

court of law is allowed as hereinafter provided, otherwise than through the Local Clearing Office established under this Order or the Clearing Office established for the purposes of the Treaty in the United Kingdom and no person interested in any such debt as debtor or creditor shall have any communications with any other person interested therein as creditor or debtor except through or by leave of either of such Offices. Any person contravening this provision shall on conviction be punished with imprisonment for a term which may extend to two years, or with fine or with both:

Provided that—

(a) in the case of any Company contravening this provision, every director, manager, secretary or other officer of the Company who is knowingly a party to the transaction shall be deemed guilty of the offence.

(b) A prosecution for such offence shall not be instituted except with the sanction of the Governor-General in Council.

(iii) It shall not be lawful for any person to take proceedings in any court for the recovery of any enemy debt except in the circumstances provided under paragraphs 16, 23 and 25 of the Annex to section III. of the Treaty.

(iv) The Local Clearing Office shall have power to enforce the payment of any enemy debt against the person by whom the debt is due, together with such interest as is payable under paragraph 22 of the Annex to the said section III., and for that purpose shall have all such rights and powers as if it were the creditor; and if the debt has been admitted by the debtor or the debt or amount thereof has been found by arbitration or by the Mixed Arbitral Tribunal or by a court of law in manner provided by paragraph 16 of the Annex to the said section III., the Local Clearing Office may certify the amount so admitted or found due, and on application by it, in the principal civil court of original jurisdiction of the place in which the debtor resides, the certificate shall be filed in such court and thereafter all proceedings may be taken thereon, as if the certificate were a decree obtained in that court for the recovery of a debt of the amount specified in the certificate and signed on the date of such filing, and all reasonable costs and charges attendant upon the filing of such certificate shall be recoverable in like manner as if they were part of such decree.

(v) It shall be lawful for the Local Clearing Office to recover from any person by whom a fine is payable under paragraph 10 of the Annex to the said section III., the amount of such fine, and for this purpose the Controller may certify the amount of such fine and the person by whom it is due to the nearest Magistrate who shall have all power to recover the same as if it were a fine realisable under the Code of Criminal Procedure (Act V, 1898).

(vi) It shall be lawful for the Local Clearing Office to deduct from any sum payable by such Clearing Office to a creditor such commission, not exceeding two-and-a-half per cent. of the amount payable, as may be fixed by the Clearing Office in the United Kingdom.

(vii) If any creditor refuses or fails to give such notice or to furnish such documents or

information as are mentioned in paragraph 5 of the Annex to the said section III., he shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

(viii) If any person collusively gives notice of or admits any debt which is not due, or furnishes any false information with respect to any debt, he shall, on conviction before a Magistrate, be punishable with imprisonment which may extend to three months, or with fine or with both.

(ix) If His Majesty so agrees with any of the other Allied or Associated Powers the provisions of this Order, so far as they relate to enemy debts, shall apply to debts due to or from the nationals of that Power resident in any part of India as they apply to debts due to or from British nationals so resident.

(x) Proceedings by and on behalf of the Local Clearing Office may be taken by and in the name of the Controller of the Local Clearing Office, who may by that name sue and be sued, and costs may be awarded to or against the Controller.

(xi) Every document purporting to be an order or other instrument issued by the Local Clearing Office and to be signed by the Controller or other person authorized by him shall be received in evidence, and shall be deemed to be such order or instrument without further proof unless the contrary is shown.

(xii) A certificate signed by the Controller that an order or other instrument purporting to be made or issued by the Local Clearing Office is so made or issued shall be conclusive evidence of the facts so certified.

(xiii) The Controller shall be deemed to be a public officer and any documents forming part of the Acts or records of the Acts of the Controller shall be deemed to be "public" documents for the purpose of Chapter V of the Indian Evidence Act.

(xiv) All decisions of the Mixed Arbitral Tribunal constituted under section VI of Part X of the Treaty, if within the jurisdiction of that Tribunal, shall be final and conclusive and binding on all courts.

(xv) For the purpose of enforcing the attendance of witnesses before the Mixed Arbitral Tribunal, whether sitting in India or not, and compelling the production before the Tribunal of documents, a Secretary to the Government of India shall have power to issue orders which shall have the like effect as if the proceedings before the Tribunal were a suit in a court and the order were a formal process issued by that court in the due exercise of its jurisdiction, and disobedience to any such order shall be punishable under the Indian Penal Code.

(xvi) All property, rights and interests within India belonging to German nationals at the date when the Treaty comes into force (not being property, rights or interests acquired under any general licence issued by or on behalf of His Majesty), and the net proceeds of their sale, liquidation or other dealings therewith, are hereby charged—

(a) in the first place, with payment of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests, including companies and associations in which they are interested in German ter-