

**THE  
ACTS AND PROCLAMATIONS  
OF  
COCHIN**

# THE ACTS AND PROCLAMATIONS OF COCHIN

**Volume X—(1117 M.E.)**

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Vol. X—(1117 M.E.)

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## APPENDIX

### \*The Defence of India (Amendment) Ordinance, XXIII of 1942

11th June 1942 (29th Edavam 1117)

No. 56.—The following Ordinance of the Government of India in the Legislative Department, Ordinance No. XXIII of 1942, making further amendments to the Defence of India Act, 1939, is republished for general information.—

#### GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 22nd May, 1942

ORDINANCE No. XXIII OF 1942

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

WHEREAS an emergency has arisen which makes it **XXXV** of necessary further to amend the Defence of India Act, 1939, **1939.** for the purposes hereinafter appearing.—

NOW, THEREFORE, in exercise of the powers **26 Geo. 5,** conferred by section 72 of the Government of India Act as **c. 2.** 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.—

Short title and commencement.

1. (1) This Ordinance may be called the Defence of India (Amendment) Ordinance, 1942.
- (2) It shall come into force at once.

Amendment of section 2, Act XXXV of 1939.

2. In clause (xiv) of sub-section (2) of section 2 of **XXXV** of the Defence of India Act, 1939 (hereinafter referred to as **1939.** the said Act), the words “used or likely to be used by the Central Government” shall be omitted.

Amendment of section 6, Act XXXV of 1939.

3. In section 6 of the said Act,—
  - (a) after clause (2) the following clause shall be inserted, namely.—

‘(2A) Section 12 of the Indian Official Secrets **XIX** of 1923. Act, 1923, shall have effect as if after clause (a) the following clause had been inserted, namely.—

‘(aa) an offence under section 5 shall be a cognizable and non-bailable offence.’”
  - (b) in clause (5) for the words beginning with **XXXIV** of “the Indian Navy (Discipline) Act, 1934” **1934.**

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\*The amendments effected by this Ordinance are in force here in virtue of the provisions contained in sub-section (1) of section 1 of Proclamation VIII of 1115.

## Appendix

and ending with the word "namely" the following shall be substituted, namely.—

"the Indian Navy (Discipline) Act, 1934, shall have effect as if in the Naval Discipline Act as set forth in the First Schedule to that Act—

- (a) in section 58, in regulations (1) and (16) for the word "five" the word "three" in regulation (7) for the words "the President is a captain" the words "the President is a commander", and in regulation (15) for the word "four" the word "two" had been substituted.
  - (b) for section 90 the following section had been substituted, namely.—
  - (c) after clause (5) the following clause shall be added, namely.—
- "(6) the Motor Vehicles Act, 1939, shall have **IV of 1939.** effect subject to the following modifications, namely.—
- (a) Notwithstanding anything contained in section 62 of that Act a permit under that section may be granted, and shall be granted in any case in which the Provincial Government so directs, to be effective for a period exceeding four months ;
  - (b) Notwithstanding anything contained in Chapter IV of that Act, but without prejudice to the provisions of section 60, the transport authority which granted a permit may at any time cancel the permit or may suspend it for such period as it thinks fit, if in the opinion of the transport authority it is no longer in the public interest that the service should continue and the vehicle or vehicles covered by the permit can be more usefully employed elsewhere ; and the transport authority shall cancel or suspend a permit issued by it if so required by the Provincial Government ;
  - (c) If in any particular case the Provincial Government thinks fit so to order, the authority empowered to grant a permit under Chapter IV of that Act shall not, in deciding to grant or



refuse a permit, be bound to take into consideration representations made by any person, authority or association other than the applicant, or to follow the procedure laid down in section 57, and may accept an application for a stage carriage permit or a public carrier's permit though made less than six weeks before the date on which it is desired that the permit shall have effect;

- (d) The Provincial Government may exempt from all or any of the provisions of Chapter IV of that Act, all or any transport vehicles used or required for use in connection with work considered by the Provincial Government to be work connected with the defence of British India or the prosecution of war."

4. For section 18 of the said Act the following section shall be substituted, namely.—

**Substitution of new section 18 for existing section 18 in Act XXXV of 1939.**

"18. When any members of the military or police forces of an Indian State or any members of a police force constituted under the authority of the Crown Representative are, with the authority of the Central or a Provincial Government, employed in British India on military or police duties, then—

**Powers and functions and legal protection of Indian State military and police forces and of Crown**

V of 1898.

- (a) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, shall apply to officers, non-commissioned officers and men of an Indian State military force when so employed as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Army ;

**Representative's police force when employed on military or police duties in British India.**

- (b) any provision of law for the time being in force which invests a police officer in British India with any status, power or function shall operate to invest a police officer of equivalent rank in an Indian State police force or in a police force constituted under the authority of the Crown Representative when so employed with the like status, power or function ; and for the purposes of the Code of Criminal Procedure, 1898, an officer in any such force

V of 1898.

*Appendix*

not below the rank equivalent to that of a sub-inspector of police in British India shall be deemed to be an officer in charge of a police station ;

- (c) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of an Indian State military force and to members of an Indian State police force or a police force constituted under the authority of the Crown Representative when so employed."

LINLITHGOW

*Viceroy and Governor-General*

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