



REGISTERED No. P. 390

Dy. no 1318 g  
12-12-42

# The Orissa Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

CUTTACK, WEDNESDAY, DECEMBER 9, 1942

### LAW DEPARTMENT

#### NOTIFICATION

The 9th December 1942

**No. 14125—Mis.(C)-25/42-L.(C).**—The following Ordinance promulgated by the Governor-General is republished for general information.

By order of the Governor

W. W. DALZIEL

Secretary to Government

New Delhi, 28th November 1942

ORDINANCE No. LXII OF 1942

AN

#### ORDINANCE

*to declare certain offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election as or continuance as a member of either Chamber of the Indian Legislature.*

WHEREAS an emergency has arisen which makes it necessary to declare certain offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election as or continuance as a member of either Chamber of the Indian Legislature;

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 26 Geo. 5, Governor-General is pleased to make and promulgate the following Ordinance:—

Short title,  
commence-  
ment, effect  
and  
duration

1. (1) This Ordinance may be called the Indian Legislature (Prevention of Disqualification) Ordinance, 1942.
- (2) It shall come into force at once, but it shall be deemed to have taken effect on the 3rd day of September 1939.
- (3) It shall be in force only until the termination of the present hostilities and for six months thereafter.

Prevention  
of disquali-  
fication

2. From the date on which this Ordinance is deemed to have taken effect and so long as it remains in force a person shall not be deemed to have been and shall not be disqualified for election as or continuance as a member of either Chamber of the Indian Legislature by reason only that he holds or accepts any office in the service of the Crown in India which is—

(a) an office not involving both of the following incidents, namely, that the incumbent—

(i) is a whole-time servant of Government, and

(ii) is remunerated either by salary or fees ; or

(b) an office in the naval, military or air forces of, or raised in British India on behalf of, His Majesty ; or

(c) an office certified by the Central Government to be an office created for a purpose connected with the prosecution of the war, or to be an office to which, but for war conditions, a member of the defence or civil services of the Crown would have been appointed.

Removal of  
doubts

3. If any question arises whether the incumbent of any office is or is not a whole-time servant of Government for the purposes of sub-clause (i) of clause (a) of section 2, the decision of the Central Government shall be final.

LINLITHGOW

*Viceroy and Governor-General*