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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps.

LAW, COMMERCE AND LABOUR DEPARTMENT.

NOTIFICATIONS.

The 16th March 1939.

No. 1828—IIIc-15/39-Com.—The following notification, issued by the Government of India in the Department of Commerce, is republished for general information.

By order of the Governor,

C. G. NAIR,

Secretary to Government.

IMPORT AND EXPORT REGULATIONS.

New Delhi, the 11th February 1939.

No. 217(1)-Tr. (I. E. R.)/39.—In exercise of the powers conferred by section 23 of the

Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Tea Control Rules, 1938, namely:—

To the proviso to rule 8 of the said Rules, the following words shall be added, namely:—

“unless otherwise authorised in this behalf by the Central Government”.

H. DOW,

Secy. to Govt. of India.

The 16th March 1939.

No. 1858-Com.—The following notifications of the Government of India in the Department of Commerce are republished for general information.

By order of the Governor,
C. G. NAIR,
Secretary to Government.

IMPORT AND EXPORT REGULATIONS.

Simla, the 23rd July 1938.

No. 201 (3)-Tr. (I.E.R.)/38.—In exercise of the powers conferred by clauses (a), (h) and (i) of section 10 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to make the following rules for the election of members of the Indian Tea Licensing Committee under clauses (b), (e) and (f) of sub-section (1) of section 3 of the said Act, namely :—

Rules.

1. These Rules may be called the "Indian Tea Control Act (Electoral) Rules, 1938".

2. The Committee shall cause to be prepared four separate lists of—

- (1) all tea estates to which export quotas were allotted under the Indian Tea Control Act, 1938, for the financial year beginning on the 1st day of April 1937, and which are owned by Indians, in the Assam Valley;
- (2) all tea estates to which export quotas were allotted under the Indian Tea Control Act, 1938, for the financial year beginning on the 1st day of April 1937, and which are owned by Indians in the Surma Valley, the Indian State of Tripura, the Chittagong Hill Tracts and the District of Chittagong;
- (3) all tea estates in Southern India excluding Travancore, which are owned by Indians; and
- (4) all tea gardens of Kangra, Dehra Dun, Kumaon and Behar and all other unrepresented tea estates

showing against each estate or garden the name or names of the respective owner or owners.

3. The lists shall contain the requisite particulars corrected up to the 1st June 1938 and after the first elections the lists shall be revised by the Committee and corrected up to the 1st January 1941.

4. The Committee shall make available by registered post to every owner whose name is included in any of the above lists a copy of that list. Copies of the lists shall also be forwarded to the Central Government.

5. Any person whose name is included in any of the lists specified in rule 2 shall be eligible to stand or vote for election to the Committee in respect of the tea estates or gardens to which the list relates :

Provided that—

- (i) in the case of joint owners of a proprietary tea estate or garden, the owner who has been authorised in writing in this behalf by the other owner or owners shall be eligible to stand or vote, as the case may be; and
- (ii) in the case of a limited liability company, any shareholder authorised in this behalf by a majority of the shareholders shall be eligible to stand or vote, as the case may be.

6. Each estate shall have only one vote.

7. A person eligible to stand for election to the Committee and desirous of so standing shall obtain in Form A appended to these Rules the support of not less than three persons who are eligible to vote in respect of his candidature and shall send that form duly filled in by registered post, to the Secretary of the Committee. The form shall reach the office of the Committee by a date to be specified by the Committee.

8. The Committee shall cause to be prepared four separate lists, similar to those referred to in rule 2, showing the names of candidates for election in respect of whom Form A has been duly received, and against the name of each candidate the name of the tea estate in respect of which he is eligible to stand for election.

9. Within seven days from the date specified by the Committee for the receipt of nominations under rule 7 the Committee shall cause the lists of candidates referred to in rule 8 to be sent by registered post to persons eligible to vote in respect of those candidates.

10. Any person eligible to vote may send by registered post, in Form B appended to these Rules, an intimation to the Secretary of the Committee, showing the name of one candidate only in whose favour he has cast his vote. The Form shall be signed before a Magistrate and shall reach the office of the Committee by a date to be specified by the Committee.

11. The Committee shall cause to be prepared and forwarded to the Central Government, as soon as possible after the date referred to in rule 10, a return, in Form C appended to these Rules, of the result of the election.

12. The term of office of all members of the Committee elected under these Rules shall be three years.

13. Any doubts or disputes arising as to the validity of an election shall be determined by the Central Government whose decision shall be final.

M. SLADE,

Secretary to the Government of India.

APPENDIX.

FORM A.

(See RULE 7.)

Nomination paper.

We the undersigned qualified voters do hereby nominate.....
as a candidate for election as member on the Indian Tea Licensing Committee.

(1)----- of the.....Tea Estate or Garden, Registered No.....
.....in the District of.....

(2)----- of the Do.

(3)----- of the Do.

I, the undersigned being a person qualified for election as a member
of the Indian Tea Licensing Committee, hereby assent to being nominated as a candidate
for such election.

Signature of Candidate.

Dated this day of 19 .

FORM B.

(See RULE 10.)

To

The Secretary,
The Indian Tea Licensing Committee,
Royal Exchange, Calcutta.

I,....., being
the*....., of the.....Tea
Estate or Garden in the district of.....do hereby
vote in favour of....., being the*
of the.....Tea Estate or Garden in the district
of.....for election to the Indian Tea Licensing Committee.

Signed.....

Dated the.....

Signature of the Magistrate
and
Seal of the Court

*Here state whether owner, authorised joint owner or authorised shareholder.

The 17th March 1939.

No. 1881-J-9/39-Com.—The following notification issued by the Government of India, Department of Commerce, is republished for general information.

By order of the Governor,

C. G. NAIR,

Secretary to the Government.

REGISTRATION OF ACCOUNTANTS.

New Delhi, the 11th March 1939.

No. 9-A (3)/37.—The following draft of certain further amendments to the Auditor's Certificates Rules, 1932, which it is proposed to make in exercise of the powers conferred by sub-section (2) of section 144 of the Indian Companies Act, 1913 (VII of 1913), is published, as required by the said sub-section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 11th April 1939.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT AMENDMENTS.

(1) For rule 49 of the said Rules, the following rules shall be substituted, namely:—

“49 (1) The Indian Accountancy Board shall consist of twenty members as follows:—

- (a) six members nominated by the Central Government of whom two shall be persons in the service of Government and four shall be Approved Accountants.
- (b) two members who shall be Registered Accountants, one nominated by the Federation of Indian Chambers of Commerce and Industry and the other by the Associated Chambers of Commerce, and
- (c) twelve members elected by Registered Accountants in the manner hereinafter prescribed:

Provided that no act done by the Board shall be questioned on the ground merely of the existence of any vacancy in it.

(2) If any of the bodies mentioned in clause (b) of sub-rule (1) fails to make within one month any nomination which it is entitled to make the Central Government may itself nominate a member to fill that vacancy.

(3) Every nomination or election of a member of the Board shall be notified in the *Gazette of India*.

49 A (1). For the purpose of the elections referred to in clause (c) of sub-rule (1) of rule 49 there shall be the following territorial constituencies returning the number of members shown against each:—

- | | |
|---|---|
| (1) The Province of Madras and the Indian States of Hyderabad, Mysore, Travancore and Cochin. | 3 |
| (2) The Province of Bombay and the Western India States ... | 3 |
| (3) Bengal and Assam ... | 3 |
| (4) The United Provinces, Bihar, the Central Provinces and Berar, and Orissa. | 1 |
| (5) The Punjab and the North-West Frontier Province | 1 |
| (6) Sind, Delhi, Ajmer-Merwar and the Rajputana States ... | 1 |

(2) Every person enrolled on the Register of Accountants as last published under rule 18 shall be entitled to vote in any election by the constituency to which he is shown as belonging in that register.

(3) Every person borne on the list of Approved Accountants shall be eligible to stand for election by the constituency to which he is shown as belonging in that list.

49-B (1). At least six weeks before the date of an election the Central Government shall publish in the *Gazette of India*—

- (i) a list of Approved Accountants belonging to the constituency, and

- (ii) a notice mentioning the date of election and the number of members to be elected, and calling for nominations of candidates for election by a specified date which shall not be less than fourteen days from the date of publication of the notice.

(2) Every nomination of a candidate for election shall be in Form H (Appendix 5) duly signed by the candidate and by the proposer and seconder both of whom shall be persons entitled to vote in the election, and shall be forwarded by registered post to the Secretary, Indian Accountancy Board, by name, so as to reach him on or before the due date.

(3) Every candidate for election shall pay a fee of rupees fifty in the manner prescribed in rule 17 and enclose the bank or treasury receipt therefor with the nomination paper.

(4) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Secretary, Indian Accountancy Board, before 3 o'clock on the fourth day succeeding the date fixed for the receipt of nomination papers. No person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal.

49-C (1). At least fourteen days before the date of election the Central Government shall send by registered post to the address of every voter in the constituency as given in the Register of Accountants a voting paper and a declaration form, together with a letter explaining the manner in which they shall be filled up and specifying the date and hour by which they should reach the Secretary, Indian Accountancy Board.

(2) The voting-paper shall contain a list of the candidates standing for election and bear the seal of the Government of India, Department of Commerce.

(3) Each voter shall be entitled to a number of votes equal to the number of members to be elected, but shall not record more than one vote in favour of any one candidate. If a voter records more votes than he is entitled to, the voting paper shall be regarded as invalid.

(4) The declaration form shall be signed by the voter in the presence of a Magistrate, or if the voter resides in an Indian State, in the presence of a First Class Magistrate of that State or of a Political Officer not lower in rank than an Assistant Political Agent, and shall be certified to have been so signed under the hand and seal of the Magistrate or, as the case may be, of the Political Officer.

(5) After recording his vote or votes, a voter shall enclose the voting paper in the envelope provided for that purpose, enclose the declaration form duly signed and certified in accordance with sub-rule (4) and the envelope containing the voting paper, in another envelope, and forward it by registered post to the Secretary, Indian Accountancy Board, so as to reach him by the due date and hour. Any voting paper which is received after the due date and hour or which has not been forwarded in accordance with this sub-rule shall be regarded as invalid.

49 D (1). The person or persons securing the largest number of valid votes shall be declared to be duly elected.

2. In the case of equality of votes the final selection shall rest with the Secretary to the Government of India in the Department of Commerce.

49 E (1). Any doubts or disputes arising as to the validity of an election shall be determined by the Central Government whose decision shall be final.

(2). No election shall be deemed to be invalid merely because of the accidental omission to send, or delay in sending, a voting paper to a voter, or the accidental non-receipt of, or delay in receiving, a voting paper by a voter, or any other accidental irregularity or informality in the conduct of the election.

(2). For rule 52 of the said Rules the following rule shall be substituted namely:—

“52. Save as provided in these rules the term of office of all members of the Board other than those who are in the service of Government shall be three years from the date on which their nomination or election is notified in the *Gazette of India*”.

(3). In sub-rule (1) of rule 54 of the said rules the words “and appoint another member thereto” shall be omitted.

(4). After rule 55 of the said rules, the following rule shall be inserted, namely:—

“55 A (1). Any casual vacancy in the Board shall be filled up in the same manner as the seat was originally filled.

- (2). The term of office of a member nominated or elected to fill a casual vacancy shall extend so long only as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred".
- (5). After Appendix 4 to the said Rules the following Appendix shall be inserted, namely :—

APPENDIX 5.

FORM H.

Form of nomination of a candidate for election to the Indian Accountancy Board.

[See Rule 49 B (2).]

We, the undersigned Registered Accountants, being qualified to vote in the election of members to the Indian Accountancy Board by the..... constituency, do hereby nominate Mr..... who is an approved Accountant belonging to that constituency, as a candidate for the election to be held on the..... 19

(1) Signature of proposer.....
Enrolment no.....
Address.....

(2) Signature of seconder.....
Enrolment no.....
Address.....

I,..... being an Approved Accountant belonging to the..... constituency, agree to stand for the election by that constituency to be held on the..... 19. I have paid the fee of Rs. 50 to The Reserve Bank of India..... and the Bank receipt is enclosed herewith. The Imperial Bank of India..... The Government Treasury at.....

Signature of candidate.....
Address.....

Dated this..... day of..... 19

H. DOW.

Secy. to the Govt. of India.

The 20th March 1939.

No. 1918—HC-27/39-Com.—The following notification issued by the Government of India in the Finance Department (Central Revenue), is republished for general information.

By order of the Governor,
C. G. NAIR,
Secretary to Government.

CENTRAL EXCISES.

New Delhi, the 4th February 1939.

No. 3.—In exercise of the powers conferred by sections 17 and 18 of the Matches (Excise Duty) Act, 1934 (XVI of 1934), the Central Government is pleased to direct that the following further amendment shall be made in the Matches (Excise Duty) Order, 1934, namely :—

In clause 13 of the said Order, for the words "paid under the Act" the words "paid otherwise than by means of banderols affixed to the boxes or booklets containing the matches" shall be substituted.

M. SLADE,
Joint Secy. to the Govt. of India.

The 17th March 1939.

No. 1868-J.—The following notification issued by the Government of India in the Home Department, is republished for general information.

By order of the Governor,
C. G. NAIR,
Secretary to Government.

HOME DEPARTMENT.

New Delhi, the 21st November 1938.

No. 148/38-Judicial.—In exercise of the power conferred by *Explanation 2* to section 44A of the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government is pleased to declare the Colony of Aden to be a reciprocating territory, and the Supreme Court of the said Colony to be a Superior Court of that territory, for the purposes of the said section.

F. H. PUCKLE,
Secy. to the Govt. of India.