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## PART IV

### Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps

#### HOME DEPARTMENT NOTIFICATIONS

*The 27th October 1943*

**No. 3448-C.**—The following notification, by the Government of Bombay, is republished for general information.

By order of the Governor  
W. W. DALZIEL

*Chief Secretary to Government*

#### HOME DEPARTMENT

##### POLITICAL

*Bombay Castle, 13th September 1943*

**No. 1704-Poll.**—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931, the Government of Bombay is pleased to declare all copies, wherever found, of the book in English entitled "Revolt", or "The Revolt of 1857", by "A Man of 9th August 1942," printed and published by Mr. C. Ramakant at the Suryakant Printing Press, Baroda and all other documents containing copies, reprints, translations of or extracts from the said book, to be forfeited to His Majesty on the ground that it appears to the Government of Bombay that the said book contains words of the nature described in clause (a), (b), (bb) and (d) of section 4 (1) of the said Act.

By order of the Governor of Bombay  
H. V. R. IENGAR

*Secretary*

*The 27th October 1943*

**No. 3451-C.**—The following notification, by the Government of Central Provinces and Berar, is republished for general information.

By order of the Governor  
W. W. DALZIEL

*Chief Secretary to Government*

#### POLITICAL AND MILITARY DEPARTMENT

*Nagpur, 4th October 1943*

**No. 623-1642-C. P. W.**—Whereas in the opinion of the Provincial Government the statement made by Mr. J. C. Kumarappa in the Court of Mr. B. V. Patwardhan, Magistrate, First Class, Wardha, in criminal case No. 115-43, contains a prejudicial report;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-rule (1) of rule 40 of the Defence of India Rules, the Provincial Government is pleased to prohibit the further publication, sale or distribution of the said statement, of any extract therefrom or of any translation thereof.

By order of the Governor of C. P. and Berar  
T. C. S. JAYARATNAM

*Secretary*

#### PUBLIC WORKS DEPARTMENT NOTIFICATION

*The 23rd October 1943*

**No. 2744-Misc.**—The following notification, issued by the Government of India, Department of Labour, is republished for general information.

By order to the Governor  
A. E. GREEN

*Secretary to Government*

#### CENTRAL ELECTRICITY BOARD

*New Delhi, 29th September 1943*

**No. A-803.**—In exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910), the Central Electricity Board directs that the following further amendments shall be made in the Indian Electricity Rules, 1937, the same having been previously published as required by sub-section (1) of section 38 of the said Act, namely:—

In rule 48 of the said Rules—

1. for the heading, the following heading shall be substituted, namely:—

"Precautions to be adopted by consumers, owners, electrical contractors, electrical workmen, licensees, and other suppliers of energy";

2. in sub-rule (1), the second proviso shall be omitted;

3. after sub-rule (1), the following sub-rule shall be inserted, namely:—

"(1A) No electrical installation work which has been carried out in contravention of sub-rule (1) shall be connected with the works of any licensee or other supplier of energy."

4. in sub-rule (2)—

(a) for the words "This rule" the word, brackets and figure "Sub-rule (1)" shall be substituted;

(b) after the word "appoint", the following shall be inserted, namely:—

"and sub-rule (1A) shall come into force in any province or part thereof on the 9th October 1943, or one year after sub-rule (1) has come into force therein, whichever is later";

5. after sub-rule (2), the following sub-rule shall be inserted, namely:—

"(3) This rule shall not, unless the Central Government otherwise directs, apply to any work carried out by, or on behalf of, the Central Government."

A. C. DAS

*for Secretary, Central Electricity Board*

#### COMMERCE AND LABOUR DEPARTMENT NOTIFICATIONS

*The 25th October 1943*

**No. 23276—Com.-16/43-Com. (C)**—The following notifications, issued by the Government of India, Department of Commerce, are republished for general information.

By order of the Governor  
J. E. MAHER

*Secretary to Government*

#### IMPORT TRADE CONTROL

*New Delhi, 24th July 1943*

**No. 7 (1)-I.T.C/43**—Mr. B. S. Atri is appointed as Chief Superintendent in the office of the Chief Controller of Imports with effect from the 19th July 1943.

R. J. PRINGLE

*Deputy Secy. to the Govt. of India*

*New Delhi, 14th August 1943*

**No. 31-I.T.C/43—CORRIGENDUM**—In the notification of the Government of India in the Department of Commerce, No. 28-I.T.C/43, dated the 1st July 1943, the words "Controller of Customs" should be read as "Collector of Customs".

K. G. AMBEGAOKAR

*Deputy Secy. to the Govt. of India*

*New Delhi, 28th August 1943*

**No. 34-I.T.C/43**—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the schedule annexed to the Department of Commerce Notification No. 23-1.T.C/43, dated the 1st July 1943, namely:—

(1) In Part V of the said schedule Serial No. 74 and the entries against that Serial No. shall be deleted; and

(2) In part II of the said schedule, the following entries shall be inserted after the entries relating to Serial No. 36, namely:—

"36-A The following Agricultural implements, namely, 72(8), winnowers, threshers, mowing and reaping machines,

binding machines, elevators, seed and corn crushers, chaff-cutters, root-cutters, ensilage-cutters, horse and bullock gear, ploughs, cultivators, scarifiers, harrows, clod-crushers, seed drills, hay-tedders, hay presses, potato-diggers, latex spouts, spraying machines, power-blowers, white-ant exterminating machines, beet pulpers, broadcast seeders, corn pickers, corn shellers, culti-packers, drag scrapers, stalk cutters, huskers and bidders, potato planters, lime sowers, manure spreaders, listers, soil graders, and rakes; also agricultural tractors, also component parts of these implements, machines or tractors, provided that they can be readily fitted into their proper places in the implements, machines or tractors for which they are imported, and that they cannot ordinarily be used for purposes unconnected with agriculture.

New Delhi, 4th September 1943

No. 35-I.T.C./43—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Commerce No. 23-I.T.C./43, dated the 1st July 1943, namely:—

In part II of the Schedule annexed to the said notification, the following entries shall be inserted after Serial No. 33:—

“33A—Industrial Exhaust fans and blowers | 72(b), 72(3) and 72(6).”

N. R. PILLAI  
Secy. to the Govt. of India

The 26th October 1943

No. 23382-Com.(C).—The following notifications, issued by the Government of India, Department of Commerce, are republished for general information.

By order of the Governor  
J. E. MAHER  
Secretary to Government

IMPORT TRADE CONTROL

New Delhi, 11th September 1943

No. 36-I. T. C./43—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendment shall be made in the schedule annexed to the Department of Commerce Notification No. 23-I. T. C./43, dated the 1st July 1943, namely:—

In Part II of the said Schedule—

In column (3), against Serial No. 21(1), for the figure 77, the following shall be substituted, namely:—  
“71, 72(3) and 77”.

N. R. PILLAI  
Secy. to the Govt. of India

The 27th October 1943

No. 23608-Com.(C).—The following notification, issued by the Government of India, Department of Labour, is republished for general information.

By order of the Governor  
J. E. MAHER  
Secretary to Government

New Delhi, 6th September 1943

No. L. 827-I.—In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), the Central Government is pleased to direct that the following further amendment shall be made in the War Injuries Scheme, 1942, namely:—

For paragraph (i) of Schedule II to the said Scheme, the following shall be substituted, namely:—

(i) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows:—

Item No.	Injury	Percentage of disability
1	Loss of two or more limbs Lunacy Jacksonian epilepsy Very severe facial disfigurement Total loss of sight	100
2	Loss of right arm above or at the elbow	90
3	Severe facial disfigurement Total loss of speech Loss of left arm above or at the elbow Loss of right arm below the elbow Loss of leg at or above the knee.	70
4	Loss of left arm below the elbow Loss of leg below the knee Permanent total loss of hearing	60
5	Loss of one eye Loss of right thumb or four fingers of right hand	50

Item No.	Injury	Percentage of disability
6	Loss of all toes of both feet above knuckle Loss of left thumb or four fingers of left hand or three fingers of right hand.	40
7	Loss of all toes of one foot above knuckle Loss of all toes of both feet at or below knuckle.	30
8	Limited restriction of movement of joints thorough injury without penetration, limited functions of limb through fracture, Loss of two fingers of either hand. Compound fracture of thumb or two or more fingers of either hand with impaired function.	20
9	Loss of one phalanx of thumb Loss of index finger Loss of great toe.	10

D. S. JOSHI  
Dy. Secy. to the Govt of India

DEPARTMENT OF SUPPLY AND TRANSPORT  
NOTIFICATIONS

The 22nd October 1943

No. 8542-S.T.—The following notification, issued by the Government of India, Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor  
C. S. JHA  
Secretary to Government

Bombay, 23rd September 1943

No. 34-Tex.(15)-2/43—In exercise of the powers conferred on me under clause 10(b) of the Cotton Cloth and Yarn (Control) Order, 1943, I hereby direct that the following amendments shall be made in the Textile Commissioner's notification No. 34-Tex.(15)-2/43, dated the 31st August 1943, namely:—

(i) In paragraph 1 of the said notification, for the words and figures “clause 10(c)”, the words and figures “clause 10(b)” shall be substituted.

(ii) After paragraph 1 of the said notification the following shall be inserted as paragraph 2 and the existing paragraphs 2 and 3 shall be renumbered as paragraphs 3 and 4 respectively:—“2. The maximum prices, ex-mill and retail, for cloth and yarn of kinds or qualities other than those specified above shall be more or less, as the case may be, than the prices fixed above by an amount equal to the customary difference between the prices of the nearest kinds or qualities specified above and the kinds and qualities not so specified.”

The 27th October 1943

No. 8730-S.T.—The following notification, issued by the Government of India, Department of Supply, is republished for general information.

By order of the Governor  
C. S. JHA  
Secretary to Government

New Delhi, 13th October 1943

No. 1150—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order:—

1. (1) This Order may be called the Cotton Baling Hoops (Control of Movement) Order, 1943.

(2) It shall come into force at once.

2. In this Order, “Controller” has the meaning assigned to it in the Iron and Steel (Control of Distribution) Order, 1941.

3. No person shall move or attempt to move by road, river, sea or air any used or defective cotton baling hoops beyond the limits of the premises on which such baling hoops are for the time being situated, otherwise than in accordance with a general or special order issued by the Controller.

4. Nothing in this Order shall apply to any movement of baling hoops—

(a) by any person to the station, goods depot or siding from which it is reasonable to book them for the purpose of being lawfully offered for transport by rail; or

(b) from a specified area in compliance with an order made under sub-rule (1) of rule 49 of the Defence of India Rules.

The 27th October 1943

**No. 8731-8.T.**—The following notification, issued by the Government of India, Department of Commerce, is republished for general information.

By order of the Governor  
C. S. JHA  
Secretary to Government

EXPORT CONTROL

New Delhi, 1st September 1943

**No. 91-C. W.(10)/43**—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following order, namely—

1. No person shall transport, or cause to be transported, or offer for transport, by rail any of the goods specified in the Schedule hereto annexed from any station in British India to any station in Baluchistan beyond Nushki on the line to Nok-Kundi or beyond Yaru on the line to Chaman, except—

(a) under a written permit granted by the Revenue Commissioner in Baluchistan or the Land Customs officers at Nok-Kundi and Chaman in this behalf, or

(b) in respect of any consignment of tea intended for export over the land frontiers to places outside India under a written permit granted by the Tea Controller for India, or

(c) in respect of any goods intended for local consumption in Baluchistan under a written permit granted by the Political Agent at Chagai or by the Political Agent at Quetta-Pishin, according as the consignment is intended for a station on the line to Nok-Kundi or for a station on the line to Chaman, or

(d) in respect of any consignments of tea, cotton piece-goods and canned and bottled provisions intended for the Railway grainshops, under a written permit granted by the Controller of Stores, North-Western Railway, Lahore.

2. Nothing in this order shall apply to the transport by rail of any goods which form part of the personal luggage of a bona fide traveller.

SCHEDULE

1. Tea.
2. Cotton piecegoods.
3. Glass and Glassware, all sorts.
4. Silk yarn and manufactures, all sorts, including silk hosiery.
5. Woollen manufactures including woollen yarn and hosiery.
6. Bicycles and parts thereof.
7. Motor tyres and tubes.
8. Drugs and medicines.
9. Canned and bottled provisions.

S. N. DAY

Joint Secretary

The 27th October 1943

**No. 8732-S.T.**—The following notification, issued by the Government of India in the Department of Food, is hereby republished for general information.

By order of the Governor  
C. S. JHA

Secretary to Government

Simla, 4th September 1943

**No. 11-S.C.(9)/43**—In exercise of the powers conferred by clause 7 of the Gur Control Order, 1943, and in supersession of the notification of the Government of India in the Department of Food No. 11-S.C.(9)/43, dated the 24th July 1943, I hereby direct that save as provided in the proviso to the said clause, no Gur shall with effect from the date of this notification be offered for transport by railway by a consignor or accepted by a railway servant for transport from any station in any province specified in the first column of the Schedule hereto annexed to a place outside the area specified in the corresponding entry in the second column of the said Schedule except under a permit issued by the Gur Controller for India.

SCHEDULE

Province.	Area.
1. Madras ..	.. Madras, Coorg, Podukotto and the French Settlements of Pondicherry, Karaikal and Maho.
2. Bombay ..	.. Bombay, the Gujarat States, the Deccan States, the States of Idar, Radhanpur and Vijaynagar and the Portuguese Settlements in India.
3. Bengal ..	.. Bengal, the States of Mayurbhanj, Tripura and Cooch Behar and the French Settlement of Chandarnagore.
4. The Punjab ..	.. The Punjab and Punjab States, excluding Tohri-Garhwal and Khairpur.

Province.	Area.
5. Bihar ..	.. Bihar
6. The Central Provinces and Berar ..	.. The Central Provinces and Berar and the Chhatisgarh States.
7. Assam ..	.. Assam and Assam States
8. Orissa ..	.. Orissa and the Eastern States excluding the States specified above against items 3 and 6.
9. Sind ..	.. Sind and Khairpur State
10. British Baluchistan ..	.. British Baluchistan and the States of Kalat and Las Bela.
11. Delhi ..	.. Delhi
12. Ajmer-Merwara ..	.. Ajmer-Merwara

N. C. MEHTA  
Gur Controller

The 27th October 1943

**No. 8735-S.T.**—The following notification, issued by the Government of India, Department of Food, are republished for general information.

By order of the Governor  
C. S. JHA

Secretary to Government

New Delhi, 24th August 1943

**No. 6-S.C.(1)/43**—In exercise of the powers conferred by clauses 5 and 6 of the Sugar and Sugar Products Control Order, 1943, I, N. C. Mehta, Sugar Controller for India hereby cancel the Department of Commerce Notification No. 5-S.C.(1)/42, dated the 29th August 1942.

2. I also direct that for paragraph 3 of the Department of Commerce Notification No. 5-S.C.(1)/42, dated the 6th June 1942, containing directions to recognised dealers the following shall be substituted, namely:—

*Recognised dealer's selling price and incidental charges*—

When a recognised dealer sells sugar wholesale (that is, in units of not less than a bag which is usually of 2 maunds and 30 seers), he shall charge a price which shall comprise the items named below:—

- (i) The ex-factory price;
- (ii) The railway freight actually paid by him;
- (iii) The octroi and other local taxes actually paid by him, and

(iv) The incidental charges (comprising expenditure on local cartage, godown charges, insurance, interest, brokerage, establishment and shortage in weight) actually incurred by him and profit subject to the maximum fixed by the competent local authority in the area in which the sugar is consumed:

Provided that (a) no recognised dealer shall be entitled to any profit if he has been paid any commission, brokerage rebate or other form of remuneration by the seller, and (b) the price charged to the retail dealer shall not exceed that fixed by the competent local authority for wholesale dealers, in the area in which the sugar is consumed, subject to the directions of the Sugar Controller for India.

New Delhi, 18th September 1943

**No. 22-S.C.(3)/43**—In exercise of the powers conferred upon me by sub-clause (1) of clause 6 of the Sugar and Sugar Products Control Order, 1943 and in supersession of clause (iii) of paragraph 4 of the notification of the Government of India in the Department of Food, No. G-VIII (1)/42, dated the 1st January 1943, I, N. C. Mehta, Sugar Controller for India, hereby direct—

(1) that the price at which *Khandsari* sugar may be sold wholesale within the districts of the United Provinces specified in the annexed schedule shall not exceed Rs. 14-4-0 per maund;

(2) that wholesale and retail prices of *Khandsari* sugar in other places in India shall not exceed Rs. 14-4-0 per maund, plus such other charges in respect of transport to or in specified areas and other incidental charges as are approved by me.

*Explanation*—For the purpose of this notification "wholesale price" means the price of sugar inclusive of excise duty packed in bags of not less than two and half maunds in weight.

SCHEDULE

1. Azamgarh	12. Jaunpur
2. Ballia	13. Kheri
3. Bareilly	14. Mainpuri
4. Basti	15. Meerut
5. Bijnor	16. Moradabad
6. Fudaun	17. Muzaffarnagar
7. Etah	18. Pilibhit
8. Farrukhabad	19. Saharanpore
9. Ghazipur	20. Shahjahanpore
10. Gorakhpur	21. Sitapore
11. Hardoi	

N. C. MEHTA  
Sugar Controller

The 27th October 1943

**No. 8738-S.T.**—The following notification, issued by the Government of India, in the Department of Food is republished for general information.

By order of the Governor  
C. S. JHA  
Secretary to Government

No. C. G. 604/2—In exercise of the powers conferred by Rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendment shall be made in the Foodgrains Control Order, 1942, namely :—

The following words shall be added to clause (9) of Form 'A' of the Second Schedule to the said Order, namely :—

'or to the authentication and maintenance of the register mentioned in paragraph (3)''.

R. H. HUTCHINGS  
Secretary to the Government of India

The 27th October 1943

**No. 8739-S. T.**—The following notification, issued by the Government of India, Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor  
C. S. JHA  
Secretary to Government

New Delhi, 16th September 1943

No. 34-Tex(1)/43—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely :—

In the said Order—  
For sub-clause (1) of clause 13, substitute the following :—

"(1) All cloth (other than handloom cloth) and yarn packed by a manufacturer after the 31st July 1943 shall be marked by him with the date of packing in such manner as may be specified by the Textile Commissioner under clause 10".

H. M. PATEL  
Dy. Secy. to the Govt. of India

COMMERCE DEPARTMENT  
New Delhi, 28th August 1943  
PRESS NOTE

LEASE-LEND AND LOCALLY PRODUCED BALING HOOPS  
SELLING PRICE FIXED

Baling charges at Rs. 10 per bale

The Government of India have made the following arrangements for the distribution of cotton baling hoops during the next cotton season commencing from September 1, 1943. The arrangements apply to all baling hoops whether imported under Lease/Lend or produced in India.

As in the last season, cotton baling hoops will be distributed by the Iron and Steel Controller, Calcutta, on the advice of the Baling Hoops Advisory Committee. The Committee will scrutinise all applications from cotton ginning and pressing factories for supplies of baling hoops and recommend the extent to which they may be granted. The Committee is composed of the present members of the India Central Cotton Committee and has its office at Vulcan House, Nicol Road, Ballard Estate, Fort, Bombay.

The Government of India have fixed the selling price of 3/4" x 20 G. baling hoops at Rs. 45 per cwt.

A cotton ginning and pressing factory receiving baling hoops from the Iron and Steel Controller will have to execute a bond to the effect that it shall not, except with the prior permission of the authority specified by the Government of India (which for the present is the Baling Hoops Advisory Committee), recover in respect of any baling operation baling charges exceeding the rates prescribed by the Government of India. For the next season, the Government of India have fixed the maximum rate which a factory can charge for pressing cotton at Rs. 10 per bale. The Baling Hoops Advisory Committee will not permit a higher rate to be charged except in those cases in which it is satisfied that the factory concerned has to use hoops more expensive than those supplied by the Iron and Steel Controller. Any infringement of the conditions of the above bond will render the factory liable to pay heavy penalties and also to be debarred from receiving any further supplies of baling hoops from the Iron and Steel Controller.

REVENUE DEPARTMENT  
NOTIFICATION

The 27th September 1943

**No. 20770-R.(C).**—The following notification, issued by the Government of India, Department of Indians Overseas, is republished for general information.

By order of the Governor  
P. C. DAS  
Secretary to Government

New Delhi, 7th September 1943

No. 149/43-O.S.—In exercise of the powers conferred by Rule 24-A of the Defence of India Rules, the Central Government is pleased to make the following order, namely :—

THE ASIATIC BRITISH EVACUEES (CENSUS) ORDER, 1943  
1. (1) This Order may be called the Asiatic British Evacuees (Census) Order, 1943.

(2) It extends to the whole of British India.

2. In this Order—

(1) "Asiatic British subject" means any subject of His Majesty, not being of European descent in the male line, born, naturalised or domiciled in India or in any Asiatic country to the east of India ;

(2) "evacuee" means any Asiatic British subject who has arrived in India since the 8th December 1941, having left any territory to the east of India in consequence of military operations ;

(3) "tahsil" includes a taluk, circle or other corresponding division of a district for purposes of revenue administration, and "Tahsildar" shall be construed accordingly.

3. Every evacuee who is the head of his family in India or has no family in India shall proceed in person between the hours of 10 A.M. and 5 P.M. on any working day in the month of November 1943, to the office of the tahsildar of the tahsil in which he is for the time being resident, and furnish to the census enumerator appointed in this behalf full and true answers to the questions set out in the questionnaire annexed to this order in respect of himself and of all other evacuees who are dependent on him:

Provided that (i) where such evacuee is a female or is prevented by serious illness or other disability from proceeding to the office of the tahsildar in person she or he may depute any other responsible member of her or his family for the purpose, and (ii) where such evacuee is an orphan child, the person who for the time being has the custody of the child shall similarly proceed to the office of the tahsildar and answer the questions on behalf of the child.

THE QUESTIONNAIRE

(See clause 3)

- | For head of family  | For members of evacuee's families  |
|---|--|
| 1. Name.....  | 1. Name.....   |
| 2. Sex.....   | 2. Sex.....  |
| 3. Age.....   | 3. Age.....  |
| 4. State whether an Indian, Anglo-Indian, Burman, Anglo-Burman or a British subject of any other Asiatic country ?                | 4. State whether he is an Indian, Anglo-Indian, Burman, Anglo-Burman or British subject belonging to any other Asiatic country ? |
| 5. Married, Unmarried, Widowed or divorced.....   | 5. Married, Unmarried, Widowed or divorced.....  |
| 6. District and Province of birth.....  | 6. District and Province of birth.....   |
| 7. Where did you live in Burma/Malaya, etc.?  | 7. Where did he live in Burma/Malaya, etc.?  |
| 8. When did you leave Burma/Malaya, etc.?   | 8. When did he leave Burma/Malaya, etc.?   |
| 9. Which route did you come by ?  | 9. Which route did he come by ?  |
| 10. When did you arrive in India ?  | 10. When did he arrive in india ?  |
| 11. (If not born in Burma/Malaya, etc.) when did you first go to Burma/Malaya, etc. ....  | 11. (If not born in Burma/Malaya, etc.) when did he first go to Burma/Malaya, etc. ....  |
| 12. What was your means of livelihood in Burma/Malaya, etc.   | 12. Means of livelihood, if any, in Burma/Malaya, etc.   |
| 13. Are you at present in a fit state of health to pursue the means of livelihood which you were following in Burma/Malaya, etc.? | 13. Is he at present in a fit state of health to pursue the means of livelihood which he was following in Burma/Malaya, etc.?    |
| 14. District and Province where resident now.....   | 14. If dependent, what was the means of livelihood in Burma/Malaya, etc., of the person on whom he was dependent ?               |
| 15. Do you own any property in Burma/Malaya etc. ? If so is it house, or land or moveables?                                       | 15. District and province where resident now.  |
| 16. What is your present means of livelihood?   | 16. Present means of livelihood, if any .....  |

- |   |   |
|---|---|
| <p>For head of family</p> <p>17. Is your present means of livelihood permanent or casual?</p> <p>18. How many evacuees are dependent on you?</p> <p>19. Are you literate? If so, in which language or languages are you literate?</p> <p>20. How far have you read? Give any examination passed.....</p> <p>21. Have you received any monetary assistance from Government? If so how many times and how much each time?</p> | <p>For members of evacuee's families</p> <p>17. Is his means of livelihood permanent or casual?</p> <p>18. If dependent, what is the means of livelihood of the person on whom he is now dependent?</p> <p>19. Is he literate? If so, in what language or languages?</p> <p>20. Has he passed any examination? How far has he read?</p> <p>21. Has he received any separate monetary assistance from Government? If so, how many times and how much each time?</p> <p>22. Does he possess any separate property in Burma/Malaya, etc. If so, is it house or land or movables?</p> |
|---|---|

[8-4-26-11-1943]

### LAW DEPARTMENT NOTIFICATIONS

The 27th October 1943

**No. 23593-L.(C).**—The following Ordinances promulgated by the Governor General are published for general information.

By order of the Governor  
J. E. MAHER  
Secretary to Government

New Delhi, 16th October 1943

ORDINANCE No. XXXIV OF 1943

AN

## ORDINANCE

*to provide more effective punishment for certain subversive activities directed against the State or His Majesty's naval, military or air forces*

WHEREAS an emergency has arisen which makes it necessary to provide more effective punishment for certain subversive activities directed against the State or His Majesty's naval, military or air forces;

NOW, THEREFORE, in exercise of the powers, conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent, application and commencement*—

(1) This Ordinance may be called the Subversive Activities, Ordinance, 1943.

(2) It extends to the whole of British India, and it applies also—

(a) to British subjects and servants of the Crown in any part of India;

(b) to British subjects who are domiciled in any part of India wherever they may be;

(c) in respect of the regulation and discipline of any naval, military or air force raised in British India, to members of, and persons attached to employed with or following that force, wherever they may be; and

(d) to, and to persons on, ships and aircraft registered in British India wherever they may be.

(3) It shall come into force at once.

2. *Interpretation*—In this Ordinance—

(a) "Document" includes gramophone records, sound tracks, and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(b) "subversive act" means any act which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty's naval, military or air forces, or to induce or influence any member of His Majesty's naval, military or air forces to fail in the performance of his duties as such, or to render any member of His Majesty's naval, military or air forces, incapable of efficiently performing his duties as such.

(c) "subversive matter" means any matter, whether expressed in words, spoken or written or in signs or visible representations or in any other manner whatsoever, which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty's naval, military or air forces, or to induce or influence any member of His Majesty's

naval, military or air forces to fail in the performance of his duties as such, or which is an incitement to the commission of a subversive act.

3. *Subversive acts and uttering, and making, publishing, etc., document containing, subversive matter*—Whoever—

(a) does any subversive act, or

(b) without lawful authority or excuse utters, or makes prints, publishes, distributes or spreads by any means whatsoever any document containing, any subversive matter,

shall be punishable with transportation for life or with imprisonment for a term which may extend to ten years and shall also be liable to fine.

4. *Possession of document containing subversive matter*—

(1) Whoever without lawful authority or excuse has in his possession any document containing any subversive matter shall be punishable with imprisonment for a term which may extend to ten years and shall also be liable to fine.

(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any subversive matter shall, unless he proves that he did not know and had no reason to suspect that the said document contained any subversive matter, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this section.

5. *Enhancement of penalty for certain offences punishable under the Indian Penal Code*—Whoever commits an offence punishable under section 121A or section 122 or section 123 or section 131 of the Indian Penal Code (XLV of 1860) may, in lieu of any punishment to which he is liable under the said Code, be punished with death.

LINLITHGOW

Viceroy and Governor General

ORDINANCE No. XXXV OF 1943

AN

## ORDINANCE

*to provide for the prevention of hoarding and profiteering*

WHEREAS an emergency has arisen which makes it necessary to provide for the prevention of hoarding and profiteering;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent and commencement*—(1) This Ordinance may be called the Hoarding and Profiteering Prevention Ordinance, 1943.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

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

(a) "article" includes any article or thing except foodgrains, which has not by notification in the official Gazette, been declared by the Central Government to be an article or thing to which this Ordinance does not apply;

(b) "dealer" means a person carrying on the business of selling any article, whether wholesale or retail;

(c) "Controller General" means the Controller General of Civil Supplies appointed by the Central Government and includes the Deputy Controller General or Assistant Controller General of Civil Supplies so appointed;

(d) "inspector" means an inspector appointed for the purposes of this Ordinance by the Central or by the Provincial Government;

(e) "producer" includes a manufacturer;

(f) an article shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person;

(ii) notwithstanding that it is mortgaged to another person.

3. *Fixing of maximum quantities which may be held or sold and maximum prices*—(1) The Central Government may, by notification in the official Gazette, fix in respect of any article—

(a) the maximum quantity which may at any one time be possessed by a dealer or producer;

(b) the maximum quantity which may in any one transaction be sold to any person;

(c) the maximum price or rate which may be charged by a dealer or producer.

(2) The quantities and prices or rates fixed in respect of any article under this section may be different in different localities.

**4. Restrictions on possession and sale by dealers and producers where maximum is fixed under section 3—**No dealer or producer shall—

(a) have in his possession at any one time a quantity of any article exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 3; or

(b) sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 3; or

(c) sell or offer for sale to any person any article for a price or at a rate exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 3.

**5. Restrictions on possession by dealers or producers where no maximum is fixed under section 3—**Where no maximum has been fixed by notification under clause (a) of sub-section (1) of section 3,—

(a) no dealer shall have in his possession at any one time a quantity of any article exceeding one-quarter of the total quantity of that article held by him in the course of the year 1939, or as the case may be, exceeding the quantity which the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may intimate to him as the maximum quantity of that article which he may have in his possession at any one time; and

(b) no producer shall have in his possession at any one time a quantity of any article exceeding one-quarter of his total production of that article during that one of the three years 1940, 1941 and 1942 in which his production was greatest, or as the case may be, exceeding the quantity which the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may intimate to him as the maximum quantity of that article which he may have in his possession at any one time.

**6. Restriction on price where no maximum is fixed under section 3—**(1) Where no maximum has been fixed by notification under clause (c) of sub-section (1) of section 3, no dealer or producer shall sell or offer for sale or otherwise dispose of an article for a consideration which is unreasonable.

(2) For the purposes of this section a consideration is unreasonable if, whether it is exclusively in money or not, it exceeds the amount represented by an addition of twenty per cent or the addition allowed by normal trade practice whichever is less to—

(a) the cost landed of the article in the case of an imported article,

(b) the cost of production of the article in the case of an article which is not imported, or if as a condition of sale the purchaser is required to purchase at the same time any other article.

(3) The Controller General may, by order published in the official Gazette, vary in respect of any specified article or class of articles the figure of twenty per cent referred to in sub-section (2), and if he does so that sub-section shall have effect accordingly.

**7. General limitation on quantity to be possessed at one time—**(1) No person shall have in his possession at any one time a greater quantity of any article to which this section applies than the quantity necessary for the reasonable needs of himself and his family for a period of three months or such longer period as may for special reasons in his particular circumstances be considered a reasonable period for which to make provision.

(2) For the purposes of sub-section (1), the expression "reasonable needs" includes the fulfilment of social or religious or other customary obligations.

(3) Nothing in this section shall apply to a dealer or producer in respect of any article sold by or produced by him.

(4) This section shall apply only to such articles as the Controller General may by order published in the official Gazette specify for the purpose.

**8. Duty to declare possession of excess stocks—**Any person having in his possession a quantity of any article exceeding that permitted by or under this Ordinance shall forthwith report the fact to the Controller General or other officer empowered in this behalf by the Central or the Provincial Government, and shall take such action as to the storage, distribution or disposal of the excess quantity as the Controller General or such officer may direct.

**9. Refusal to sell—**No dealer or producer shall, unless previously authorised to do so by the Controller General or other officer empowered in this behalf by the Central or the Provincial Government, without sufficient cause refuse

to sell to any person any article within the limits as to quantity imposed by this Ordinance.

*Explanation—*The possibility or expectation of obtaining a higher price for an article at a later date shall not be deemed to be a sufficient cause for the purposes of this section.

**10. Cash memorandum to be given of certain sales—**

(1) Every dealer or producer when selling any article for cash shall, if the amount of the purchase is ten rupees or more, in all cases, and, if the amount of the purchase is less than ten rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Central Government may, by notification in the official Gazette, prescribe the particulars to be contained in any such cash memorandum.

(3) The Central Government or the Provincial Government may, by notification in the official Gazette, exempt specific areas, classes of dealers or producers, or commodities from the operation of this section.

**11. Marking of prices and exhibiting price list—**(1) The Controller General may direct any dealer or producer to mark articles exposed or intended for sale with the sale prices or to exhibit on his premises a price list of articles held by him for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy, efface or alter any label or mark affixed to an article and indicating the price marked by a producer.

**12. Powers of Controller General, Inspectors, etc.—**(1) The Controller General or an inspector or an officer empowered in this behalf by the Central or the Provincial Government may—

(a) direct a dealer or producer to maintain records of all sale and purchase transactions;

(b) direct a dealer or producer to furnish any information he may require as to the business carried on by such dealer or producer,

(c) direct a dealer or producer to furnish any information possessed by such dealer or producer as to the business carried on by any other person;

(d) inspect or cause to be inspected any books or other documents belonging to or under the control of any dealer or producer;

(e) enter and search or authorise any person not below the status of a gazetted officer to enter and search any premises;

(f) seize or authorise the seizure of any article in respect of which he suspects that an offence under this Ordinance has been committed, and thereafter take or authorise the taking of all measures necessary for securing the production of the article in a Court.

(2) The Controller General may, by order published in the official Gazette, issue to all dealers or producers of a specified class a direction such as is referred to in clause (a) or clause (b) of sub-section (1).

**13. Penalties—**(1) Whoever contravenes any of the provisions of this Ordinance shall be punishable with imprisonment for a term which may extend to five years, or with fine or with both.

(2) Whoever fails to comply with any direction made under authority conferred by this Ordinance shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

(3) A Court convicting any person of an offence punishable under this Ordinance may order any article, in respect of which the offence was committed, to be forfeited to his Majesty.

**14. Procedure—**No prosecution for any offence punishable under this Ordinance shall be instituted except with the previous sanction of the Central or the Provincial Government, or of an officer not below the rank of District Magistrate empowered by the Central or the Provincial Government to grant such sanction.

**15. Certain officers to be deemed public servants—**The Controller General, an inspector and any officer empowered for the purposes of section 5, 8, 9 or 12 by the Central or the Provincial Government shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

**16. Bar of legal proceedings—**No suit, prosecution or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Ordinance.

**17. Saving of other laws—**The provisions of this Ordinance shall be in addition to and not in derogation of

any other law for the time being in force regulating the keeping, storage, distribution, disposal, or price of articles.

LINLITHGOW  
Viceroy and Governor General

ORDINANCE No. XXXVI OF 1943

AN  
ORDINANCE

to provide for the forfeiture in certain cases not provided for by the Indian Army Act, 1911, of pay and allowances of certain persons subject to that Act

WHEREAS an emergency has arisen which makes it necessary to provide for the forfeiture in certain cases not provided for by the Indian Army Act, 1911 (VIII of 1911) of pay and allowances of certain persons subject to that Act ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. *Short title and commencement*—(1) This Ordinance may be called the Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.

(2) It shall come into force at once.

2. *Interpretation*—In this Ordinance, “Indian commissioned officer” means an Indian commissioned officer as defined in clause (2) section 7 of the Indian Army Act, 1911 (VIII of 1911).

3. *Forfeiture of pay and allowances of prisoner of war*—(1) The whole or any part of the pay and allowances of an Indian commissioned officer may be forfeited by order of the Central Government if the officer is found by a military Court of Enquiry constituted under this Ordinance—

(a) to have deserted to the enemy, or

(b) while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or

(c) to have allowed himself to be taken prisoner by the enemy through want of due precaution, or through disobedience of orders or wilful neglect of duty, or

(d) having been taken prisoner by the enemy, to have failed to rejoin His Majesty's service when it was possible to do so.

(2) The Central Government may at any time cancel in whole or in part any order made under sub-section (1), and any such cancellation may be with retrospective effect.

4. *Courts of Enquiry*—The Commander-in-Chief of His Majesty's Forces in India or any officer authorised by him in this behalf may constitute a military Court of Enquiry of such composition as the constituting authority thinks fit to enquire into and report to the Central Government on any case of the nature referred to in sub-section (1) of section 3.

LINLITHGOW  
Viceroy and Governor General

ORDINANCE No. XXXVII OF 1943

AN  
ORDINANCE

to authorise in a certain area contiguous with territories now occupied by the enemy the trial of certain offences by Military Courts, to create certain new offences, to enhance penalties provided by law for certain offences, and to confer certain powers upon Military or Air Force authorities

WHEREAS an emergency has arisen which makes it necessary to authorise in a certain area contiguous with territories now occupied by the enemy the trial of certain offences by Military Courts to create certain new offences, to enhance penalties provided by law for certain offences, and to confer certain powers upon Military or Air Force authorities ;

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

PART I

1. *Short title, extent, application and commencement*—(1) This Ordinance may be called the Military Operational Area (Special Powers) Ordinance, 1943.

(2) It extends to the Province of Assam to the District of Tippera, Noakhali and Chittagong in the Province of

Bengal, and, subject to the provisions of section 92 of the Government of India Act, 1935 (26 Geo. 5, c. 2), to the Chittagong Hill tracts ; and it applies also in the case of British subjects who are domiciled in any part of India, to offences committed in Burma or any territory occupied by the enemy.

(3) It shall come into force at once

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

(a) “enemy” includes an enemy agent, and any mutineer, or rebel against whom operations are being carried out by His Majesty's forces or the forces of a Power in alliance with His Majesty,

(b) “enemy agent” means a person, not operating as a member of an enemy armed force, who is employed by, or works for or acts on instructions received from, the enemy or who at any time in the past has been so employed or has so worked or acted.

3. *Powers of military authorities under Defence of India Rules*—Any reference in the Defence of India Rules to an authority empowered under those Rules to exercise a power conferred by those Rules shall be deemed to include in relation to the exercise of that power in the area to which this Ordinance extends, a reference to the General Officer Commanding the military forces in that area and to any officer not below the rank of Brigadier whom that General Officer Commanding may authorize in this behalf.

4. *Jurisdiction of Military Courts*—(1) In the area to which this Ordinance extends, and for so long as it remains in force, the provisions of section 5 of the Code of Criminal Procedure, 1898 (V of 1898), so far as they relate to the trial of offences triable by Military Courts constituted under this Ordinance, shall be deemed to be repealed.

(2) In the area to which this Ordinance extends the following offences shall, notwithstanding anything contained in section 28 or section 29 of the Code of Criminal Procedure, 1898 (V of 1898), or elsewhere in any law, be triable by, and only by, Military Courts constituted under this Ordinance, namely :—

(a) any offence made punishable by Part II of this Ordinance ;

(b) any offence punishable under the Indian Penal Code, which is specified in the Schedule ;

(c) any offence punishable by or under the Defence of India Rules, which is specified in the Schedule, when the offence is committed by any person except a person attached to or officially accompanying on duty His Majesty's forces or the forces of a Power in alliance with His Majesty, or a member of any such forces who is not an enemy within the meaning of clause (a) of section 2.

(3) No Military Court constituted under this Ordinance shall try any offence unless the offence was committed either—

(a) within the area to which this Ordinance extends, or

(b) within Burma, or any territory occupied by the enemy, where the accused person is a British subject domiciled in any part of India, and unless the offence was committed after the commencement of this Ordinance.

5. *Kinds of Military Courts*—For the purposes of this Ordinance there shall be the following kinds of Military Courts, namely :—

(a) Superior Military Courts ;

(b) Summary Military Courts.

6. *Power to constitute Military Courts*—Any General Officer Commanding military forces in the area to which this Ordinance extends or an officer not below the rank of Lieut. Colonel empowered by him in this behalf may, whenever necessary, convene Superior Military Courts or by general or special order set up Summary Military Courts for the trial of offences triable by such Courts under this Ordinance.

7. *Composition of Military Courts*—(1) A Superior Military Court shall consist of three officers of whom one at least shall be of rank not below that of Major or Squadron Leader :

Provided that a civilian official being a Judge of a High Court, a Sessions Judge, or an Additional Session Judge may be appointed in the place of not more than one such officer.

(2) A Summary Military Court shall consist of one person who shall be either an officer of rank not below that of Major or Squadron Leader, or a Magistrate of the first class.

(3) The President of a Superior Military Court shall be nominated by the convening authority.

**8. Cases triable by and powers of Military Courts—**(1) A Superior Military Court may try any offence triable by a Court constituted under this Ordinance and may pass any sentence authorised by law.

(2) A Summary Military Court may try any such offence except an offence punishable with death or with transportation or imprisonment for more than seven years, and may pass any sentence authorised by law except a sentence of imprisonment for more than one year or of fine exceeding seven hundred and fifty rupees.

**9. Distribution of cases, transfer of cases, and place of sitting of Courts—**The General Officer Commanding the military forces in the area to which this Ordinance extends or any officer authorised by him in this behalf, may by general or special order give directions as to the distribution between Superior Military Courts and Summary Military Courts or among Superior Military Courts and among Summary Military Courts of cases for trial, as to the transfer of cases from one Military Court to another, and as to the places at which Military Courts shall sit.

**10. Procedure of Superior Military Courts—**(1) A Superior Military Court shall exercise the powers of and follow the procedure laid down in the Indian Army Act, 1911 (VIII of 1911), and the rules made thereunder for a summary general court-martial convened under that Act, and the provisions of that Act and of the rules made thereunder shall, so far as they are not inconsistent with the provisions of this Ordinance, have effect in relation to a Superior Military Court as they have effect in relation to a summary general court-martial:

Provided that—

(a) an accused person may not object to any member of the Court;

(b) a memorandum of the evidence given at the trial and the statement, if any, made by the accused shall always be recorded.

(2) The finding and sentence of a Superior Military Court shall require to be confirmed by the convening officer in every case:

Provided that a sentence of death shall be reserved for confirmation by the General Officer Commanding the military forces in the area to which this Ordinance extends and a sentence of transportation or imprisonment for more than five years shall be reserved for confirmation by an officer of rank not below that of Major-General.

**11. Procedure of Summary Military Courts—**A Summary Military Court shall follow the procedure laid down in the Indian Army Act, 1911 (VIII of 1911) and the rules made thereunder for a summary court-martial convened under that Act, and the provisions of that Act and of the rules made thereunder shall, so far as they are not inconsistent with the provisions of this Ordinance, have effect in relation to a Summary Military Court as they have effect in relation to a summary court-martial:

Provided that—

(a) no other officer shall be required to attend the trial;

(b) the proceedings may be recorded in schedule form and the Court shall not be required to record more than a memorandum of the evidence.

**12. Legal Practitioner—**Every person accused of an offence before a Superior Military Court or a Summary Military Court shall be entitled to be defended by a legal practitioner:

Provided that the Court shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner, if in the opinion of the Court, such adjournment would cause unreasonable delay in the disposal of the case.

**13. Trials in camera—**(1) A Superior Military Court or a Summary Military Court may direct that throughout or during any part of the proceedings before the Court such persons or classes of persons as the Court may determine shall be excluded.

(2) Where the Court makes a direction under sub-section (1) the Court may further direct that any legal practitioner by whom the accused is to be defended shall be a person approved or chosen from among persons approved in this behalf by such authority as the General Officer Commanding the military forces in the area to which this Ordinance extends may empower for the purpose, and may also direct that no information with respect to the proceedings of the Court or with respect to the accused shall be disclosed or published.

**14. Powers of arrest—**(1) Any person reasonably suspected of having committed an offence triable under this

Ordinance may be arrested without warrant by any member of His Majesty's forces.

(2) A member of His Majesty's forces making any such arrest shall at once produce the person arrested before a military authority empowered to bring him to trial or before his immediately superior officer who shall take steps to forward the arrested person to an authority empowered to bring him to trial.

**15. Confinement in custody—**Any person arrested under section 14 or accused of an offence triable under this Ordinance may be confined in military custody pending the investigation and trial of the offence, and such custody shall be lawful whether within the area to which this Ordinance extends or elsewhere in British India.

**16. Transfer of cases investigated or enquired into under the Code of Criminal Procedure—**When it appears from a police report or in the course of enquiry into an offence that the offence is one triable under this Ordinance, the Magistrate shall, on perusal of the police report or when the case has reached the stage referred to in sections 208, 242 or 252, as the case may be, of the Code of Criminal Procedure, 1898 (V of 1898), make over the case to the nearest military authority empowered to bring the accused person to trial and shall forward the accused, if in custody and shall send all police reports relating to the case to that authority, and no order under section 526 of the Code of Criminal Procedure, 1898 (V of 1898), shall be made in respect of any case which under the provisions of this section is required to be made over to the military authority.

**17. Service of Summons—**(1) The convening officer, or a Military Court, or the Judge Advocate, if any, may summon any person to attend at a time and place to be mentioned in the summons for the purpose of evidence or of producing any document or other thing.

(2) Such summons may, in lieu of being sent to a Magistrate for service as provided in sub-section (3) of section 84 of the Indian Army Act, 1911 (VIII of 1911), be served by an emissary authorised by the authority issuing the summons.

**18. Execution of sentences—**(1) When a sentence of death passed by a Superior Military Court has been confirmed by the confirming authority, the confirming authority shall forthwith forward the accused to a jail in British India with the warrant authorising the carrying out of the sentence and such warrant shall be executed by the officer in charge of the jail and returned by him after execution to the confirming authority.

(2) When the accused is sentenced to transportation or imprisonment the confirming authority, or, in the case of a sentence which does not require confirmation, the Court passing the sentence shall forward a warrant to the jail in which he is to be confined, and shall forward him to such jail with the warrant.

(3) When the accused has been sentenced to pay a fine, copy of such sentence signed and certified by the Court may be sent to any Magistrate in British India, and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898), for the levy of fines, as if it was a sentence of fine imposed by such Magistrate.

(4) When the accused is sentenced to whipping only, the sentence shall be executed at such time and place as the confirming authority, or, in the case of a sentence which does not require confirmation, the Court, may direct:

Provided that the provisions of sub-section (2) of section 392 and the provisions of sections 393 and 394 of the Code of Criminal Procedure, 1898 (V of 1898) shall apply, and every such sentence shall, as far as possible, be carried out in a place to which the public shall not be admitted.

(5) When the accused is sentenced to whipping in addition to imprisonment, the whipping shall be carried out in the jail to which the accused is sent under sub-section (2) and in accordance with the provisions of sections 392, 393 and 394 of the Code of Criminal Procedure, 1898 (V of 1898).

(6) Notwithstanding anything contained in the foregoing sub-sections, a person sentenced to transportation or imprisonment may, if for good reason he cannot conveniently be sent to a jail, be kept in military custody until arrangements for his confinement in a jail can be made.

(7) The form of the warrants referred to in sub-sections (1) and (2) shall be as nearly as may be the form prescribed under the Indian Army Act, 1911 (VIII of 1911), for the execution of sentences passed under that Act.

**19. Bar of interference by other Courts—**(1) No Court shall have authority to revise any order or sentence



passed by a Military Court constituted under this Ordinance or to transfer any care from such Court, or to make any order under section 491 of the Code of Criminal Procedure, 1898 (V of 1898) or to exercise any jurisdiction of any kind in respect of any proceedings of such a Court.

(2) No High Court shall have authority to make any order under section 491 of the Code Criminal Procedure, 1898 (V of 1898) in respect of any person confined in military custody under this Ordinance.

**20. Bar of legal proceedings**—No suit, prosecution or other legal proceedings shall lie against any person in any Court for or in respect of anything done or in good faith intended to be done under this Ordinance.

**21. Bar of operation of sections 401 and 402 of the Code of Criminal Procedure, 1898**—The powers conferred on the Provincial Government by section 401 and 402 of the Code of Criminal Procedure, 1898 (V of 1898), shall not be exercisable by the Provincial Government in respect of any sentence imposed by a Military Court under this Ordinance, but those powers may be exercised in respect of any such sentence by the Governor General in his discretion.

#### PART II

**22. Punishment for offences under sections 121A, 122, 125 and 131, Indian Penal Code**—Whoever commits an offence punishable under section 121A, 122, 125 or 131 of the Indian Penal Code (XLV of 1860) may, in lieu of any punishment to which he is liable under the said Code, be punished with death.

**23. Punishment for contraventions of rule 36, Defence of India Rules**—Whoever contravenes any of the provisions of rule 36 of the Defence of India Rules, or is deemed under the provisions of the said Rules to have contravened such provision, may, in lieu of any punishment to which he is liable under the said Rules, be punished with death, or with whipping, or with whipping in addition to any punishment to which he is liable under the said Rules.

**24. Punishment for attempts and abetments**—Whoever attempts to commit, or abets or attempts to abet the commission of, an offence triable under this Ordinance, shall, notwithstanding anything to the contrary in the Indian Penal Code (XLV of 1860) or any other law, be punishable with the punishment provided by law for the commission of such offence.

**25. Communication with enemy and hindering operations of forces**—Whoever—

(a) without lawful authority communicates to the enemy, or with the intention of communicating it to the

enemy, collects, publishes or attempts to elicit any information with respect to the movements, number, description, condition or disposition of any of His Majesty's forces or of any forces of a Power in alliance with His Majesty or with respect to the plans or conduct or supposed plans or conduct of military operations by any such forces, or with respect to any works or measures undertaken for or connected with or intended for the defence of any place, or with respect to any other matter whatsoever information as to which would or might be, directly or indirectly, useful to the enemy, or

(b) wilfully commits any act calculated to mislead, or hamper the movement or imperil the success of any operations of, His Majesty's forces or any forces of a Power in alliance with His Majesty,

shall be punishable with death or with transportation for life or with imprisonment for a term which may extend to ten years and shall also be liable to fine.

**26. Assisting enemy**—Whoever voluntarily assists in any manner whatsoever, or knowingly protects, harbours or conceals any enemy or prisoner of war shall, notwithstanding anything contained in the Indian Penal Code (XLV of 1860), be punishable with death or with transportation for life or with imprisonment which may extend to ten years and shall also be liable to fine.

**27. Obstruction of members of military forces**—Whoever wilfully obstructs or interferes in any manner with a member of His Majesty's forces or of forces of a Power in alliance with His Majesty when such member is acting in the execution of his duty shall be punishable with transportation for life or with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

**28. Failure to give information concerning enemy**—Whoever, having seen or having come into contact with the enemy, or having obtained knowledge of the whereabouts of any gathering, movements or intended gathering or intended movements of the enemy, or knowing or having reason to believe that any of his relatives or dependents have joined or are about to join the enemy, fails without delay to give full information thereof to the nearest military or civil authority, shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

**29. Poisoning water-supplies and damaging military equipment**—Whoever—

(a) poisons or does any act calculated to render poisonous any water-supply, or

(b) interferes with or damages or takes away any stores or equipment or other property whatsoever belonging to or consigned to His Majesty's forces or forces of a Power in alliance with His Majesty.

shall be punishable with death or with transportation for life or with imprisonment for a term which may extend to ten years or with whipping either in lieu of or in addition to such transportation or imprisonment.

**30. Unauthorised possession of military stores or equipment—**(1) Whoever is found in unauthorised possession of any stores or equipment or any other property whatsoever belonging to or consigned to His Majesty's forces or the forces of a Power in alliance with His Majesty shall be punishable with imprisonment for a term which may extend to seven years or with whipping or with both imprisonment and whipping, and shall also be liable to fine.

(2) The burden of proving that his possession is authorised shall be upon the person in whose possession any such stores, equipment or property is found.

**31. Spreading false intelligence or alarming reports—**Whoever disseminates false intelligence knowing it to be false, or spreads reports calculated to cause alarm or despondency shall be punishable with imprisonment which may extend to seven years or with fine or with both.

**32. Destroying or damaging notices—**Whoever destroys, damages or tampers with any notice exhibited under the authority of the military authorities shall be punishable with imprisonment for a term which may extend to five years or with whipping or with both imprisonment and whipping, and shall also be liable to fine.

**33. Failure to obey summons and contumacy in Court—**Whoever being summoned to attend a Military Court constituted under this Ordinance—

(a) without reasonable cause omits to attend, or

(b) refuses to take an oath or make a solemn affirmation in the required manner, or

(c) without reasonable cause refuses to produce any relevant document under his control, or

(d) wilfully causes an interruption of or disturbance in the proceedings of the Court, or

(e) refuses to give evidence, or gives evidence which is false and which he either knows or believes to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

**34. Disclosure of information concerning trial—**Whoever in contravention of a direction made under sub-section (2)

of section 13 of this Ordinance forbidding the disclosure or publication of information relating to a trial discloses or publishes any such information shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

### THE SCHEDULE

[See section 4 (2) (b) and (c)]

1. An offence punishable under Chapter VI or Chapter VII of the Indian Penal Code (XLV of 1860).

2. An offence punishable under Chapter XVI of the Indian Penal Code (XLV of 1860), where the person against whom the offence is committed is a member of His Majesty's forces or the forces of a Power in alliance with His Majesty or of a police force or civil armed force acting with His Majesty's forces.

3. An offence punishable under clause (a) of section 505 of the Indian Penal Code (XLV of 1860).

4. The following offences punishable under the Defence of India Rules, namely :—

(a) A contravention of rule 6, 8A, 10, 13, 35 or 36.

(b) A contravention of an order made under rule 8, 9 or 49.

5. Any conspiracy to commit or any attempt to commit or any abetment of any of the aforesaid offences.

LINLITHGOW

Viceroy and Governor General

The 26th October 1943

**No. 23393-Judl. (G).**—The following notification, issued by the Government of India in the Legislative Department, is republished for general information.

By order of the Governor

J. E. MAHER

Secretary to Government

New Delhi, 4th September 1943

**No. F. 217/4/43-C. & G. (Judicial)**—In exercise of the powers conferred by sub-section (2) of section 3 of the Maintenance Orders Enforcement Act, 1921 (XVIII of 1921), the Central Government is pleased to declare that the said Act shall apply in respect of the State of Cochin.

S. A. LAL

Secy. to the Govt. of India