

The Riot And Civil Commotion Risks Insurance Ordinance, 1947

(Ordinance NO. III OF 1947)

An Ordinance to provide for the insurance of certain property against Riot and Civil Commotion Risks. ¹♣

WHEREAS an emergency has arisen which makes it necessary to provide for the insurance of certain property against Riot and Civil Commotion Risks;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance, namely: -

Short title, extent and application

1. (1) This Ordinance may be called the Riot And Civil Commotion Risks Insurance Ordinance, 1947.

(2) It extends to the whole of Bangladesh.

(3) The Government may, by notification in the official Gazette, apply it to the whole of Bangladesh or any part thereof from such date and in such manner as may be specified in the said notification.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context-

(1) “factory” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934;

(2) “factory buildings” includes all buildings comprised in the factory, and such other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of two miles from the main factory as are in the same ownership or occupation as the factory and are used for the purpose of the factory;

(3) "the Fund" means the Riot and Civil Commotion Insurance Fund constituted under section 11 hereafter mentioned;

(4) "Riot and Civil Commotion Risks" means the risks of loss or damage (including loss or damage due to fire or explosion) directly caused by persons taking part in riots or civil commotions or by strikers or locked out workers or by persons of malicious intent acting on behalf of or in connection with any political organization; also loss or damage (including loss or damage due to fire or explosion) directly caused by the action of any lawfully constituted Authority in connection with the foregoing perils only:

Provided always that the following shall be expressly excluded from the scope of this section:-

(i) loss or damage caused by any of the perils hereby insured against, if such loss or damage either in origin or extent is directly or indirectly proximately or remotely, occasioned by or contributed to by any of the following occurrences, or, either in origin or extent directly or indirectly, proximately or remotely, arises out of or in connection with any of such occurrences, namely, war, invasion, act of foreign enemy, hostilities or warlike operations, (whether war be declared or not);

(ii) loss or damage occasioned by cessation of work;

(iii) consequential loss or damage of any kind or description whatsoever including delay, deterioration and loss of market.

(5) "prescribed" means prescribed by rules made by the Government under this Ordinance.

Properties insurable under this Ordinance

3. (1) Subject to the provisions of this Ordinance every factory, factory buildings and other moveable or immoveable property described in the Schedule shall be deemed to be the property insurable under this Ordinance.

(2) The Government may, by notification in the official Gazette, from time to time amend the Schedule by adding thereto or omitting therefrom any

Ownership

4. Save in so far as is otherwise expressly provided in this Ordinance, any property shall, subject to the provisions of this section, be deemed for the purposes of this Ordinance, to be owned-

(a) if the ownership of the property is for the time being vested in a person in relation to whom the property is insurable under this Ordinance, by that person;

(b) if the ownership of the property is not so vested, by any person in relation to whom the property is insurable under this Ordinance and who is for the time being entitled either unconditionally, or conditionally to have the ownership of the property vested in him:

Provided that where-

(i) any property would, under the foregoing provisions of this sub section, be deemed to be owned by a person in whom the property therein is vested otherwise than in the course of a business carried on by him in the Province, or who is entitled to have the ownership of the property vested in him otherwise than in the course of such a business, and

(ii) any person carrying on business in the Province is for the time being entitled to sell the property as agent, the property shall be deemed to be owned by the last mentioned person.

[Repealed]

5. [Insurance Scheme.- Repealed by section 2 of the Riot and Civil Commotion Risks Insurance (Repealing) Ordinance, 1948 (XXII of 1948).]

[Repealed]

6. [Premium rate.- Repealed by section 2 of the Riot and Civil Commotion Risks Insurance (Repealing) Ordinance, 1948 (XXII of 1948).]

Employment of agents by Government

7. The Government may employ or authorise the employment of any person or firm as prescribed in order to act as its agent for any of the purposes of this Ordinance and may pay to the persons or firms so employed such remuneration as the Government thinks fit.

[Repealed]