

**THE**  
**ACTS AND PROCLAMATIONS**  
**OF**  
**COCHIN**

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ACTS AND PROCLAMATIONS  
OF  
COCHIN**

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# THE ACTS AND PROCLAMATIONS OF COCHIN

Volume XIV of 1121

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### Appendix

Appendices 1 and 2. Amendments to the Defence of India Act, 1939

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“(hh) prescribe classes of goods as textile goods for the purposes of Chapter IX;

(hhh) provide for the constitution of Advisory Committees referred to in section 62B, and prescribe the places of meeting, and conduct of business at meetings, of such Committees;”

(3) After sub-section (2) (n) of section 80 of the said Act, the following sub-section shall be added, namely—

“(o) make such supplementary provision as may be necessary or expedient to give effect to reciprocal arrangements entered into with British India or any Indian State under section 78A.”

26. Section 81 of the said Act shall be repealed.

Repeal of  
section 81.

## APPENDIX

### Amendments to the Defence of India Act, 1939

#### 1. \*THE DEFENCE OF INDIA (AMENDMENTS) ORDINANCES XXV, XXXI, XXXV AND XLV OF 1945

(Law Department Notification No. 62, dated 29th April 1946 (16th Madam 1121) published on page 663, Part I, Gazette, dated 21st Madam 1121.)

The following Ordinances of the Government of India in the Legislative Department, Ordinance Nos. XXV, XXXI, XXXV and XLV of 1945, making further amendments to the Defence of India Act, 1939, are published for general information.—

New Delhi, the 14th July 1945.

ORDINANCE No. XXV OF 1945

An Ordinance further to amend the Defence of India Act, 1939.

Whereas an emergency has arisen which makes it necessary, further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the 9th 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 Defence of India (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

\*The amendments effected to the Defence of India Act, 1939 are in force by virtue of the provision contained in Proclamation VIII of 1115.

2. *Amendment of section 2, Act XXXV of 1939*—In subsection (3) of section 2 of the Defence of India Act, 1939, at the end of clauses (i), (v), (vi) and (vii) the words "or any order issued thereunder" shall be inserted, and shall be deemed always to have been inserted.

3. *Amendment of section 17, Act XXXV of 1939*.—To sub-section (1) and (2) of section 17 of the Defence of India Act, 1939, the words "or any orders issued under any such rule," shall be added, and shall be deemed always to have been added.

WAVELL.

*Viceroy and Governor-General*

New Delhi, the 1st September 1945.

ORDINANCE No. XXXI OF 1945

An Ordinance further to amend the Defence of India Act, 1939.

Whereas an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the 9th 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 Defence of India (Second Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. *Amendment of section 6, Act XXXV of 1939*.—For clause 6 of the Defence of India Act, 1939, the following shall be substituted, namely.—

"(6) The Motor Vehicles Act, 1939 (IV of 1939) (in this clause referred to as the said Act) shall have effect subject to the following provisions, namely,—

(a) Notwithstanding anything to the contrary in section 58 or section 62 of the said Act, the Provincial Transport Authority or a Regional Transport Authority, acting in accordance with such directions as the Provincial Transport Authority may think fit to issue, may grant a permit or a temporary permit under Chapter IV of the said Act to be effective for any specified period not exceeding five years in the case of a permit or one year in the case of a temporary permit.

(b) Without prejudice to the provisions of section 60 of the said Act, the Provincial Transport Authority may, if for reasons to be recorded in writing it is of opinion that the public interest so requires, direct by order passed not later than the 28th day of February 1946, that any permit under Chapter IV of the said Act, shall, on a specified date not earlier than six months after the date of the passing of the order, cease to be effective without renewal.

(c) The Provincial Government may—

(i) by general or special order in writing exempt from all or any of the provisions of Chapter IV of the said Act any transport vehicle used or required for use in connection with any work or purpose declared by the Provincial Government in the order to be a work or purpose connected with the defence of British India or the prosecution of war.

(ii) by the same or a like order authorise any authority to issue temporary permits and give directions, not inconsistent with the other provisions of the said Chapter, in respect of any such transport vehicles.

(d) If the Provincial Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any controlled motor vehicle or class of controlled motor vehicles specified in the order as if the words "not being in any case less than six months" were omitted.

*Explanation.*—In sub-clause (d) "controlled motor vehicle" means a motor vehicle to which the provisions of the Civil Motor Transport Vehicles Control Order, 1944, or of any other substantially similar Order for the time being in force, apply."

JOHN COLVILLE,

*Viceroy and Acting Governor-General.*

New Delhi, the 14th September 1945.

ORDINANCE No. XXXV OF 1945.

An Ordinance further to amend the Defence of India Act, 1939.

Whereas an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939, (XXXV of 1939), for the purpose hereinafter appearing;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the 9th 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 Defence of India (Third Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. *Amendment of section 2, Act XXXV of 1939.*—In sub-section (3) of section 2 of the Defence of India Act, 1939, to clause (iii) the following shall be added namely.—

"and for the adjudication of such forfeiture whether by a Court or by any other authority".

JOHN COLVILLE,

*Viceroy and Acting Governor-General*

New Delhi, the 11th december 1945

ORDINANCE No. XLV OF 1945

An Ordinance further to amend the Defence of India Act, 1939.

Whereas an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939, (XXXV of 1939) for the purposes hereinafter appearing ;

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 Defence of India (Fourth Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. *Amendment of section 19, Act XXXV of 1939*.—In sub-section (1) of section 19 of the Defence of India Act, 1939 (hereinafter referred to as the said Act),—

(a) after the word “Where” where it occurs for the first time, the words, figures and letter “under section 19A or” shall be inserted;

(b) to clause (e) the following proviso shall be added, namely—

“Provided that where any property requisitioned under any rule made under this Act is subsequently acquired under section 19A or any such rule, the arbitrator in any proceedings in connection with such acquisition shall for the purposes of the provisions of the said section 23, take into consideration the market-value of the property at the date of its requisition as aforesaid and not at the date of its subsequent acquisition”.

3. *Insertion of new sections 19A and 19B in Act XXXV of 1939*.—After section 19 of the said Act the following sections shall be inserted, namely.—

“19A. *Power to acquire requisitioned property*—(1) Without prejudice to any power to acquire property conferred by any rule made under this Act, any immovable property which has been requisitioned under any rule so made may, in the manner provided by any such rules for the acquisition of the property, be acquired in the circumstances and by the Government hereinafter specified, namely.—

(a) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, by that Government if it decides that the value of, or the right to use, such works shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or

(b) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government, be excessive having regard to the value of the property at that time, by that Government;—

and at the beginning of the day on which notice of such acquisition is served or published under the aforesaid rules, the immovable property shall vest in the acquiring Government free from any mortgage, pledge, lien or similar encumbrance, and the period of the requisition thereof shall end.

(2) Any decision or determination of a Government under sub-section (1) shall be final and shall not be called in question in any Court.

(5) For the purposes of this section, “works includes buildings, structures and improvements of the property, of every description.

19B. *Release from requisition*.—(1) Where any property requisitioned under any rule made under this Act is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorised by it in this behalf may, after such enquiry, if any, as it or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) the delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of the Government from all

liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given."

4. *Declaration as to application to pending Proceedings.*—For the avoidance of doubts it is hereby declared that the provisions of section 19 of the said Act as amended by clause (b) of section 2 of this Ordinance shall apply to proceedings before an arbitrator under the said section 19 pending on the date of the commencement of this Ordinance, but such amendment shall not affect any case in which the arbitrator has before the said date made his award under that section, or operate to revive or reopen any case in which, before the said date.—

(i) compensation has been paid and accepted without protest formally recorded in writing, or

(ii) the amount of compensation payable has been fixed by agreement, whether or not at the said date such amount has been paid.

WAVELL,

*Viceroy and Governor-General*

## 2. THE DEFENCE OF INDIA (AMENDMENT) ORDINANCES

Nos. XI AND XII OF 1946

*Law Department Notification No. 67, dated 9th May 1946 (26th Madam 1121), published on page 721, Part I, Gazette, dated 4th Edavam 1121.*

The following Ordinances of the Government of India in the Legislative Department, Ordinance Nos. XI and XII of 1946 making further amendments to the Defence of India Act, 1939, are republished for general information.—

New Delhi, the 23rd February 1946

ORDINANCE No. XI OF 1946

An Ordinance further to amend the Defence of India Act, 1939.

Whereas an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purpose hereinafter appearing ;

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 Defence of India (Amendment) Ordinance, 1946.

(2) It shall come into force at once.

2. *Amendment of section 6, Act XXXV of 1939.*—In clause (6) of section 6 of the Defence of India Act, 1939,—

(a) sub-clauses (a) and (b) shall be omitted and sub-clauses (c) and (d) shall be relettered as sub-clauses (a) and (b) respectively ;

(b) in sub-clause (a) as relettered by this section, for the words "prosecution of war" the words "maintenance of supplies and services essential to the life of the community" shall be substituted;

(c) in the Explanation, for the brackets and letter "(d)" the brackets and letter "(b)" shall be substituted.

WAVELL

*Viceroy and Governor-General*

New Delhi the 30th March 1946

ORDINANCE No. XII OF 1946

An Ordinance further to amend the Defence of India Act, 1939.

Whereas an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939) for the purpose hereinafter appearing;

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 Defence of India (Second Amendment) Ordinance, 1946.

(2) It shall come into force at once.

2. *Amendment of section 1, Act XXXV of 1939.*—To sub-section (4) of section 1 of the Defence of India Act, 1939, the following shall be added, namely.—

"but its expiry under the operation of this sub-section shall not affect—

(a) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any contravention of any rule made under this Act or of any order made under any such rule, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishments as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired."

WAVELL

*Viceroy and Governor-General*