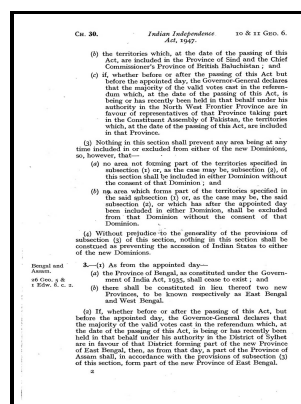


Government of India Act, 1935 [26 Geo. 5. ch.2].

HMSO - Burden of proof under Indian Evidence Act



Description: -

-Government of India Act, 1935 [26 Geo. 5. ch.2].

-Government of India Act, 1935 [26 Geo. 5. ch.2].

Notes: Printed in accordance with 3 & 4 Geo. 6. c. 5. 5. 17. as amended up to 31st January, 1940, by the Government of India Act (Amendment) Act, 1939 (2 & 3 Geo. 6. c. 66.), and the India and Burma (Miscellaneous Amendments) Act, 1940 (3 & 4 Geo. 6. c. 5.).

This edition was published in 1940



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Government of India Act (1935)

Section 102 - On whom burden of proof lies The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side. These subjects were Public Order, Education, Local Self-Government, Public Health, Land Revenue, Forests, Mining and Fisheries and others. Chapter II The Provincial Executive The Governor 48 Appointment of Governor 1 The Governor of a Province is appointed by His Majesty by a Commission under the Royal Sign Manual.

Navinchandra Mafatlal V. The Commissioner Of Income

In this subsection the reference to a High Court shall be construed as including a reference to any court in a Federated State which is a High Court for any of the purposes of Part IX of this Act. Nearly 10 percent of the total population got the right to vote. Janjira Mudhol Bhore 1 3.

Burden of proof under Indian Evidence Act

The Customs Consolidation Act, 1853. If the accused wishes to prove a particular fact, his alibi for instance, he must prove it. Reference may be made to Eisner v.

Government of India Act 1935

Chapter IV Legislative Powers of Governor-General 42 Power of Governor-General to promulgate ordinances during recess of Legislature 1 If at any time when the Federal Legislature is not in session the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require : Provided that the Governor-General shall exercise his individual judgment as respects the promulgation of any ordinance under this section if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature; and b shall not, without instructions from His Majesty, promulgate any such ordinance if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure thereon. The salaries of the Provincial Ministers, of the Speaker and Deputy Speaker of the Legislative Assembly, and, if there is a Legislative Council, of the President and Deputy President thereof, the salaries, allowances and privileges of the members of the Provincial Legislature; and, to such extent as is expressly authorised by Part III of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Provincial Legislature. Retention of Communal Electorate

Although the principle of communal electorate was in the interests of the nation, yet in order to weaken the growing spirit of nationalism, the Act of 1935 not only retained communal electorate but also enlarged its scope.

Government of India Act 1935 > GK Rankers

Qualifications dependent on property 3 Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if at any time during the previous financial or Bengali year he has occupied by virtue of his employment a house in the Province the annual valuation of which is not less than forty-two rupees. Public debt of the Province. Import and export across customs frontiers as denned by the Federal Government.

Government of India Act 1935 > GK Rankers

These were in the nature of overriding powers. Supplemental 129A 1 Where any matter is required to be prescribed or regulated by rules under this Act, and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State, and shall not be subject to repeal or alteration by any legislature in India.

Navinchandra Mafatlal V. The Commissioner Of Income

And in the event of any dispute the decision of the Centre prevailed. The 1935 Act was the second installment of constitutional reforms passed by British Parliament for implementing the ideal of responsible government in India.

Government of India Act 1935

States not mentioned in any of the preceding Divisions, but described in paragraph 12 of this Part of this Schedule.

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