



PUBLISHED BY AUTHORITY

No. 3

CUTTACK, FRIDAY, SEPTEMBER 3, 1943

SEPARATE PAGING IS GIVEN TO THIS PART, IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

PART V

Acts of the Indian Legislature assented to by the Governor General

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

The following Acts of the Indian Legislature received the assent of the Governor General on the 13th August 1943, and are hereby promulgated for general information :—

ACT No. XVII OF 1943

An Act further to amend the Indian Boilers Act, 1923

WHEREAS it is expedient further to amend the Indian Boilers Act, 1923 (V of 1923), so as to extend to feed-pipes the provisions thereof relating to steam-pipes ;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Indian Boilers (Amendment) Act, 1943.

2. *Amendment of section 2, Act V of 1923*—In section 2 of the Indian Boilers Act, 1923 (V of 1923) (hereinafter referred to as the said Act), after clause (c), the following clause shall be inserted, namely :—

“(cc) ‘feed-pipe’ means any pipe or connected fitting wholly or partly under pressure through which feed-water passes directly to a boiler”

3. *Insertion of new section 2A, in Act V of 1923*—After section 2 of the said Act, the following section shall be inserted, namely :—

“2A. *Application of Act to feed-pipes*—Every reference in this Act [except where the word ‘steam-pipe’ is used in clause (f) of section 2], to a steam-pipe or steam-pipes shall be deemed to include also a reference to a feed-pipe or feed-pipes, respectively.”

ACT No. XVIII OF 1943

An Act to amend the Mines Maternity Benefit Act, 1941

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

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Mines Maternity Benefit (Amendment) Act, 1943.

2. *Amendment of section 5, Act XIX of 1941*—In section 5 of the Mines Maternity Benefit Act, 1941 (XIX of 1941),—

(a) the words “on which she is absent from work owing to her confinement” shall be omitted ;

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

“Provided that no such payment shall be made for any day on which she attends work and receives payment therefor during the four weeks preceding her delivery”.

ACT No. XIX OF 1943

An Act to amend the Motor Vehicles (Drivers) Ordinance, 1942

WHEREAS it is expedient to amend the Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Motor Vehicles (Drivers) Amendment Act, 1943.

2. *Insertion of a new section 6A in Ordinance V of 1942*—After section 6 of the Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942) hereinafter referred to as the said Ordinance), the following section shall be inserted, namely :—

“6A. (1) It shall be the duty of any employer by whom a person, who has been required by an order under sub-section (1) of section 4 to perform any service, was employed to reinstate him in his former employment on the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been required to perform that service :

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person or if

for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the authority authorised in this behalf by the Provincial Government and such authority shall, after due consideration, pass an order either exempting the employer from the provisions of this sub-section or requiring him to re-employ such person on such terms as it thinks suitable or to pay to such person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey an order passed under the proviso to sub-section (1) by the authority authorised under that proviso, he shall be punishable with fine which may extend to one thousand rupees, and the Court by which he is convicted may, in addition to any other penalty, order him (if he is not already so required by the said authority) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer ; and any amount so required by the said authority to be paid or so ordered by the Court to be paid, shall be recoverable as if it were a fine imposed by such Court :

Provided that in any proceedings under this sub-section it shall be a defence for an employer to prove that the person formerly employed by him had not been in his continuous employment for six months or did not apply to him for reinstatement within a period of two months from the termination of the service which such person was required to perform by an order under sub-section (1) of section 4.

(3) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who before such person is actually required to present himself for service or to perform service under this Ordinance terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section ; and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the delivery of an order under sub-section (1) of section 4 to such person.”

3. *Amendment of section 8, Ordinance V of 1942*—In sub-section (2) of section 8 of the said Ordinance, after clause (c) the following clause shall be added, namely :—

“(d) the manner of making references under the proviso to sub-section (1) of section 6A”.

ACT No. XX OF 1943

An Act further to amend the Agricultural Produce (Grading and Marking) Act, 1937

WHEREAS it is expedient further to amend the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Agricultural Produce (Grading and Marking) Amendment Act, 1943.

2. *Amendment of section 3, Act I of 1937*—In clause (f) of section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), after the words “marked with a grade designation mark”, the following shall be inserted, namely :—

“or with measures for the control of the quality of articles marked with grade designation mark, including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles”.

ACT No. XXI OF 1943

An Act further to amend the Indian Army Act, 1911 and the Indian Air Force Act, 1932

WHEREAS it is expedient further to amend the Indian Army Act, 1911 (VIII of 1911), and 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 Army and Indian Air Force (Amendment) Act, 1943.

2. *Amendment of section 50, Act VIII of 1911*—To clause (b) of sub-section (1) of section 50 of the Indian Army Act, 1911 (VIII of 1911), the following words and figure shall be added, namely :—

“ or by an officer exercising authority under section 20 ”.

3. *Amendment of section 86, Act VIII of 1911*—In sub-section (2) of section 86 of the Indian Army Act, 1911 (VIII of 1911), the words “ of desertion or ” shall be omitted.

4. *Substitution of new section for section 103, Act VIII of 1911*—For section 103 of the Indian Army Act, 1911 (VIII of 1911), the following section shall be substituted, namely :—

“ 103. *Substitution of a valid finding or sentence for an invalid finding or sentence*—(1) Where a finding of guilty by a court-martial, which has been confirmed, or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 112, to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding, if the new finding could have been validly made by the court-martial on the charge and if it appears that the court-martial must have been satisfied of the facts establishing the offence specified or involved in the new finding, and may pass a sentence for the said offence.

(2) Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason to be invalid, the authority which would have had power under section 112 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishments than or in excess of the punishment awarded by, the sentence for which a new sentence is substituted under this section.”

5. *Amendment of section 116, Act VIII of 1911*—In section 116 of the Indian Army Act 1911 (VIII of 1911),—

(a) for the word and figure “ section 114 ” the words and figures “ sections 114 and 115 ” shall be substituted ;

(b) in the proviso, for the words “ of the said section ”, the words and figure “ of section 114 ” shall be substituted.

6. *Amendment of section 26, Act XIV of 1932*—To clause (b) of sub-section (1) of section 26 of the Indian Air Force Act, 1932 (XIV of 1932), the following words and figure shall be added, namely :—

“ or by an officer exercising authority under section 25 ; ”

7. *Amendment of section 91, Act XIV of 1932*—In sub-section (2) of section 91 of the Indian Air Force Act, 1932 (XIV of 1932), the words “ of desertion or ” shall be omitted.

8. *Substitution of new section for section 108, Act XIV of 1932*—For section 108 of the Indian Air Force Act, 1932 (XIV of 1932), the following section shall be substituted, namely :—

“ 108. *Substitution of a valid finding or sentence for an invalid finding or sentence*—(1) Where a finding of guilty by a court-martial, which has been confirmed, or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 110, to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding, if the new finding could have been validly made by the court-martial on the charge and if it appears that the court-martial must have been satisfied of the facts establishing the offence specified or involved in the new finding, and may pass a sentence for the said offence.

(2) Where a sentence passed by a court-martial, which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason

to be invalid, the authority which would have had power under section 110 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishments than, or in excess of the punishment awarded by the sentence for which a new sentence is substituted under this section.”

9. *Substitution of new section for section 116, Act XIV of 1932*—For section 116 of the Indian Air Force Act, 1932 (XIV of 1932), the following section shall be substituted, namely :—

“ 116. *Communication of certain orders to prison officers*—Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil, military or air force prison, a warrant in accordance with such order shall be forwarded by the prescribed officer to the officer-in-charge of the prison in which such person is confined.”

10. *Amendment of section 128, Act XIV of 1932*—In section 128 of the Indian Air Force Act, 1932 (XIV of 1932),—

(a) for the word and figure “ section 126 ” the words and figures “ sections 126 and 127 ” shall be substituted ;

(b) in the proviso, for the words “ of the said section ”, the words and figure “ of section 126 ” shall be substituted.

ACT No. XXII OF 1943

An Act to amend the Reciprocity Act, 1943

WHEREAS it is expedient to amend the Reciprocity Act, 1943 (IX of 1943), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Reciprocity (Amendment) Act, 1943.

2. *Amendment of section 1, Act IX of 1943*—For sub-section (3) of section 1 of the Reciprocity Act, 1943 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :—

“ (3) It shall come into force on the 1st day of September 1943 ”

3. *Amendment of section 2, Act IX of 1943*—In section 2 of the Reciprocity Act, 1943, for clause (a) the following clause shall be substituted, namely :—

“ (a) ‘ British possession ’ means any part of His Majesty’s dominions exclusive of British India, and includes a protectorate or other territory administered by a British possession as a mandatory on behalf of the League of Nations ; and where parts of those dominions are under both a central and a local legislature, the expression shall mean either each part under a local legislature or all parts under the central legislature ; ”

4. *Substitution of new section for section 3, Act IX of 1943*—For section 3 of the said Act, the following section shall be substituted, namely :—

“ 3. *Power of Central Government to impose reciprocal disabilities on persons domiciled in British possessions*—Where by the law or practice of any British possession persons of Indian origin are subject in that British possession to disabilities in respect of entry into, or travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, the carrying on of any occupation, trade, business or profession, or the exercise of the franchise in that British possession, to which in respect of the like matters in British India persons domiciled in that British possession are not subject in British India, the Central Government may, by notification in the official Gazette, direct that the same disabilities or disabilities as similar thereto as may be shall, notwithstanding anything contained in any other law for the time being in force ; be imposed in British India on persons not being of Indian origin who are domiciled in that British possession.”

5. *Substitution of new section for section 5, Act IX of 1943*—For section 5 of the said Act, the following section shall be substituted, namely :—

“ 5. *Direction imposing disabilities in respect of entry, travel and residence not to apply to armed forces*—Any direction made by the Central Government under section 3 imposing disabilities in respect of entry into or travel or residence in British India upon persons domiciled in a British possession shall not, until the expiry of six months after the termination of the present hostilities, apply to any person domiciled in that British possession who is a member of its armed forces.”

6. *Substitution of new section for section 6, Act IX of 1943*—For section 6 of the said Act, the following section shall be substituted, namely:—

“6. *Power to make rules*—(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this section may provide—

(a) for the setting up of machinery to ascertain the disabilities in respect of any of the matters specified in section 3 to which persons of Indian origin are subject in any British possession;

(b) for the establishment of a suitable agency to administer the rules and for defining its functions and powers;

(c) for specifying the disabilities that shall, when a direction has been made under section 3, be imposed in

British India on persons not being of Indian origin who are domiciled in any British possession and for the imposition on them of the disabilities so specified;

(d) for the enforcement, by the prescription of a penalty by way of imprisonment or fine or both, of any rule made under clause (c);

(e) for authorising the arrest of any person contravening or reasonably suspected of contravening any rule made under clause (c), and for prescribing the duties of public servants and others in regard to such arrests.”

7. *Addition of new section 7 to Act IX of 1943*—After section 6 of the said Act, as substituted by the foregoing section, the following section shall be added, namely:—

“7. *Repeal of Act III of 1924*—The Immigration into India Act, 1924 (III of 1924), is hereby repealed.”

G. H. SPENCE

Secretary to the Government of India