

ACT No. XVIII OF 1947

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 24th March, 1947.)

An Act to continue for a limited period powers to prohibit or control imports and exports

WHEREAS it is expedient to continue for a limited period powers to prohibit, restrict or otherwise control imports into and exports from British India;

It is hereby enacted as follows:—

1. (1) This Act may be called the Imports and Exports (Control) Act, 1947. Short title, extent, commencement and duration.

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

(3) It shall come into force on the 25th day of March, 1947, and shall remain in force for a period of three years only.

2. In this Act,—

Interpretation.

(a) "Customs-collector" means a Customs-collector as defined in the Sea Customs Act, 1878, or a Collector of Land Customs appointed under the Land Customs Act, 1924; VIII of 1878.
XIX of 1924.

(b) "import" and "export" mean respectively bringing into, and taking out of, British India by sea, land or air;

(c) "officer of Customs" means an officer of Customs appointed under the Sea Customs Act, 1878, or a Land Customs Officer appointed under the Land Customs Act, 1924.

3. (1) The Central Government may, by order published in the official Gazette, make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be made by or under the order,— Powers to prohibit or restrict imports and exports.

(a) the import, export, carriage coastwise or shipment as ships' stores of goods of any specified description;

(b) the bringing into any port or place in British India of goods of any specified description intended to be taken out of British India without being removed from the ship or conveyance in which they are being carried.

(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word "shall" therein the word "may" were substituted. VIII of 1947

(3) Notwithstanding anything contained in the aforesaid Act, the Central Government may, by order published in the official Gazette, prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad, of any goods or class of goods imported into British India.

Price anna 1 or 1½d.

Continuance of
existing orders.
XX of 1946.

4. All orders made under rule 84 of the Defence of India Rules or that rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under this Act.

Penalty.

VIII of 1878.

5. If any person contravenes any order made or deemed to have been made under this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-section (2) of section 3, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Cognizance of
offences.

6. No Court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made by a Customs-collector or by an officer of Customs authorised in writing in this behalf by a Customs-collector, and no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any such offence.

savings.

7. No order made or deemed to have been made under this Act shall be called in question in any Court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any order made or deemed to have been made thereunder.