

**THE
ACTS AND PROCLAMATIONS
OF
COCHIN**

THE ACTS AND PROCLAMATIONS OF COCHIN

Volume XI—(1118 M.E.)

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Volume XI—(1118 M.E.)

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APPENDIX

Amendments to the Defence of India Act, 1939***THE DEFENCE OF INDIA (AMENDMENT) ORDINANCE****(XLVIII of 1942)**

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

GOVERNMENT OF INDIA**LEGISLATIVE DEPARTMENT***New Delhi, the 5th September 1942***Ordinance No. XLVIII of 1942****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, 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, the Governor General is pleased to make and promulgate the following Ordinance.—

1. (1) This Ordinance may be called Defence of India (Second Amendment) Ordinance, 1942.

Short title and
commencement.

(2) It shall come into force at once.

2. In clause (xx) of sub section (2) of section 2 of the Defence of India Act, 1939, for the words "any trade or industry" the words "agriculture, trade or industry" shall be substituted.

Amendment of section
2, Act XXXV of 1939.

LINLITHGOW*Viceroy and Governor General***THE DEFENCE OF INDIA (AMENDMENT) ORDINANCE****(XIV of 1943)**

The following Defence of India (Amendment) Ordinance, 1943 (No. XIV of 1943) of the Government of India is republished for general information.—

*The amendments effected to the Defence of India Act, 1939 are in force here by virtue of the provisions contained in sub-section (1) of section 1 of Proclamation VIII of 1115.

Ordinance No. XIV of 1943

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, 1943.

(2) It shall come into force at once.

2. *Substitution of new clause for clause (x) of section 2 (2), Act XXXV of 1939.*—For clause (x) of sub-section (2) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the following clause shall be substituted, and shall be deemed always to have been substituted, namely.—

“(x) the apprehension and detention in custody of any person whom the authority empowered by the rules to apprehend or detain as the case may be suspects, on grounds appearing to such authority to be reasonable, of being of hostile origin, or of having acted, acting, being about to act, or being likely to act in a manner prejudicial to the public safety or interest, the defence of British India, the maintenance of public order, His Majesty’s relations with foreign powers or Indian States, the maintenance of peaceful conditions in tribal areas or the efficient prosecution of the war, or with respect to whom such authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area, or to do or abstain from doing anything ;”.

3. *Validity of orders made under rule 26, Defence of India Rules.*—For the removal of doubts, it is hereby enacted that no order heretofore made against any person under rule 26 of the Defence of India Rules shall be deemed to be invalid or shall be called in question on the ground merely that the said rule purported to confer powers in excess of the powers that might at the time the said rule was made be lawfully conferred by a rule made or deemed to have been made under section 2 of the Defence of India Act, 1939.

LINLITHGOW

Viceroy and Governor-General

G. H. SPENCE

Secretary