

# ACT No. XXXV OF 1934.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th  
September, 1934.)

## An Act to amend certain enactments.

WHEREAS, in consequence of the enactment of the Indian Navy (Discipline) Act, 1934, it is expedient that certain amendments should be made in the enactments specified in the Schedule; It is hereby enacted as follows:—

1. (1) This Act may be called the Amending Act, 1934. Short title and commencement.
- (2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.
2. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendments.

### THE SCHEDULE.

(See section 2.)

Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code.	(1) In section 5, after the word "soldiers" the word "sailors" shall be inserted. (2) In the <i>Explanation</i> to section 131, after the word "soldier" the word "sailor", and after the words and figures "the Indian Army Act, 1911," the words and figures "the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934," shall be inserted.

(3) Section

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Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code— <i>contd.</i>	<p>(3) Section 138A shall be omitted.</p> <p>(4) In section 139, after the words "the Naval Discipline Act" the words and figures "or that Act as modified by the Indian Navy (Discipline) Act, 1934," shall be inserted.</p> <p>(5) In clause (a) of section 505, the words "or in the Royal Indian Marine" shall be omitted.</p>
1872	I	The Indian Evidence Act, 1872.	In section 1, after the words "Army Act" the words and figures "the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934," shall be inserted.
1873	X	The Indian Oaths Act, 1873.	In clause (b) of section 4, after the word "military" the word "naval", and after the word "station" the words "or ship" shall be inserted.
1878	VIII	The Sea Customs Act, 1878.	In section 48,— <ul style="list-style-type: none"> <li>(i) for the words "Indian Marine and Marine Survey" the words "Indian Navy" shall be substituted; and</li> <li>(ii) for the words "Marine or Survey", in both places where they occur, the words "Indian Navy" shall be substituted.</li> </ul>
1881	XI	The Municipal Taxation Act, 1881.	<p>(1) In the preamble, after the word "military" the word "naval" shall be inserted.</p> <p>(2) In clause (a) of section 3,— <ul style="list-style-type: none"> <li>(i) after the words and figures "the Indian Army Act, 1911," the words and figures "the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934," shall be inserted; and</li> <li>(ii) after the word "military" the word "naval" shall be inserted.</li> </ul> </p> <p>(3) In section 6, after the word "military" the word "naval" shall be inserted.</p>

Year.	No.	Short title.	Amendments.
1882	IV	The Transfer of Property Act, 1882.	In clause (g) of section 6, after the word "military" the word "naval" shall be inserted.
1890	IX	The Indian Railways Act, 1890.	In section 79,— (i) after the word "soldier", in both places where it occurs, the word "sailor" shall be inserted; and (ii) after the word "military" the word "naval" shall be inserted.
1898	V	The Code of Criminal Procedure, 1898.	(1) In sub-section (1), clause <i>sixthly</i> , of section 54, the words "or of belonging to Her Majesty's Indian Marine Service and being illegally absent from that service" shall be omitted. (2) In section 128, for the words "or soldier in Her Majesty's Army" the words "soldier, sailor or airman in His Majesty's Army, Navy or Air Force" shall be substituted. (3) In clause (g) of section 320, after the word "Army" the word "Navy" shall be inserted. (4) In sub-section (1) of section 526A, after the words "Naval Discipline Act" the brackets, words and figures "(other than a person to whom that Act applies by virtue of the Indian Navy (Discipline) Act, 1934)" shall be inserted. (5) In sub-section (1) of section 549,— (a) after the words "Army Act", where they first occur, the words and figures "the Naval Discipline Act and that Act as modified by the Indian Navy (Discipline) Act, 1934," shall be inserted; (b) after the word "military", where it first occurs, the word "naval" shall be inserted;

(c) for

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Year.	No.	Short title.	Amendments.
1898	V	The Code of Criminal Procedure, 1898— <i>contd.</i>	<p>(c) for the words and figures “, under the Army Act, section 41, or under the Air Force Act, section 41, to be tried by a Court-martial” the words “to be tried either by a Court to which this Code applies, or by a Court-martial” shall be substituted;</p> <p>(d) after the word “corps” the word “, ship” shall be inserted; and</p> <p>(e) after the word “military”, where it occurs for the last time, the word “, naval” shall be inserted.</p> <p>(6) In sub-section (2) of section 549, for the word “troops” the words “soldiers, sailors or airmen” shall be substituted.</p>
1899	II	The Indian Stamp Act, 1899.	<p>In Article 53 of Schedule I,—</p> <p>(i) in clause (d) after the word “non-commissioned” the words “or petty”, after the word “soldiers” the word “, sailors”, and after the word “military” the word “, naval” shall be inserted;</p> <p>(ii) in clause (e), after the word “non-commissioned” the words “or petty”, and after the word “soldier” the word “, sailor” shall be inserted; and</p> <p>(iii) in clause (f), after the word “non-commissioned” the words “or petty”, and after the word “soldiers” the word “, sailors” shall be inserted.</p>
1908	V	The Code of Civil Procedure, 1908.	<p>(1) In sub-clause (c) of clause (17) of section 2, for the words “or naval” the words “naval or air” shall be substituted, and the words “including His Majesty’s Indian Marine Service,” shall be omitted.</p> <p>(2) In clause (j) of sub-section (1) of section 60, after the word “apply” the words and figures “or of persons other than commissioned officers to whom the Naval Discipline Act as modified by the Indian Navy (Discipline) Act, 1934, applies” shall be added.</p>

(3) In

Year.	No.	Short title.	Amendments.
1908	V	The Code of Civil Procedure, 1908— <i>contd.</i>	<p>(3) In Order V of the First Schedule,—</p> <p>(i) in rule 27, the words " or His Majesty's Indian Marine Service " shall be omitted; and</p> <p>(ii) in rule 28, after the word " soldier " the word " , sailor " shall be inserted.</p> <p>(4) In Order XXVIII of the First Schedule,—</p> <p>(i) after the word " soldier ", wherever it occurs throughout the Order, the word " , sailor " shall be inserted;</p> <p>(ii) in the heading, after the word " <i>Military</i> " the words " or <i>Naval</i> " shall be inserted;</p> <p>(iii) in rule 1,—</p> <p>(a) in sub-rule (1), for the words " a military or air-force " the word " such " shall be substituted;</p> <p>(b) in sub-rule (2), after the word " military " the word " , naval " shall be inserted; and</p> <p>(c) in the <i>Explanation</i>, after the word " corps, " the word " ship, " shall be inserted.</p>
1912	IV	The Indian Lunacy Act, 1912.	<p>(1) In section 12,—</p> <p>(i) after the words " Army Act " the words and figures " , the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934, " shall be inserted; and</p> <p>(ii) after the word " military " the word " , naval " shall be inserted.</p> <p>(2) In section 32, after the word " military ", wherever it occurs, the word " , naval " shall be inserted.</p>

## Amending.

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Year.	No.	Short title.	Amendments.
1925	XXXIX	The Indian Succession Act, 1925.	In the <i>Explanation</i> to section 10, after the word "military" the word ", naval" shall be inserted.
1932	XIV	The Indian Air Force Act, 1932.	<p>(1) In clause (c) of sub-section (1) of section 2, after the word "military" the word ", naval" shall be inserted.</p> <p>(2) Clause (19) of section 6 shall be omitted.</p> <p>(3) In sub-clause (ii) of clause (i) of section 19, after the word "military", in both places where it occurs, the word ", naval" shall be inserted.</p> <p>(4) In section 57, after the words "the Army Act," the words and figures "the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934," shall be inserted.</p> <p>(5) In sub-section (2) of section 89, after the words "air force" the word ", naval", and after the word "corps," the word "ship," shall be inserted.</p> <p>(6) In sub-section (2) of section 96, after the words "Army List," the words "Navy List", and after the word "corps," the word "ship," shall be inserted.</p>