

titution and  
I OF 1939.]

seven" the  
tituted, and  
tted ;  
use shall be

r the Indian  
";  
sub-section

nder sub-  
Soft Coke  
be a body  
l succession  
by the said

# ACT No. XXIV OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th September, 1939.)

An Act to provide for certain matters in connection  
with the taking of the census.

WHEREAS it has been determined to take a census  
of British India during the year 1941, and whereas  
it is expedient to provide for certain matters in con-  
nection with the taking of such census ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Census Short title  
and extent.  
Act, 1939.

(2) It extends to the whole of British India.

2. (1) The Central Government may appoint a Census Appointment  
of census staff.  
Commissioner to supervise the taking of the census  
throughout British India, and Superintendents of  
Census Operations to supervise the taking of the census  
within the several Provinces.

(2) The Provincial Government may appoint per-  
sons as census-officers to take, or aid in, or supervise  
the taking of, the census within any specified local  
area.

(3) A declaration in writing, signed by any authority  
authorised by the Provincial Government in this behalf,  
that any person has been duly appointed a census-  
officer for any local area shall be conclusive proof of  
such appointment.

(4) The Provincial Government may delegate to such  
authority as it thinks fit the power of appointing  
census-officers conferred by sub-section (2).

3. The Census Commissioner, all Superintendents of Status of  
census autho-  
rities as public  
servants.  
Census Operations and all census-officers shall be deemed  
to be public servants within the meaning of the Indian  
Penal Code.

XLV of 1860.

4. (1) (a) Every officer in command of any body of Discharge of  
duties of  
census-officer  
in certain  
cases.  
men belonging to His Majesty's naval, military or air  
forces or of any vessel of war,

(b) every

[ Price : Anna 1 or 1½d. ]

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any *sarai*, hotel, boarding-house, lodging-house, emigration depot or club,

(e) every manager or officer of a railway or any commercial or industrial establishment, and

(f) every occupant of immovable property wherein at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as the Provincial Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

XLV of 1860.

Power to call upon certain persons to give assistance.

5. The District Magistrate, or such authority as the Provincial Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land-revenue, or their agents, and

(b) all members of district, municipal, *panchayat* and other local authorities and officers and servants of such authorities,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners,

or harbour-master)  
sel,

a lunatic asylum,  
matory or lock-up  
rious or educational

manager of any  
ging-house, emigra-

a railway or any  
ent, and

le property wherein  
census persons are

Magistrate or by such  
nment may appoint  
e duties of a census-  
10 at the time of the  
command or charge,  
present on or in such  
oyed under him, as  
y, by written order,

st relating to census-  
y be, to all persons  
er this section, and  
to perform any duty  
cted to perform shall  
offence under section

XLV of 1860.

such authority as the  
int in this behalf for  
rder which shall have  
is district or of such  
call upon—

f land, tenure-holders,  
ees of land-revenue,

municipal, *panchayat*  
es and officers and  
rities,

specified in the order  
the persons who are,  
ensus, on the lands of  
such owners,

such owners, occupiers, tenure-holders, farmers and assignees, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Provincial Government and published in the official Gazette, he may be directed to ask. Asking of questions and obligation to answer.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census. Occupier to permit access and affixing of numbers.

8. (1) Subject to such orders as the Provincial Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Provincial Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census. Occupier or manager to fill up schedule.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him,

under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

**Penalties.**

9. (a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the Provincial Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(d) any person occupying any house, enclosure, vessel or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(e) any person who removes, obliterates, alters or damages before the 31st day of March, 1941 any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(f) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—

shall be punishable with fine which may extend to two hundred rupees.

**Sanction required for prosecutions.**

10. No prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of an authority authorised in this behalf by the Provincial Government.

**Operation of other laws not barred**

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided

the time aforesaid, when so required, and signed to the the census-officer

person lawfully re-taking of a census mable diligence in him or in obeying ice with this Act person who hinders forming any such or

tionally puts any owingly makes any is sanction of the icial Government, e has received by sus return, or

ives a false answer f his knowledge or y a census-officer 1 6 to answer, or

house, enclosure, o allow a census- as he is required

iterates, alters or , 1941 any letters, painted or affixed

n required under ingly and without the provisions of 1 thereunder,—

1 may extend to

shall be instituted f the Provincial ised in this behalf

emed to prevent ler any other law itutes an offence

Provided

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

12. No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

Records of census not open to inspection nor admissible as evidence.

of 1872.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Superintendent of Census Operations or with such other authority as the Provincial Government may authorise in this behalf, shall, at the time appointed for the taking of the census of British India during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Temporary suspension of other law as to mode of taking census in municipalities.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, union or village funds, the Provincial Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Act or the rules made thereunder may be charged to any municipal, local, union or village fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power in regard to expenses.

16. The Census Commissioner for British India or any Superintendent of Census Operations or such person as the Provincial Government may authorise in this behalf may, if he so thinks fit, at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for British India or the Province, as the case may be, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

Grant of statistical abstracts.

17. (1) The Central

Power to make  
rules.

17. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing—

- (a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons ;
- (b) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

nt may make rules  
his Act.

prejudice to the gene-  
the Central Govern-

census-officers and of  
of the duties of census-  
ice towards the taking  
general instructions to  
s and persons ;

persons employed on  
as and of other classes  
h it may be necessary  
pecial provision.

# ACT No. XXV OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th September, 1939.)

An Act further to amend the Indian Salt Act, 1882  
for certain purposes.

XII of 1882.

WHEREAS it is expedient further to amend the  
Indian Salt Act, 1882 for the purposes herein-  
after appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Salt <sup>Short title and</sup>  
(Amendment) Act, 1939. <sub>commencement.</sub>

(2) It shall come into force on such date as the  
Central Government may, by notification in the  
official Gazette, appoint in this behalf.

2. In section 1 of the Indian Salt Act, 1882 (herein- <sup>Amendment of</sup>  
after referred to as the said Act), for the words and <sup>section 1 of</sup>  
figures " sections 2, 7 and 8," the word and figure " sec- <sup>Act XII of</sup>  
tion 7," shall be substituted. <sub>1882.</sub>

3. In section 3 of the said Act,—

<sup>Amendment of</sup>  
<sub>section 3.</sub>

(a) in the definition of " Assistant Commissioner "  
the words " an Assistant Commissioner of  
Northern India Salt-revenue, and also in-  
cludes " shall be omitted ;

(b) in the definition of " Salt-revenue-officer " the  
words " any officer of the Northern India  
Salt Department and also includes " shall  
be omitted.

4. For section 5 of the said Act the following sec- <sup>Substitution of</sup>  
tion shall be substituted, namely :— <sub>new section for</sub>  
<sub>section 5.</sub>

" 5. The Central Government may, by notification <sup>Appointment</sup>  
in the official Gazette, appoint with such designation <sup>of officers to</sup>  
as may be specified therein, one or two officers to con- <sup>control admin-</sup>  
trol the administration of salt-revenue under this Act, <sup>istration of</sup>  
<sub>salt-revenue.</sub>

and where

[ Price : Anna 1 or 1½d. ]

and where two officers are so appointed, may, by like notification, from time to time define the territorial limits of their respective jurisdictions."

Amendment of section 22. 5. In the last paragraph of section 22 of the said Act, for the words " Commissioner of Northern India Salt-revenue " the words and figure " officer appointed under section 5 " shall be substituted.

Amendment of section 30. 6. In section 30 of the said Act, for the words " the Commissioner of Northern India Salt-revenue " the words and figure " an officer appointed under section 5 " shall be substituted.



Amendment).

[ACT XXV OF 1939]

appointed, may, by like  
define the territorial  
actions."

section 22 of the said  
order of Northern India  
where " officer appointed  
is substituted.

act, for the words " the  
a Salt-revenue " the  
inserted under section 5 "

## ACT No. XXVI OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th September, 1939.)

An Act further to amend the Code of Civil Procedure, 1908 for a certain purpose.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 for the purpose hereinafter appearing ;

V of 1908.

It is hereby enacted as follows :—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1939.

2. In sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, for the words " in this behalf, the officer or other person whose duty it is to disburse such salary or allowances shall withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be. " the following shall be substituted, namely :—

Amendment of  
rule 48 of  
Order XXI  
of the First Schedule to Act V  
of 1908.

" in this behalf,—

- (a) where such salary or allowances are to be disbursed within the local limits to which this Code for the time being extends, the officer or other person whose duty it is to disburse the same shall withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be ;
- (b) where such salary or allowances are to be disbursed beyond the said limits, the officer or other person within those limits whose duty it is to instruct the disbursing authority regarding the amount of the salary or allowances to be disbursed shall remit to the Court the amount due under the order, or the monthly instalments, as the case may be, and shall direct the disbursing authority to reduce the aggregate of the amounts from time to time to be disbursed by the aggregate of the amounts from time to time remitted to the Court."

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1939

[ Price : Anna 1 or 1½d. ]

# ACT No. XXVII OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th September, 1939.)

An Act further to amend the Indian Tea Cess Act,  
1903 for a certain purpose.

IX of 1903.

WHEREAS it is expedient further to amend the  
Indian Tea Cess Act, 1903 for the purpose herein-  
after appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Tea Cess Short title and  
(Amendment) Act, 1939. commencement.

(2) It shall come into force on such date as the Central  
Government may, by notification in the official Gazette,  
appoint in this behalf.

2. In clause (d) of sub-section (2) of section 4 of the Amendment of  
section 4 of  
Act IX of 1903.  
Indian Tea Cess Act, 1903, for the words "two on the  
recommendation of the Government of Bengal of which  
one is to represent the Tea Planters in North Bengal  
and one" the words "one on the recommendation of the  
Terai Indian Planters' Association, one on the recom-  
mendation of the Government of Bengal" shall be sub-  
stituted.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1939.

[ Price : Anna 1 or 1½d. ]

# ACT No. XXVIII OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th September, 1939.)

An Act to make the provision referred to in sub-section (1) of section 120 of the Government of India Act, 1935.

WHEREAS it is expedient to make the provision relating to medical diplomas granted in the United Kingdom or Burma which is referred to in sub-section (1) of section 120 of the Government of India Act, 1935 ;

26 Geo. 5, c. 2.

It is hereby enacted as follows :—

1. (1) This Act may be called the Medical Diplomas Act, 1939. Short title and extent.

(2) It extends to the whole of British India.

2. In this Act—

Definitions.

(a) "diploma" has the meaning assigned to it in sub-section (7) of section 120 of the Government of India Act, 1935 ;

(b) "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

3. So long as the condition set out in sub-section (3) of section 120 of the Government of India Act, 1935 continues to be fulfilled, a British subject domiciled in the United Kingdom or India who, by virtue of a medical diploma granted to him in the United Kingdom, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not, by or under any law for the time being in force, be excluded from practising medicine, surgery or midwifery in British India or in any part thereof, or from being registered as qualified so to do, on the ground that such diploma does not furnish a sufficient guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, except in accordance with the following conditions, namely :—

Conditions for excluding from practice British subjects domiciled in the United Kingdom or India who hold medical diplomas granted in the United Kingdom on the ground of inadequacy of such diplomas.

(a) Notice of every proposal for excluding the holders of any such diploma from practice or registration

[ Price : Anna 1 or 1½d. ]

registration shall be given in such form and in such manner as the Central Government may by rules made in this behalf prescribe, to the university or other body granting that diploma, and where such proposal is not made by the Central Government, to the Central Government also.

- (b) No such proposal shall become operative until the expiration of twelve months after the notices referred to in clause (a) have been given.
- (c) Such a proposal shall not become operative or, as the case may be, shall cease to operate, if His Majesty's Privy Council, on an application made to them under sub-section (2) of section 120 of the Government of India Act, 1935, determine that the diploma in question ought to be recognised as furnishing such a sufficient guarantee as aforesaid.

4. A British subject domiciled in Burma who, by virtue of a medical diploma granted to him in the United Kingdom or Burma, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not, by or under any law for the time being in force, be excluded from practising medicine, surgery or midwifery in British India or in any part thereof, or from being registered as qualified so to do, on the ground that such diploma does not furnish a sufficient guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, except in accordance with conditions such as are set out in clauses (a), (b) and (c) of section 3.

Conditions for  
excluding from  
practice British  
subjects domi-  
ciled in Burma  
who hold  
medical dip-  
lomas granted  
in the United  
Kingdom or  
Burma on a  
similar ground.

1 such form and  
tral Government  
behalf prescribe,  
dy granting that  
osal is not made  
, to the Central

3 operative until  
onths after the  
(a) have been

3 come operative  
ease to operate,  
l, on an applica-  
b-section (2) of  
t of India Act,  
ma in question  
rushing such a  
id.

3urma who, by  
to him in the  
entitled to be,  
ualified medical  
any law for  
from practising  
ish India or in  
red as qualified  
loma does not  
ossession of the  
ice of medicine,  
cordance with  
(a), (b) and (c)

MONS, DELHI.  
DIA PRESS, SIMLA.

# ACT No. XXIX OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th September, 1939.)

An Act further to amend the Indian Tariff Act,  
1934 for a certain purpose, and to validate the  
levy and collection of certain duty under that  
Act.

XXXII of  
1934.

WHEREAS it is expedient further to amend the  
Indian Tariff Act, 1934 for the purpose hereinafter  
appearing, and to validate the levy and collection of  
duty on the import of wood pulp during the period  
commencing the 1st day, and ending the 20th day,  
of April, 1939;

It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Fourth Short title.  
Amendment) Act, 1939.

2. In the First Schedule to the Indian Tariff Act, Amendment  
1934, in paragraph (c) of Item No. 22 (5), to the entry of First Sched-  
in the fourth column the words and figure "or 25 per ule to Act  
cent. *ad valorem*, whichever is higher" shall be added. XXXII of  
1934.

XVI of 1931.

3. The declaration inserted, in exercise of the power Validation of  
conferred by section 3 of the Provisional Collection of the levy and  
Taxes Act, 1931, in the Indian Tariff (Second Amend- collection of  
ment) Bill, 1939 shall be deemed always to have certain duty.  
applied to the provision in the said Bill relating to the  
duty on the import of wood pulp, notwithstanding that  
the said provision purported to impose a revenue, and  
not a protective, duty; and all duty levied and collected  
on the import of wood pulp during the period commenc-  
ing the 1st day, and ending the 20th day, of April,  
1939 is hereby declared to have been as validly levied  
and collected as if the said declaration had always  
applied to the said provision.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1939.

[ Price : Anna 1 or 1½d. ]

# ACT No. XXX of 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th September, 1939.)

An Act to amend the Law of Evidence with respect  
to certain commercial documents.

WHEREAS it is expedient to amend the Law of  
Evidence with respect to certain commercial  
documents ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Commercial Docu- Short title  
ments Evidence Act, 1939. and extent.

(2) It extends to the whole of British India.

I of 1872. 2. Notwithstanding anything contained in the In- Statements of  
dian Evidence Act, 1872, statements of facts in issue relevant facts  
or of relevant facts made in any document included in in scheduled  
the Schedule as to matters usually stated in such docu- documents to  
ment shall be themselves relevant facts within the mean- be them-  
ing of that Act. selves relevant  
facts.

I of 1872. 3. For the purposes of the Indian Evidence Act, 1872, Presumption  
and notwithstanding anything contained therein, a as to genuineness of docu-  
Court— ments.

(a) shall presume, within the meaning of that Act,  
in relation to documents included in Part I  
of the Schedule, and

(b) may presume, within the meaning of that Act  
in relation to documents included in Part II  
of the Schedule,—

that any document purporting to be a document includ-  
ed in Part I or Part II of the Schedule, as the case  
may be, and to have been duly made by or under the  
appropriate authority, was so made and that the state-  
ments contained therein are accurate.

4. In the Schedule the expression “ recognised Cham- Definition.  
ber of Commerce ” means a Chamber of Commerce re-  
cognised by the Government of its country as being  
competent to issue certificates of origin, and includes  
any other association similarly recognised.

THE SCHEDULE.

[ Price : Anna 1 or 1½d. ]

## THE SCHEDULE.

(See sections 2 and 3.)

## PART I.

*Documents in relation to which the Court "SHALL presume".*

1. Lloyd's Register of Shipping.
2. Lloyd's Daily Shipping Index.
3. Lloyd's Loading List.
4. Lloyd's Weekly Casualty Reports.
5. Certificate of delivery of goods to the Manchester Ship Canal Company.
6. Official log book, Supplementary Official log book and official wireless log kept by a British ship.
7. Certificate of Registry, Safety Certificate, Safety Radio-Telegraphy Certificate, Exemption Certificate, Certificate of Survey, Declaration of Survey, International Load Line Certificate, British India Load Line Certificate, Report of Survey of a ship provisionally detained as unsafe, Report of Survey to be served upon the master of a ship declared unsafe upon survey, Docking Certificate, Memorandum issued under Article 56 of the International Convention for the Safety of Life at Sea, 1929.
8. Certificates A and B issued under the Indian Merchant Shipping Act, 1923.
9. The following documents relating to marine insurance, namely, insurance policy, receipt for premium, certificate of insurance and insurance cover note.
10. Certificate concerning the loss of country craft issued by the appropriate authority under Department of Commerce, Mercantile Marine Department Circular No. 2 of 1938.
11. Protest made before a Notary Public or other duly authorised official by a master of a ship relating to circumstances calculated to affect the liability of the ship-owner.
12. Licence or permit for radio-telegraph apparatus carried in ships or aircraft.
13. Certificate of registration of an aircraft granted by the Government of the country to which the aircraft belongs.
14. Certificate of airworthiness of an aircraft granted or validated by, or under the authority of, the Government of the country to which the aircraft belongs.
15. Licences

1.

3.)

t "SHALL presume".

to the Manchester Ship

r Official log book and  
p.ertificate, Safety Radio-  
ate, Certificate of Survey,  
l Line Certificate, British  
vey of a ship provisionally  
to be served upon the  
vey, Docking Certificate,  
he International Conven-

er the Indian Merchant

g to marine insurance,  
nium, certificate of insu-country craft issued by  
nent of Commerce, Mer-  
of 1938.Public or other duly  
relating to circumstances  
hip-owner.

graph apparatus carried

aircraft granted by the  
aircraft belongs.an aircraft granted or  
the Government of the

15. Licences

15. Licences and certificates of competency of aircraft personnel granted or validated by, or under the authority of, the Government of the country to which the personnel belongs.

16. Ground Engineer's Licence issued by a competent authority authorised in this behalf by Government.

17. Consular Certificate in respect of goods shipped or shut out, consular certificates of origin, and consular invoice.

18. Certificate of origin of goods issued (but not merely attested) by a recognised Chamber of Commerce, or by a British Consular officer or British or Indian Trade Commissioner or Agent.

19. Receipt for payment of customs duty issued by a Customs authority.

20. Schedule issued by a Port, Dock, Harbour, Wharfage or Warehouse authority, or by a Railway company, showing fees, dues, freights or other charges for the storage, transport or other services in connection with goods.

21. Tonnage schedule and schedule of fees, commission or other charges for services rendered, issued by a recognised Chamber of Commerce.

22. The publication known as the Indian Railway Conference Association Coaching and Goods Tariffs.

23. Copy, certified by the Registrar of Companies, of the memorandum or the articles of association of a company, filed under the Indian Companies Act, 1913.

24. Protest, noting and certifying the dishonour of a bill of exchange, made before a Notary Public or other duly authorised official.

---

PART II.

*Documents in relation to which the Court "MAY presume".*

1. Survey Report issued by a competent authority—

(i) in respect of cargo loaded ; or

(ii) certifying the quantity of coal loaded ; or

(iii) in respect of the security of hatches.

2. Official log book, Supplementary Official log book and official wireless log kept by a foreign ship.

3. Dock certificate, dock chalan, dock receipt or warrant, Port Warehouse certificate or warrant, issued by, or under the authority of, a Port, Dock, Harbour or Wharfage authority.

4. Certificate



4. Certificate issued by a Port, Dock, Harbour, Wharfage or other authority having control of acceptance of goods for shipping transport or delivery, relating to the date or time of shipment of goods, arrival of goods for acceptance, arrival of vessels or acceptance or delivery of goods, or to the allocation of berthing accommodation to vessels.

5. Export Application issued by a Port authority showing dues paid, weight and measurement and the shutting out of a consignment.

6. Certificate or receipt showing the weight or measurement of a consignment issued by the official measurer of the Conference Lines, or by a sworn or licensed measurer, or by a recognised Chamber of Commerce.

7. Reports and publications issued by a Port authority showing the movement of vessels, and certificates issued by such authority relating to such movements.

8. Certificate of safety for flight signed by a licensed Ground Engineer.

9. Aircraft Log Book, Journey Log Book and Log Book, maintained by the owner or operator in respect of aircraft.

10. Passenger List or Manifest of Goods carried in public transport aircraft.

11. Passenger ticket issued by a steamship company or air transport company.

12. Air Consignment Note and Baggage Check, issued by an air transport company in respect of goods carried by air, and the counterfoil or duplicate thereof retained by the carrier.

13. Aircraft Load Sheet.

14. Storage warrant of a warehouse recognised by a Customs, Excise, Port, Dock, Harbour or Wharfage authority.

15. Acknowledgment receipt for goods granted by a Port, Dock, Harbour, Wharfage or Warehouse authority or by a Railway or Steamship company.

16. Customs or Excise pass and Customs or Excise permit or certificate, issued by a Customs or Excise authority.

17. *Force majeure* certificate issued by a recognised Chamber of Commerce

18. Receipt

ck, Harbour, Wharfage or  
ance of goods for shipping  
ite or time of shipment of  
arrival of vessels or accep-  
ation of berthing accommo-

a Port authority showing  
nd the shutting out of a

weight or measurement of  
easurer of the Conference  
urer, or by a recognised

by a Port authority show-  
rtificates issued by such

igned by a licensed Ground

og Book and Log Book,  
i respect of aircraft.

f Goods carried in public

steamship company or air

ggage Check, issued by an  
ods carried by air, and the  
d by the carrier.

e recognised by a Customs,  
rfage authority.

goods granted by a Port,  
se authority or by a Rail-

ustoms or Excise permit or  
xcise authority.

d by a recognised Chamber

18. Receipt

18. Receipt of a Railway or Steamship company granted to a  
consignor in acknowledgment of goods entrusted to the company  
for transport.

19. Receipt granted by the Posts and Telegraphs Department

20. Certificate or survey award issued by a recognised Chamber  
of Commerce relating to the quality, size, weight or valuation  
of any goods, count of yarn or percentage of moisture in yarn  
and other goods.

21. Copy, certified by the Registrar of Companies, of the  
Balance Sheet, Profit and Loss Account, and audit report of a  
company, filed with the said Registrar under the Indian Companies  
Act, 1913, and the rules made thereunder.

# ACT No. XXXI OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
28th September, 1939.)

An Act to amend the Indian Carriage by Air Act,  
1934, for a certain purpose.

XX of 1934.

WHEREAS it is expedient to amend the Indian  
Carriage by Air Act, 1934, for the purpose here-  
inafter appearing;

It is hereby enacted as follows :—

1. This Act may be called the Indian Carriage **Short title.**  
by Air (Amendment) Act, 1939.

2. In section 2 of the Indian Carriage by Air **Amendment of**  
Act, 1934, after sub-section (3) the following sub-**section 2 of Act**  
section shall be inserted, namely :— **XX of 1934.**

“(3A) Any reference in the First Schedule  
to agents of the carrier shall be construed  
as including a reference to servants of the  
carrier.”

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1939.

[ Price : Anna 1 or 1½d. ]