

(2) It shall come into force on the 1st day of January 1946.

**2. Insertion of new section 35A in Act XXV of 1934**—After section 35 of the Factories Act, 1934 (XXV of 1934) (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

“ 35A. *Compensatory holidays*—(1) Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 35, a worker is deprived of any of the weekly holidays for which provision is made by sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so lost.

(2) The Provincial Government may make rules prescribing the manner in which the holidays, for which provision is made in sub-section (1), shall be allowed ”.

**3. Insertion of new Chapter IVA in Act XXV of 1934**—After Chapter IV of the said Act the following Chapter shall be inserted, namely :—

“ CHAPTER IVA

HOLIDAYS WITH PAY

49A. *Application of Chapter*—(1) The provisions of this Chapter shall not apply to a seasonal factory.

(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other enactment, or under the terms of any award, agreement or contract of service.

49B. *Annual holidays*—(1) Every worker who has completed a period of twelve months continuous service in a factory shall be allowed, during the subsequent period of twelve months, holidays for a period of ten or, if a child, fourteen consecutive days, inclusive of the day or days, if any, on which he is entitled to a holiday under sub-section (1) of section 35.

(2) If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him under sub-section (1), any holidays not taken by him shall be added to the holidays to be allowed to him under sub-section (1) in the succeeding period of twelve months, so however that the total number of days holidays which may be carried forward to a succeeding period shall not exceed ten or, in the case of a child, fourteen.

(3) If a worker entitled to holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if, having applied for and having been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under section 49C in respect of the holidays.

*Explanation*—A worker shall be deemed to have completed a period of twelve months continuous service in a factory notwithstanding any interruption in service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by lock-out, or by a strike which is not an illegal strike, or by intermittent period of involuntary unemployment not exceeding thirty days in the aggregate; an authorised leave shall be deemed not to include any weekly holiday allowed under section 35 which occurs at the beginning or end of an interruption brought about by the leave.

49C. *Pay during annual holidays*—Without prejudice to the condition governing the day or days, if any, on which the worker is entitled to a holiday under sub-section (1) of section 35, the worker shall, for the remaining days of the holidays allowed to him under section 49B, be paid at a rate equivalent to the daily average of his wages as defined in the Payment of Wages Act, 1936 (IV of 1936), for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

49D. *Payment when to be made*—A worker who has been allowed holiday under section 49B shall, before his holidays begin, be paid half the total pay due for the period of holidays.

49E. *Power of Inspector to act for worker*—Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

49F. *Power to make rules*—(1) The Provincial Government may make rules to carry into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power rules may be made under this section prescribing the keeping by employers of registers showing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors.

(3) The Central Government may give directions to a Province as to the carrying into execution of the provisions of this section.

49G. *Exemption of factories from provisions of this Chapter*—Where the Provincial Government is satisfied that the leave rules applicable to workers in a factory provide benefits substantially similar to those for which this Chapter makes provision, it may, by written order, exempt the factory from the provisions of this Chapter.

4. *Amendment of section 60, Act XXV of 1934*—In section 60 of the said Act—

(a) at the end of clause (f), the word " or " shall be added;

(b) after clause (f) as so amended, the following clause shall be inserted, namely:—

“(g) there is any contravention of section 49B, 49C or 49D, or of any rule made under section 49E”.

**5. Amendment of section 61, Act XXV of 1934**—In section 61 of the said Act, for the brackets and letter “(f)”, the brackets and letter “(g)” shall be substituted.

#### ACT No. IV of 1945

##### *An Act further to amend the Indian Companies Act, 1913*

Whereas it is expedient further to amend the Indian Companies Act, 1913 (VII of 1913), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title**—This Act may be called the Indian Companies (Amendment) Act, 1945.

**2. Amendment of section 282B, Act VII of 1913**—To section 282B of the Indian Companies Act, 1913, the following sub-section shall be added, namely:—

“(6) Nothing in sub-section (2) shall affect any rights of an employee under the rules of a provident fund to obtain advances from or to withdraw money standing to his credit in the fund, where the fund is a recognised provident fund within the meaning of clause (a) of section 58A of the Indian Income-tax Act, 1922 (XI of 1922), or, the rules of the fund contain provisions corresponding to rules 4, 5, 6, 7, 8 and 9 of the Indian Income-tax (Provident Funds Relief) Rules”

#### ACT No. V of 1945

##### *An Act to amend the Indian Merchandise Marks (Amendment) Act, 1941*

Whereas it is expedient to amend the Indian Merchandise Marks (Amendment) Act, 1941, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title**—This Act may be called the Indian Merchandise Marks (Amendment) Supplementary Act, 1945.

**2. Amendment of section 7, Act II of 1941**—In section 7 of the Indian Merchandise Marks (Amendment) Act, 1941 (hereinafter referred to as the said Act), in the new section substituted by the said section for section 12 of the Indian Merchandise Marks Act, 1889 (IV of 1889),—

(a) in sub-section (2),

(i) for the words “cotton sewing or darning thread” the words “cotton thread namely sewing, darning, crochet or handicraft thread” shall be substituted;

(ii) for the words and figures “in premises which are a factory, as defined in the Factories Act, 1934”, the words and figures “in any premises not exempted by rules made under section 20 of this Act” shall be substituted;

(iii) for the words and figures “any rules made under section 20 of this Act” the words “the said rules” shall be substituted;

(iv) for the words “marked with the weight of thread in the unit” the words “marked with the length or weight of thread in the unit” shall be substituted;

(v) for the words “the grist number” the words “in such other manner as may be required by the said rules” shall be substituted;

(vi) for the words “from the factory” the words “from the premises” shall be substituted;

(vii) the following proviso shall be added, namely:—



" Provided that the rules made under section 20 shall exempt all premises where the work is done by the members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises."

(b) in sub-section (3), for the words " or any cotton sewing or darning thread " the words " or any such thread " shall be substituted.

**3. Substitution of new section for section 9, Act II of 1941**—For section 9 of the said Act, the following section shall be substituted, namely:—

" 9. *Amendment of section 20, Act IV of 1889*—In section 20 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely:—

(1A) The Central Government may make rules providing for the manner in which for the purposes of section 12 cotton yarn and cotton thread shall be marked with the particulars required by that section, and for the exemption of certain premises used for the manufacture, bleaching, dyeing or finishing of cotton yarn or cotton thread from the provisions of that section."

**4. Amendment of section 10, Act II of 1941**—In section 10 of the said Act, in clause (c), in the new clause (j) added to section 18 of the Sea Customs Act, 1878 (VIII of 1878)—

(a) for the words " cotton sewing or darning thread " the words " cotton sewing, darning, crochet or handicraft thread " shall be substituted;

(b) in sub-clause (ii) for the words " an indication of the weight " the words " the length or weight " and for the words " the grist number in accordance with " the words " in such other manner as is required by " shall be substituted;

(c) in sub-clause (iv) for the words and figures " a factory as defined in the Factories Act, 1934 ", the words, brackets and figures " premises not exempted from the operation of sub-section (2) of section 12 of the Indian Merchandise Marks Act, 1889 (IV of 1889)", shall be substituted.

#### ACT No. VI OF 1945

##### *An Act to repeal certain enactments and to amend certain other enactments*

Whereas it is expedient that the enactments specified in the First Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

And whereas it is expedient that certain amendments should be made in the enactments specified in the Second Schedule;

It is hereby enacted as follows:—

**1. Short title**—This Act may be called the Repealing and Amending Act, 1945.

**2. Repeal of certain enactments**—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

**3. Amendment of certain enactments**—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

**4. Savings**—The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

## THE FIRST SCHEDULE

### REPEALS

(See section 2)

Year	No.	Short Title	Extent of repeal
1	2	3	4
<i>Acts of the Central Legislature</i>			
1934	XXVIII	The Indian Rubber Control Act, 1934.	The whole
1939	XXIV	The Indian Census Act, 1939	The whole
1940	I	The Registration (Emergency Powers) Act, 1940.	Section 7
1940	IV	The Offences on Ships and Aircraft Act, 1940	The whole
1940	VI	The Indian Coinage (Amendment) Act, 1940.	The whole
1940	VIII	The Indian Emigration (Amendment) Act, 1940.	The whole
1940	IX	The Reserve Bank of India (Amendment) Act, 1940.	The whole
1940	X	The Arbitration Act, 1940	Section 49 and the Third and Fourth Schedules.
1940	XI	The Coal Mines Safety (Stowing) Amendment Act, 1940.	The whole
1940	XII	The Income-tax Law (Amendment) Act, 1940.	Sections 2, 3, 4, 5, 6, 7, 8 and 10
1940	XIII	The Reserve Bank of India (Second Amendment) Act, 1940.	The whole
1940	XIV	The Parsi Marriage and Divorce (Amendment) Act, 1940.	The whole
1940	XVI	The Indian Finance Act, 1940	In the long Title and Preamble, the words commencing with "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4, 5 and 6 and Schedule I.
1940	XVII	The Factories (Amendment) Act, 1940.	The whole
1940	XIX	The Defence of India (Amendment) Act, 1940.	The whole
1940	XX	The Insurance (Amendment) Act, 1940.	The whole
1940	XXI	The Indian Tariff (Amendment) Act, 1940.	The whole
1940	XXII	The Indian Tariff (Second Amendment) Act, 1940.	The whole
1940	XXIV	The Indian Mines (Amendment) Act, 1940.	The whole
1940	XXV	The Petroleum (Amendment) Act, 1940.	The whole
1940	XXVI	The Motor Vehicles (Amendment) Act, 1940	The whole
1940	XXVIII	The Indian Works of Defence (Amendment) Act, 1940.	The whole

Year 1	No. 2	Short Title 3	Extent of repeal 4
1940	XXIX	The Indian Navy (Discipline) Amendment Act, 1940.	The whole
1940	XXX	The Indian Navy (Discipline) Second Amendment Act, 1940.	The whole
1940	XXXI	The Cantonments (Amendment) Act, 1940.	The whole
1940	XXXII	The Repealing and Amending Act, 1940.	The whole
1940	XXXIII	The Indian Registration (Amendment) Act, 1940.	The whole
1940	XXXIV	The Code of Civil Procedure (Amendment) Act, 1940.	The whole
1940	XXXV	The Code of Criminal Procedure (Amendment) Act, 1940.	The whole
1940	XXXVI	The Indian Companies (Amendment) Act, 1940.	The whole
1940	XXXVIII	The Reserve Bank of India (Third Amendment) Act, 1940.	The whole
1940	XXXIX	The Motor Spirit (Duties) Amendment Act, 1940.	The whole
1940	XL	The Indian Income-tax (Amendment) Act, 1940.	Sections 2, 4, 5, 6, 7, 8, 9, 10, 12 and 13.
1940	XLI	The Indian Sale of Goods (Amendment) Act, 1940.	The whole
1940	XLII	The Excess Profits Tax (Amendment) Act, 1940.	The whole
1941	III	The Petroleum (Amendment) Act, 1941.	The whole
1941	VI	The Indian Railways (Amendment) Act, 1941.	The whole
1941	VII	The Indian Finance Act, 1941 ..	In the long Title and Preamble the words commencing with "to fix the duty on salt and ending "Indian Post Office Act, 1898". Sections 2, 3, 4, 5 and 6 and Schedule.
1941	VIII	The Protective Duties (Continuation) Act, 1941.	The whole
1941	IX	The Indian Tariff (Amendment) Act, 1941.	The whole
1941	XI	The Excess Profits Tax (Amendment) Act, 1941.	The whole
1941	XIII	The Insurance (Amendment) Act, 1941.	The whole
1941	XIV	The Code of Criminal Procedure (Amendment) Act, 1941.	The whole
1941	XV	The Code of Criminal Procedure Second (Amendment) Act, 1941.	The whole
1941	XVI	The Factories (Amendment) Act, 1941.	The whole
1941	XVII	The Aligarh Muslim University (Amendment) Act, 1941.	The whole
1941	XVIII	The Madras Port Trust (Amendment) Act, 1941.	The whole
1941	XXI	The Federal Court Act, 1941 ..	Section 2
1941	XXVI	The Indian Companies (Amendment) Act, 1941.	The whole
1941	XXVII	The Trade Marks (Amendment) Act, 1941.	The whole
<i>Act of the Governor - General</i>			
1940	..	The Indian Finance (No. 2) Act, 1940	In the long Title and Preamble the words and figures, "alter the maximum rates postage under the Indian Post Office Act, 1898". Section 2.

Year 1	No. 2	Short Title 3	Extent of repeal 4
-----------	----------	------------------	-----------------------

*Regulations made by the Governor-General*

1940	I	The British Baluchistan Bazars (Amendment) Regulation, 1940.	The whole
1940	II	The British Baluchistan Laws (First Amendment) Regulation, 1940.	The whole
1940	III	The British Baluchistan Arms Regulation, 1940.	Section 3
1940	VI	The British Baluchistan Laws, (Second Amendment) Regulation, 1940.	The whole
1940	IX	The British Baluchistan Laws (Third Amendment) Regulation, 1940	The whole
1940	XII	The British Baluchistan Laws (Fourth Amendment) Regulation, 1940.	The whole
1940	XIII	The British Baluchistan Laws (Fifth Amendment) Regulation, 1940.	The whole
1941	I	The British Baluchistan Laws (First Amendment) Regulation, 1941.	The whole
1941	III	The Andaman and Nicobar Islands (Amendment) Regulation, 1941.	The whole
1941	VI	The British Baluchistan Laws (Second Amendment) Regulation, 1941.	The whole
1941	VII	The British Baluchistan Laws (Third Amendment) Regulation, 1941.	The whole

*Ordinances made by the Governor-General under section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935*

1940	III	The Payment of Wages (Amendment) Ordinance, 1940.	The whole
1940	IV	The Currency Ordinance, 1940	Section 3
1940	V	The National Service (European British Subjects) Amendment Ordinance, 1940.	The whole
1940	VI	The Indian Coinage (Amendment) Ordinance, 1940.	The whole
1940	VII	The Indian Tea Control (Amendment) Ordinance, 1940.	The whole
1940	XI	The National Service (Technical Personnel) Amendment Ordinance, 1940.	The whole
1940	XII	The Indian Coinage (Second Amendment) Ordinance, 1940.	The whole
1940	XIV	The Indian Coinage (Third Amendment) Ordinance, 1940.	The whole
1941	II	The Civic Guards (Amendment) Ordinance, 1941.	The whole
1941	III	The Reserve Bank of India (Amendment) Ordinance, 1941	The whole
1941	VI	The National Service (European British Subjects) Amendment Ordinance, 1941.	The whole
1941	IX	The Indian Navy (Discipline) Amendment Ordinance, 1941.	The whole
1941	XII	The War Risks (Goods) Insurance Amendment Ordinance, 1941.	The whole



THE SECOND SCHEDULE  
AMENDMENTS  
(See section 3)

Year <sup>1</sup> 1	No. 2	Short Title 3	* Amendments 4
1856	XX	The Bengal Chaukidari Act, 1856	In sections 21, 36, 38 and 39 of the Act, in its application to Ajmer-Merwara, for the word "Commissioner", wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1878	XVII	The Northern India Forries Act, 1878	In the Act as applicable to Ajmer-Merwara— (a) in section 4 for the words "the Commissioner of the Division in which such ferry situate" the words "Deputy Commissioner" shall be substituted; (b) in sections 8 and 11 for the word "Commissioner" the words "Deputy Commissioner" shall be substituted; (c) in section 12 for the words "the Commissioner of a division" the words "the Deputy Commissioner" shall be substituted, the words "with such division" in clause (c) shall be omitted, and for the word "Commissioner" wherever it occurs for the second and third time the words "Deputy Commissioner" shall be substituted. (d) in sections 15, 16, 19, 24 and 31, for the words "the Commissioner of the division" the words "the Deputy Commissioner" shall be substituted. (e) in section 35 for the words "any Commissioner of a division or Magistrate" the words "the Deputy Commissioner or Magistrate" shall be substituted.
1879	XIV	The Hackney Carriage Act, 1879	In sections 3 and 5 of the Act, in its application to Ajmer-Merwara, for the word "Commissioner" wherever it occurs the words "Deputy Commissioner" shall be substituted.
1880	XIII	The Vaccination Act, 1880	In sections 8 and 19 of the Act, in its application to Ajmer-Merwara for the word "Commissioner" wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1890	IX	The Indian Railways Act, 1890	(a) In sub-section (4) of section 113, for the words "any Magistrate of the first or second class" the words "any Presidency Magistrate or Magistrate of the first or second class" shall be substituted.



Year 1	No. 2	Short Title 3	Amendments 4
1898	V	The Code of Criminal Procedure, 1898.	(b) In section 138, for the words "any Magistrate of the first class" the words "any Presidency Magistrate or Magistrate of the first class" shall be substituted.
1911	VIII	The Indian Army Act, 1911	In section 415, for the words "by which any two or more of the punishments therein mentioned are combined" the words "by which any punishment therein mentioned is combined with any other punishment" shall be substituted.
1913	VII	The Indian Companies Act, 1913	In section 10, for the words "and if within the said three months such person claims his discharge any such irregularity or illegality or other ground shall not, until such person is discharged" the words "and if any person, in receipt of military pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment no such irregularity or illegality or other ground shall, until he is discharged" shall be substituted.
1932	XIV	The Indian Air Force Act, 1932	(a) In sub-section (3) of section 131A, for the word, brackets and figure "sub-section (3)" the word, brackets and figure "sub-section (4)" shall be substituted. (b) In sub-section (3) of section 151, for the word, brackets and figure "sub-section (1)" the word, brackets and figure "sub-section (2)" shall be substituted.
1934	XXXII	The Indian Tariff Act, 1934	In section 10, for the words "and if within the said three months such person claims his discharge any such irregularity or illegality or other ground shall not, until such person is discharged" the words "and if any person, in receipt of air force pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment no such irregularity or illegality or other ground shall, until he is discharged" shall be substituted.
1939	IV	The Motor Vehicles Act, 1939	In the First Schedule, item 10 (2) shall be omitted.
1940	XV	The Excess Profits Tax Act, 1940	In sub-section (2) of section 28 the word, brackets and figures "sub-section (1) of" shall be omitted.
1940	XV	The Excess Profits Tax Act, 1940	In the Second Schedule in sub-rule (1) of rule 3, for the words "the last preceding rule" the words and figure "rule 2 of this Schedule" shall be substituted.

Year 1	No. 2	Short Title 3	Amendments 4
1944	I	The Central Excises and Salt Act, 1944.	In section 39, for the word "Second Schedule" the word "Third Schedule" shall be substituted. In the First Schedule in item 1 for the words, figures and brackets "Indian Petroleum Act, 1899 (VIII of 1899)" the words, figures and bracket "Petroleum Act, 1934 (XXV of 1934)" shall be substituted.
1944	X	The Indian Coconut Committee Act, 1944.	In clause (c) of section 2, for the words, figures and brackets "Indian Factories Act, 1934 (XXV of 1934)" the words, figures and brackets "Factories Act, 1934 (XXV of 1934)" shall be substituted.
<i>Regulations made by the Governor-General in Council</i>			
1872	IV	The Ajmere Talukdars Relief Regulation, 1872.	(a) In section 1, for the words "Commissioner" means the Commissioner of Ajmere" the words "Deputy Commissioner" means the Deputy Commissioner of Ajmere Merwara" shall be substituted. (b) In sections 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 18, 19, 20, 22, 23, 26, 27, 28, 29, 30 and 31 for the expressions "the Commissioner" and "the Commissioner's" respectively wherever they occur the expressions "the Deputy Commissioner" and "the Deputy Commissioner's" shall be substituted.
1874	VI	The Ajmere Forest Regulation, 1874	(a) In section 2 for the words "the Commissioner" the words "the Conservator of Forests" shall be substituted. (b) In section 5 for the words "the Commissioner of Ajmere" the words "the Conservator of Forests" shall be substituted. (c) In section 6 for the words "the said Commissioner" the words "the Conservator of Forests" shall be substituted. (d) In section 8 for the words "with the Commissioner's sanction" the words "with the sanction of the Conservator of Forests" shall be substituted. (e) In section 11 for the words "the Commissioner of Ajmere" the words "the Conservator of Forests", and for the words "the said Commissioner" the words "the Conservator of Forests", shall be substituted.
1877	II	The Ajmere Land and Revenue Regulation, 1877.	In sections 2, 25, 35, 52, 114, 115 and 116, for the expression "the Commissioner", wherever it occurs, the expression "the Deputy Commissioner" shall be substituted.

Year	No.	Short Title	Amendments
1	2	3	4
			In section 31, for the words " by the Commissioner with the sanction of the Governor-General in Council " the following shall be substituted namely :— " with the sanction of the Governor-General in Council, by the Commissioner if granted prior to the 1st day of January 1943 or by the Deputy Commissioner if granted thereafter ".
1886	VI	The Ajmere Rural Boards Regulation, 1886.	In sections 14, 18, 19, 21 and 22, for the expression " the Commissioner " wherever it occurs, the expression " the Deputy Commissioner " shall be substituted.
1888	I	The Ajmere Government Wards Regulation, 1888.	In section 4, for the words " the Commissioner " the words " the Deputy Commissioner " shall be substituted.
1911	II	The Ajmere Talukdars Loan Regulation, 1911.	In sections 3, 5, 6, 8, 10, 11, 12, 15, and 18, for the expression " the Commissioner " wherever it occurs, the expression " the Deputy Commissioner " shall be substituted.
1925	VI	The Ajmere-Merwara Municipalities Regulation, 1925.	(a) In sections 3, 4, 10, 19, 22, 27, 28, 34, 36, 38, 57, 61, 64, 77, 93, 125, 139, 198, 225, 237, 238, 239, 240, 241, 242, 244 and 247, for the expression " the Commissioner " wherever it occurs, the expression " the Deputy Commissioner " shall be substituted.  (b) In the heading to Chapter XIII for the word " Commissioner " the words " Deputy Commissioner " shall be substituted.
1926	IX	The Ajmer Courts Regulation, 1926	In sections 4, 5 and 28, for the expression " the Commissioner " wherever it occurs, the expression " the Deputy Commissioner " shall be substituted.
<i>Ordinance made by the Governor-General under section 72 of the Government of India, Act, as set out in the Ninth Schedule to the Government of India Act, 1935</i>			
1944	XXXVIII	The Criminal Law Amendment Ordinance, 1944.	In section 1, after sub-section (2) the following sub-section shall be inserted and shall be deemed always to have been inserted, namely :— " (3) It shall come into force at once ".
1944	LVI	The Cotton Textile Fund (Second Amendment) Ordinance, 1944.	In clause (a) of section 2, for the words " after the word ' exported '," the words " after the word ' Exported ' where it first occurs " shall be substituted.



## ACT No. VII OF 1945

*An Act further to amend the Indian Army Act, 1911*

Whereas it is expedient further to amend the Indian Army Act, 1911 (VIII of 1911), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

**1. Short title**—This Act may be called the Indian Army (Amendment) Act, 1945.

**2. Amendment of section 114, Act VIII of 1911**—In section 114 of the Indian Army Act, 1911—

(a) after rule (6), the following rules shall be inserted, namely :—

“(7) Where the deceased person or deserter is an Indian commissioned officer on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Adjustment, if any, appointed in this behalf in the manner prescribed ; and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power to require the payment from any deposit left in any bank, notwithstanding anything in the rules of the bank, of a sum, not exceeding two thousand rupees, equal to the nearest multiple of one hundred rupees above the amount estimated by the Standing Committee of Adjustment as necessary to meet the regimental and other debts in camp or quarters of the deceased.

(8) The decision of the commanding officer or the Standing Committee of Adjustment, as the case may be, as to what are the regimental and other debts in camp or quarters of a deceased person and as to the amount payable therefor shall, subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality, be final ” ;

(b) the existing *Explanation* shall be numbered *Explanation 1* and the following *Explanation* shall be added, namely :—

“ *Explanation 2*—The expression ‘regimental and other debts in camp or quarters’ includes for the purposes of this section money due as—military debts, namely, sums due in respect of, or of any advance in respect of—

(a) quarters,

(b) mess, band, and other regimental accounts,

(c) military clothing, appointments and equipments, not exceeding a sum equal to six months’ pay of the deceased, and having become due within eighteen months before his death ”.

## ACT No. VIII OF 1945

*An Act further to amend the Indian Air Force Act, 1932*

Whereas it is expedient further to amend the Indian Air Force Act, 1932 (XIV of 1932), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

**1. Short title**—This Act may be called the Indian Air Force (Amendment) Act, 1945.

**2. Amendment of section 126, Act XIV of 1932**—In section 126 of the Indian Air Force Act, 1932—

(a) after rule (6); the following rules shall be inserted, namely :—

“(7) In the case of a person dyeing or deserting while on active service, the references in the foregoing rules to the commanding officer shall be construed as reference to the Standing Committee of Adjustment, if any, appointed in this behalf in the manner prescribed ; and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power

require the payment from any deposit left in any bank, notwithstanding anything in the rules of the bank, of a sum, not exceeding one thousand five hundred rupees, equal to the nearest multiple of one hundred rupees above the amount estimated by the Standing Committee of Adjustment as necessary to meet the service and other debts in camp or quarters of the deceased.

(8) The decision of the commanding officer or the Standing Committee of Adjustment, as the case may be, as to what are the service and other debts in camp or quarters of a deceased person and as to the amount payable therefor shall, without prejudice to any jurisdiction otherwise exercisable by a court of law, be final.”;

(b) the existing *Explanation* shall be numbered *Explanation 1* and the following *Explanation* shall be added, namely:—

“ *Explanation 2*—The expression ‘service and other debts in camp or quarters’ includes for the purposes of this section money due as—air force debts, namely, as due in respect of, or of any advance in respect of—

(a) quarters,

(b) mess, band, and other service accounts,

(c) air force clothing, appointments and equipments, not exceeding a sum equal to six months’ pay of the deceased, and having become due within eighteen months before his death ”.

#### ACT No. IX OF 1945

##### *An Act further to amend the Indian Patents and Designs Act, 1911*

Whereas it is expedient further to amend the Indian Patents and Designs Act, 1911 (II of 1911), for the purposes hereinafter appearing ;

It is hereby enacted as follows:—

**1. Short title**—This Act may be called the Indian Patents and Designs (Amendment) Act, 1945.

**2. Amendment of section 3, Act II of 1911**—In section 3 of the Indian Patents and Designs Act, 1911 (hereinafter referred to as the said Act), in sub-section (3), the words “a specification”, the words “either a provisional or complete specification” shall be substituted.

**3. Substitution of new section 4 for section 4, Act II of 1911**—For section 4 of the said Act, the following section shall be substituted, namely:—

“ 4. *Specifications*—(1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) A specification, whether provisional or complete, must commence with a title, and in the case of a complete specification must and with a distinct statement, of the invention claimed.

(4) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied at any time before the acceptance of the application, and such drawings shall be deemed to form part of the complete specification.

(5) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

(6) The Controller may, where the application was accompanied by a specification purporting to be a complete specification, if the applicant so request, treat the specification as a provisional specification and proceed with the application accordingly.

**4. Insertion of new sections 4-A and 4-B, Act II of 1911**—After section 4 of the said Act, the following sections shall be inserted, namely:—

**4-A. Time for leaving complete specification**—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of the application:

Provided that the said nine months shall be extended to such period not exceeding ten months from the date of the application, as may be specified in a request made by the applicant to the Controller, if the request is made and the prescribed fee is paid within the period so specified.

(2) If the complete specification is not left within the period allowable under sub-section (1), the application shall be deemed to be abandoned at the expiration of ten months from the date thereof.

**4-B. Provisional protection**—(1) An invention may, during the period between the date of an application for a patent therefor and the date of sealing a patent on that application, be used and published without prejudice to that patent, and such protection from the consequences of use and publication is in this section referred to as provisional protection.

(2) In this section, the expression "date of an application for a patent" means, as respects an application which is post-dated or ante-dated under section 4 of the said Act, the date to which the application is so post-dated or ante-dated, and means as respects any other application, the date on which it is actually made.

**5. Amendment of section 5, Act II of 1911**—In section 5 of the said Act:

(a) in sub-section (1)—

(i) for the words "The Controller shall refer every application to an Examiner", the words "The Controller shall refer to an Examiner every application in respect of which a complete specification has been filed" shall be substituted;

(ii) for clause (a) the following clause shall be substituted, namely:—  
" (a) the nature of the invention or the manner in which it is to be performed is not particularly described and ascertained in the complete specification, or";

(iii) after clause (d) the following clause shall be inserted, namely:—  
" (dd) where a complete specification has been left after a provisional specification, the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification, or";

(iv) after the existing proviso the following proviso shall be inserted, namely:—

" Provided further that where a complete specification is left after a provisional specification, the Controller may, if the applicant so request, cancel the provisional specification and direct that the application shall be deemed to have been made on the date on which the complete specification was left, and proceed with the application accordingly.

(b) in sub-section (4) and the proviso thereto, for the words "twelve months" wherever they occur, the words "eighteen months" shall be substituted.

**6. Amendment of section 6, Act II of 1911**—In section 6 of the said Act for the word "specification" the word "specifications" shall be substituted.



**7. Substitution of new section for section 7, Act II of 1911**—For section 7 of the said Act the following section shall be substituted, namely :—

“ 7. *Effect of acceptance of application*—After the acceptance of an application and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the application :

Provided that the applicant shall not be entitled to institute any proceedings for infringement until the patent has been sealed ”.

**8. Amendment of section 9, Act II of 1911**—In sub-section (1) of section 9 of the said Act—

(a) in clause (c) for the word “ specification ” the word “ specifications ” shall be substituted ;

(b) to clause (d) the word “ or ” shall be added and after that clause the following clause shall be added, namely :—

“ (e) that the complete specification describes or claims an invention other than the one described in the provisional specification, and that such other invention either forms the subject of an application made by the opponent for a patent which if granted would bear a date in the interval between the date of the publication and the leaving of the complete specification, or has been made available to the public by publication in any document published in British India in that interval ”.

**9. Amendment of section 10, Act II of 1911**—In sub-section (2) of section 10 of the said Act—

(a) for the words “ eighteen months ” wherever they occur in the section including the proviso the words “ twenty-four months ”, shall be substituted ;

(b) to clause (c) of the proviso the words “ or at such later time as the Controller may think fit ” shall be added.

**10. Insertion of new section 13-A, Act II of 1911**—After section 13 of the said Act, the following section shall be inserted, namely :—

“ 13-A. *Single patent for cognate inventions*—(1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate to one another, and has obtained thereby concurrent provisional patents in respect of the same, and the Controller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may allow one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in determining the validity of the same, and in determining other questions under the said Act; the Court or the Controller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed in the complete specification ”.

**11. Amendment of section 26, Act II of 1911**—In sub-section (1) of section 26 of the said Act—

(a) in clause (g) and clause (h) for the word “ specification ” the words “ complete specification ” shall be substituted ;

(b) in clause (1) for the word “ specification ” where it occurs for the first time the words “ complete specification ” shall be substituted ;

(c) after clause (m) the following clause shall be inserted, namely :—

“ (n) that the invention claimed in the complete specification is not the same as that contained in the provisional specification, and that the invention claimed, so far as it is not contained in the provisional specification, was not new on the date when the complete specification was filed ” ;

(d) in the proviso to the sub-section in clause (ii) for the words, brackets and figures "sub-section (2) of section 21" the words, brackets and figures letter "sub-section (12) of section 21A" shall be substituted.

**12. Insertion of new section 38-A, Act II of 1911**—After section 38 of said Act, the following section shall be inserted, namely :—

"38-A. *Disconfirmity*—A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is contained in the provisional was novel at the date when the complete specification was put in, and the applicant for the patent was the true and first inventor thereof or the legal representative or assign of such inventor".

**13. Amendment of section 61, Act II of 1911**—In sub-section (1) of section 61 of the said Act, for the words "become void" the words "deemed to have been refused" shall be substituted.

**14. Amendment of section 78-A, Act II of 1911**—In sub-section (3) of section 78-A of the said Act, for the existing proviso the following proviso shall be substituted, namely :—

"Provided that, in the case of a patent—

(a) the application shall be accompanied by a complete specification;

(b) if the application is not accepted within eighteen months from the date of the application for protection in the United Kingdom, the specification shall, with the drawings (if any) supplied therewith, be open to public inspection at the expiration of that period".

**15. Amendment of Schedule to Act II of 1911**—In the Schedule to the said Act—

(a) for the entry—

"On application for a patent .. .. . 10"  
the following entries shall be substituted, namely :—

"On application for a patent accompanied by provisional specification. 10"

On filing complete specification after provisional specification 20"

On application for a patent accompanied by complete specification. 30"

(b) for the entry—

"Before sealing a patent .. .. . 30"  
the following entry shall be substituted, namely :—

"For sealing a patent .. .. . 30"

#### ACT No. X OF 1945

*An Act further to amend the Mines Maternity Benefit Act, 1941*

Whereas it is expedient further to amend the Mines Maternity Benefit Act, 1941 (XIX of 1941), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

**1. Short title**—This Act may be called the Mines Maternity Benefit (Amendment) Act, 1945.

**2. Amendment of section 3, Act XIX of 1941**—Section 3 of the Mines Maternity Benefit Act, 1941 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely :—

"(2) No owner or manager of a mine shall employ any woman below ground in the mine—

(a) if he has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks ;

(b) if she has to the knowledge of the management been delivered of a child within the preceding twenty-six weeks;

(c) during the period of ten weeks following the twenty-six weeks referred to in clause (b)—

(i) for more than four hours in a day unless a *creeche* is provided at the mine;

(ii) in any case, for more than four hours at any one time:

Provided that where the woman informs the management that the child of which she was delivered has died, the provisions of clause (c) shall not apply after the management has with due diligence verified the correctness of her statement”.

### 3. Amendment of section 4, Act XIX of 1911—In section 4 of the said Act—

(a) in the proviso to sub-section (1), after the words “Provided that” the words “except in the case of a woman employed below ground in the mine” shall be inserted;

(b) for sub-section (2) the following sub-sections shall be substituted, namely:—

“(2) If any woman employed below ground in a mine gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within ten weeks from the date of such notice, the manager may, on undertaking to defray the cost of such examination, require the woman to be examined within three days by a qualified medical practitioner or midwife, and shall permit her if she so desires to absent herself from work in any capacity in the mine prior to the said examination, and unless he obtains a certificate that the woman is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination, up to the day of her delivery, and such absence shall be treated as a period of authorised absence on leave.

(3) The examination referred to in the proviso to sub-section (1) or in sub-section (2) shall, if the woman so desires, be carried out by a woman.

(4) The absence of a woman in the period during which she is entitled to maternity benefit under this Act shall be treated as authorised absence on leave”.

### 4. Amendment of section 5, Act XIX of 1941—Section 5 of the said Act shall be re-numbered as sub-section (1) of that section, and—

(a) in the section as so re-numbered—

(i) after the words “every woman” the words, brackets and figure “other than a woman to whom the provisions of sub-section (2) apply” shall be inserted;

(ii) for the words “eight annas” the words “twelve annas” shall be substituted;

(b) to the section as so re-numbered the following sub-section shall be added, namely:—

“(2) Every woman who has worked below ground in a mine or mines of the same owner for not less than ninety days in all during a period not exceeding six months immediately preceding the date on which clause (a) of sub-section (2) of section 3 becomes applicable to her case shall, if she complies with the other conditions imposed by this Act, be entitled to receive, and the owner of the mine shall be liable to make to her, in accordance with the provisions of this Act, a payment at the rate of six rupees a week for the ten weeks immediately preceding her delivery and for the six weeks following her delivery”.

### 5. Amendment of section 7, Act XIX of 1911—In section 7 of the said Act, for the word, brackets and figure “sub-section (1)” the words, brackets and figure “or sub-section (2), as the case may be,” shall be inserted.



**6. Amendment of section 8, Act XIX of 1941**—In section 8 of the said Act—

(a) after sub-section (1), the following sub-section shall be inserted, namely—

“(1A) Where a woman entitled to maternity benefit has given the notice referred to in sub-section (2) of section 4, the manager shall within three days pay to her maternity benefit for ten weeks in advance, unless, within the next three days as a result of the examination referred to in that sub-section, he obtains a certificate that she is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination”.

(b) in clause (a) of sub-section (2), after the word, brackets and figure “sub-section (1)” the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

**7. Amendment of section 9, Act XIX of 1941**—In sub-sections (1) and (2) of section 9 of the said Act, after the word, brackets and figure “sub-section (1)” the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

**8. Amendment of section 10, Act XIX of 1941**—In sub-section (1) of section 10 of the said Act, for the words and figures “section 3, or has obtained permission to absent herself in accordance with section 4” the words, brackets and figure “sub-section (1) of section 3 or in circumstances under which in accordance with this Act the absence is to be treated as authorised absence on leave” shall be substituted.

**9. Amendment of section 11, Act XIX of 1941**—In section 11 of the said Act—

(a) in sub-section (1), after the words “Chief Inspector or any Inspector of the Government” the words “or any other officer authorised in this behalf by the Central Government” shall be added;

(b) in sub-section (2), after the words “the Chief Inspector or Inspector of the Government” the words “or other officer” shall be inserted.

**10. Amendment of section 12, Act XIX of 1941**—In section 12 of the said Act, for the word and figure “section 3” the words, brackets and figures “sub-section (1) of section 3” shall be substituted.

**11. Amendment of section 14, Act XIX of 1941**—In section 14 of the said Act—

(a) in sub-section (1), after the words “Chief Inspector” the words “or any other officer authorised in this behalf by the Central Government” shall be added;

(b) in the proviso to sub-section (3) the words “of the Chief Inspector of the Government” shall be omitted.

**12. Amendment of section 15, Act XIX of 1941**—In sub-section (2) of section 15 of the said Act—

(a) in clause (c), for the words, brackets and figure “under the proviso to sub-section (1) of” the words “referred to in” shall be substituted.

(b) in clause (f), after the words “the Chief Inspector and Inspectors” the following shall be inserted, namely:—

“and the officers authorised by the Central Government referred to in section 11 and sub-section (1) of section 14”.

G. H. SPENCE

Secretary to the Government of India