SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 66.

An Act to amend the Government of India Act, 1935. [1st September 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendments as to Proclamations of Emergency. 26 & 27 Geo. 5. c. 2.

1.—(1) After section one hundred and twenty-six of the Government of India Act, 1935, there shall be inserted the following section :—

"126A. Where a Proclamation of Emergency is in operation whereby the Governor-General has declared that the security of India is threatened by war—

(*a*) the executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised, and any directions so given shall for the purposes of the last preceding section be deemed to be directions given thereunder;

(*b*) any power of the Federal Legislature to make laws for a Province with respect to any matter shall include power to make laws as respects a Province conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Federation

or officers and authorities of the Federation as respects that matter, notwithstanding that it is one with respect to which the Provincial Legislature also has power to make laws :

Provided that no Bill or amendment which, as respects a Province, confers powers or imposes duties, or authorises the conferring of powers or the imposition of duties, upon the Federation or upon officers or authorities of the Federation in relation to such a matter as aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency ".

(2) The following consequential amendment shall, for the avoidance of doubt, be made in subsections (2) and (3) of section one hundred and twenty-four of the said Act, that is to say, after the word " duties " there shall be inserted the words " or authorise the conferring of powers and the imposition of duties ".

(3) At the end of section one hundred and two of the said Act, there shall, for the avoidance of doubt, be inserted the following subsection—

"(5) A Proclamation of Emergency declaring that the security of India is threatened by war or by internal disturbance may be made before the actual occurrence of war or of any such disturbance if the Governor-General in his discretion is satisfied that there is imminent danger thereof."

Short title and commencement.

2.—(1) This Act may be cited as the Government of India Act (Amendment) Act, 1939.

(2) This Act shall be deemed to have come into operation on the commencement of Part III of the Government of India Act, 1935.

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