

ACT No. I OF 1940.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
23rd February, 1940.)

**An Act to provide for the registration of certain
European British subjects.**

WHEREAS it is expedient to provide for the registration of certain European British subjects;

It is hereby enacted as follows:—

1. (1) This Act may be called the Registration (Emergency Powers) Act, 1940.

Short title,
extent,
commence-
ment and
duration.

(2) It extends to the whole of British India, and applies also to European British subjects in any part of India.

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

(4) It shall be in force during the continuance of the present war and for a period of six months thereafter.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "European British subject" means any subject of His Majesty of European descent in the male line, born, naturalised or domiciled in the British Islands or in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony except Ceylon;

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) Every

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Price anna 1 or 1½d.

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Obligation to register.

3. (1) Every male European British subject for the time being in India (not being—

- (a) a member of His Majesty's naval, military or air forces, or
- (b) a person who is enrolled under the Auxiliary Force Act, 1920, or is in holy orders, or **XLIX** of 1920, is a regular minister of any religious denomination),

who for the time being has attained the age of sixteen years but has not attained the age of fifty years, shall, within the prescribed period, correctly fill up, or cause so to be filled up, to the best of his knowledge and belief, sign and lodge with the appropriate registration authority specified in the First Schedule, or such other registration authority as may be prescribed, the form set out in the Second Schedule, and if any such European British subject claims not to be ordinarily resident in India, he shall lodge with the said form a statement of such claim.

(2) If any registration authority has reason to believe that any person is a European British subject to whom the provisions of sub-section (1) are applicable, he may, by order in writing, require such person to furnish such particulars as may be specified in the order within such time as may be so specified, and such person, whether or not he is a European British subject to whom the provisions of the said sub-section are applicable, shall within the specified time furnish correctly to the best of his knowledge and belief the said particulars to the said registration authority in such form or manner as such order may require, and shall sign the same; and if any such person claims that he is not a European British subject to whom the provisions of sub-section (1) are applicable, he shall furnish a statement of such claim with the particulars as aforesaid.

(3) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon such person), neglects fully to comply with the requirements of sub-section (1) or of any order made under sub-section (2), he shall be punishable with fine which may extend to five hundred rupees.

(4) Every

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(4) Every registration authority under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

4. If any question arises with reference to this Act or any rule made thereunder whether a person is a European British subject to whom the provisions of sub-section (1) of section 3 are applicable, a person appointed in writing in this behalf by the prescribed authority may apply to the District Magistrate or to any officer specially empowered in this behalf by the Central Government in the area in which the person to whom the dispute relates is for the time being present, and such Magistrate or other officer, after hearing such person or giving him a reasonable opportunity for being heard, shall summarily determine the question, and the decision of such Magistrate or other officer shall be final.

Determination of disputes as to applicability of this Act.

5. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe registration authorities, in addition to those specified in the First Schedule;
- (b) prescribe the time within which the form set out in the Second Schedule shall be lodged with the registration authority;
- (c) prescribe authorities who may make the appointment referred to in section 4;
- (d) provide for the issue of certificates of registration;
- (e) provide for the preparation, compilation and correction of a register, and require the attendance of persons for any of such purposes;
- (f) require the notification of changes of address of registered persons.

(3) Rules made under this section may provide that any contravention thereof or of any order or notice issued thereunder shall be punishable with fine which may extend to five hundred rupees.

6. Nothing

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Act not to
apply to
certain
persons.

6. Nothing in this Act shall apply to any person confined for the time being in a prison or lunatic asylum.

Repeal of
Ordinance II
of 1939.

7. The Registration Ordinance, 1939, is hereby repealed; but any rules made, anything done and any action taken under the said Ordinance shall be deemed to have been made, done or taken under the corresponding provisions of this Act, and any offence committed against or any proceedings commenced under the said Ordinance, may be punished, or may be continued and completed as if such offence were committed against or such proceedings were commenced under this Act.

THE FIRST SCHEDULE.

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(See section 3.)

Registration Authorities.

In the case of any servant of the Crown.	The Head of the Office or Department in which he serves.
In the case of any person in the employ of any public or local authority.	The chief executive officer of such authority.
In the case of any person in the employ of any railway.	The Head of the Railway Administration.
In any other case	The District Magistrate of the district in which the person is for the time being resident, or in the case of a person resident in a Presidency-town, the Commissioner of Police.

THE SECOND SCHEDULE.

THE SECOND SCHEDULE.

(See section 3.)

Form of Particulars.

1. Name in full.
2. Address.
3. Date of birth.
4. Whether single, married or widower.
5. Number of dependents, specifying their relationship, if any, to him.
6. Profession or occupation.
7. Name and nature of business, or name, address and nature of employer's business, or if employed in or under any Department of Government, the name of the Department.
8. Whether he has served, or undergone training of any description, in any naval, military or air force. If so, give particulars of such service or training including date and duration thereof.
9. Whether he possesses, or has possessed, a flying licence.