

THE TRADING WITH THE ENEMY (CONTINUANCE OF EMERGENCY PROVISIONS)  
ACT, 1947

ACT NO. 16 OF 1947

[20th March, 1947.]

An Act to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States at war with the Government of India, and the custody of the property belonging to them.

WHEREAS it is expedient to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States at war with the Government of India, and the custody of the property belonging to them;

It is hereby enacted as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947.

<sup>1</sup>[(2) It extends to the whole of India <sup>2\*\*\*</sup> and it applies also to all citizens of India outside India.]

(3) It shall come into force on the 25th day of March, 1947.

**2. Continuance of certain emergency provisions.**—(1) Notwithstanding the expiry of the Defence of India Act, 1939 (35 of 1939), and the Emergency Provisions (Continuance) Ordinance, 1946 (20 of 1946),—

(a) the provisions of the Defence of India Rules mentioned in the first column of the Schedule to this Act shall continue in force, and shall have effect subject to the modifications specified in the second column thereof;

(b) any order or other instrument made or deemed to be made under or in pursuance of any of the said provisions and in force immediately before the commencement of this Act shall continue in force so far as consistent with the provisions as continued in force by this section and be deemed to be made under or in pursuance of the provisions so continued in force.

(2) The references in sub-section (1) to the Defence of India Rules shall be construed as references to those Rules as modified and continued in force by the Emergency Provisions (Continuance) Ordinance, 1946 (20 of 1946).

**3. Effect of rules, etc., inconsistent with other enactments.**—The provisions of the Defence of India Rules as continued in force by section 2 and all orders made or deemed to be made under such provisions shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

**4. Delegations.** —(1) The Central Government may by order direct that any power or duty which by or under any of the provisions as continued in force by section 2 is conferred or imposed upon the Central Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to that Government or by any other authority.

(2) All orders delegating any power or duty conferred or imposed by any of the provisions continued in force by section 2 made by the Central Government before the commencement of this Act and in force immediately before such commencement, shall continue in force and be deemed to be made by the Central Government under this section.

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1. Subs. by the A.O. 1950, for sub-section (2).

2. The words and letter “except Part B States” omitted by Act 3 of 1951, s. 3 and the Schedule.

**5. Savings as to orders.**—(1) No order made or deemed to be made in exercise of any power conferred by or under any of the provisions continued in force by section 2 shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under any of the aforesaid provisions, a court shall, within the meaning of the Indian Evidence Act, 1872 (1 of 1872) presume that such order was so made by that authority.

**6. Protection of action taken under rules.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any of the provisions continued in force by section 2 or any order made or deemed to be made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of any of the provisions continued in force by section 2 or any order made or deemed to be made thereunder.

## THE SCHEDULE

(See section 2)

### Provisions of the Defence of India Rules continued in force

Number and title of Rule	Modification.
1.—Short title.	
2.—Definitions.	Clause (1) shall be omitted
3.— Interpretation.	Sub-rule (3) shall be omitted.
4.—Saving.	
5.—Non-compliance with these rules of orders made thereunder.	
97.—Definition.	
98.—Prohibition of trading with the enemy.	
99.—Control of rights, etc., in respect of trading with the enemy.	
100.—Power to appoint Controllers, etc., of Enemy Trading.	
100A.—Powers of Controllers, etc., of Enemy Trading.	
103.—Definitions.	
104.—Prohibition of trade with enemy firms and purchase of enemy currency.	
105.—Power to appoint Controllers, etc., of enemy firms.	
106.—Powers of Controllers, etc., of enemy firms.	
108.—Penalty for failure to comply with orders of Controllers, etc.	
110.—Contracts with enemy firms.	

111.—Transfer of property to or by enemy firms.

113A.—Power to carry on business of enemy firms.

114.—Collection of debts of enemy firms and custody of property.

114A.—Power to control and wind up certain business.

117.—False statements.

117A.—Power to require production of books, etc.

121.—Attempts, etc., to contravene rules.

122.—Offences by corporations.

123A.—Burden of proof in certain cases.

130.—Cognizance of contraventions of the rules, etc.

Sub-rules (3) and (4) shall be omitted

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