



The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 16. CUTTACK, FRIDAY, APRIL 21, 1939.

 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.

**PUBLISHED UNDER THE AUTHORITY
OF THE HIGH COURT OF
JUDICATURE AT PATNA.**

NOTIFICATION.

The 12th April 1939.

No. 7-R.—The following draft amendments of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), which are proposed to be made by the High Court of Judicature at Patna under section 122 of the said Code, are published for the information of persons likely to be affected thereby. The draft amendments will be taken into consideration on or after the 22nd May 1939, and any objections or suggestions relating thereto which may be received by the undersigned before that date will be duly considered by the Court.

By order of the High Court,

S. K. DAS,

Registrar.

ORDER XXI.

RULE 85.

For the portion of rule 85 of Order XXI beginning with the words "The purchaser"

and ending with the words "sale of the property:", substitute the following:—

"The full amount of purchase-money payable shall be paid by the purchaser into Court before the Court closes on the fifteenth day from the sale of the property:"

RULE 86.

Cancel the words "or tender of stamp" between the words "payment" and "within" in rule 86 of Order XXI.

RULE 94.

Substitute the following for rule 94 of Order XXI:—

"Where a sale of immovable property has become absolute, the auction purchaser shall file the sale certificate stamp within fifteen days from the date of confirmation of the sale, and the Court shall grant a certificate specifying the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear date the day on which the sale became absolute.

If the necessary stamp for the sale certificate is not filed within the prescribed period the sale may, if the Court thinks fit, be set aside."

HOM E, REVENUE AND FINANCE DEPARTMENT.

NOTIFICATIONS.

The 18th April 1939.

No. 2914-Pol.—The following notification issued by the Government of India, in the Home Department is republished for general information.

By order of the Governor,

M. K. VELLODI,

Chief Secretary to Government.

The 14th November 1938.

No. 106/1/37.—In exercise of the powers conferred by sections 17 and 27 of the Indian Arms Act, 1978 (XI of 1978) the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

I. In the said rules—

- (1) in clause (d) of sub-rule (1) of rule 3 for the words "Gazette of India" the words "official Gazette" shall be substituted;
- (2) in clause (i) of rule 4 for the words "Saltpetre and" the word "Saltpetre" shall be substituted.
- (3) in sub-rule (1) of rule 5—
 - (a) in clause (c) the word "or" shall be omitted; and
 - (b) in clause (d) for the word "ammunition", the words "ammunition, or" shall be substituted; and
- (4) in sub-rule (1) of rule 43, for the words "Madras Presidency", the words "Province of Madras" shall be substituted.

II. In the table set forth in Schedule II to the said Rules—

- (a) in entry 3-A in the third column for the words "The Provincial Government" the words "Central Government" shall be substituted; and
- (b) in entry 8 in the first column for the words "Bombay Presidency" the words "Province of Bombay" shall be substituted.

F. H. PUCKLE,

Secy. to the Govt. of India.

The 12th April 1939.

No. 1322-C.—The following notifications by the Government of the Punjab are republished for general information.

By order of the Governor,

M. K. VELLODI,

Chief Secretary to Government.

HOME DEPARTMENT.

GENERAL.

Lahore, the 23rd February, 1939.

No. A-7 (7) 19-S.B.—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, XXIII of 1931, the Governor of the Punjab declares to be forfeited to His Majesty all copies, wherever found, of issue No. 7 of the Gurmukhi "*Kirti-Lehr*", Meerut, U. P., dated the 12th February, 1939, printed by Baba Karam Singh Dhut (American), editor-printer-publisher, at the Azad Press, Meerut, and published by him from the office of the "*Kirti-Lehr*", 145/1, Western Kutchery Road, Meerut, and all other documents containing copies, reprints or translations of, or extracts from the said issue on the ground that it contains matter of the nature described in clause (d) of sub-section (1) of section 4 of the said Act read with section 16 of the Criminal Law Amendment Act, XXIII of 1932.

Lahore, the 26th February 1939.

No. A-7 (7) 19-S.B.—In exercise of the powers conferred by Section 19 of the Indian Press (Emergency Powers) Act, XXIII of 1931, the Governor of the Punjab declares to be forfeited to his Majesty all copies, wherever found, of issue No. 8-9 of the Gurmukhi "*Kirti-Lehr*", Meerut, U. P., dated the 19th February 1939, printed by Baba Karam Singh Dhut (American), editor-printer-publisher, at the Azad Press, Meerut, and published by him from the office of the "*Kirti-Lehr*", 145/1, Western Kutchery Road, Meerut, and all other documents containing copies, reprints or translations of, or extracts from, the said issue on the ground that it contains matter of the nature described in clause (d) of sub-section (1) of section 4 of the said Act, read with section 16 of the Criminal Law Amendment Act, XXIII of 1932.

Lahore, the 9th March 1939.

No. 1886-10616-P. B.—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, XXIII of 1931, the Governor of the Punjab hereby declares to be forfeited to His Majesty all copies, wherever found, of the book in Hindi entitled "*Udasin Panth Samiksha Aur Shraut-Muni Charitamrit—Dhwant Divakar: Prathma Bhag*" edited by Swami Avdhut Ji Maharaj, published by Swami Narayana Giri and printed at the Standard

Press, Jullundur City, and all other documents containing copies or translations of or extracts from, the said book inasmuch as the said book contains matter of the nature described in clause (h) of sub-section (1) of section 4 of the said Act, as amended by section 16 of the Criminal Law Amendment Act, XXIII of 1932.

By order of the Governor of the Punjab,
J. D. PENNY,
Chief Secretary to Government, Punjab.

HEALTH AND LOCAL SELF-GOVT. DEPARTMENT.

NOTIFICATION.

The 17th April 1939.

No. 2396—L.-S.-G.—The following notification issued by the Government of India in the Department of Education, Health and Lands, is republished for general information.

By order of the Governor,
S. DAS,
Secretary to Government.

HEALTH.

New Delhi, the 2nd February 1939.

No. F. 16-23/38-H.—The following Rules made by the Secretary of State for India are published for general information:—

The Secretary of State's Services (Medical Attendance) Rules 1938.

I, Lawrence John Lumley, Marquess of Zetland, one of His Majesty's principal Secretaries of State, in virtue of the powers conferred by Section 247 (1), Section 250 (1) and Section 269 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following rules.

1. (1) These rules may be called the Secretary of States Services (Medical Attendance) Rules, 1938.

(2) They shall apply to Government servants when on duty or leave in British India or on foreign service in India,

(i) appointed by the Secretary of State in Council or the Secretary of State to a civil service of, or a civil post under, the Crown in India or as Chaplains;

(ii) other than those specified in sub clause (i) who have been appointed substantively or temporarily in accordance with the provisions of rules under section 246 of the Government of India Act, 1935, to posts reserved under that section.

2. In these rules, unless there is anything repugnant in the subject or context—

(a) "authorised medical attendant" means—

(1) in respect of a Government servant of non-Asiatic domicile—

(i) if the Government servant claims to be attended and treated by a European officer of the Indian Medical Service, the nearest such officer appointed by the Government to attend its officers of non-Asiatic domicile and stationed at one of the centres specified in the first Schedule to the Indian Medical Service (Reserved Posts) Rules, 1938;

(ii) in other cases, the principal medical officer appointed by the Government to attend its officers in the district in which the Government servant falls ill, and includes a European military medical officer or other European physician or surgeon with whom arrangements have been made by the Government to attend its officers of non-Asiatic domicile in the area in which the Government servant falls ill;

(2) in respect of any other Government servant, the principal medical officer appointed by the Government to attend its officers in the district in which the Government servant falls ill;

(b) "family" means the wife, legitimate children and step-children of a Government servant, residing with and wholly dependent upon him;

(c) "the Government" means the Governor General in the case of Government Servants employed in connection with the affairs of the Federation and the Governor of the Province in the case of Government Servants employed in connection with the affairs of a Province;

(d) "Government hospital" includes a British Military Hospital, a hospital maintained by a local authority and any other hospital with which arrangements have been made by the Government for the treatment of its officers, but does not include a railway hospital;

(e) "medical attendance" means attendance in hospital or at the residence of a Government servant, and includes—

(i) such pathological, bacteriological, radiological or other methods of examination for the purposes

- of diagnosis as are available in any Government hospital or laboratory in the Province and are considered necessary by the authorized medical attendant; and
- (ii) such consultation with a specialist or other medical officer in the service of the Government as the authorized medical attendant certifies to be necessary, to such extent and in such manner as the specialist or medical officer may, in consultation with the authorized medical attendant, determine;
- (f) "nurse" means a qualified nurse holding a certificate or diploma recognized by the Chief Administrative Medical Officer of the Province or a registered nurse in a Province in which there is statutory provision for the registration of nurses;
- (g) "patient" means a Government servant, to whom these Rules apply, who has fallen ill;
- (h) "Province" means the Province in which a patient falls ill; and
- (i) "treatment" means the use of all medical and surgical facilities available at the Government hospital in which a Government servant is treated, and includes—
- (i) the employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the Authorized medical attendant;
 - (ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in Government hospitals in the Province;
 - (iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily so available as the authorized medical attendant may certify in writing to be essential for the recovery, or for the prevention of serious deterioration in the condition, of the Government servant;
 - (iv) such accommodation as is ordinarily provided in the hospital to which the Government servant is admitted and is suited to his status;
 - (v) the services of such nurses as are ordinarily employed by the hospital to which the Government servant is admitted;
 - (vi) such special nursing as the authorised medical attendant may certify in writing to be essential for the recovery, or for the prevention of serious deterioration in the condition, of the Government servant; and
 - (vii) the medical attendance described in sub-clause (ii) of clause (e); but does not include diet, or provision at the request of the Government servant of accommodation superior to that described in sub-clause (iv).
3. A Government servant, and a member of the family of a Chaplain, shall be entitled, free of charge, to medical attendance by the authorised medical attendant.
4. The family of a Government servant recruited before the 1st April 1938 for service on the Railways shall be entitled, free of charge, to medical attendance and treatment at a Railway Hospital or Dispensary, either as an in or an out patient to the extent of accommodation available and facilities provided by that Hospital or Dispensary.
5. (1) When the place at which a patient falls ill is not the headquarters of the authorised medical attendant—
- (a) the patient shall be entitled to travelling allowance for the journey to and from such headquarters; or
 - (b) if the patient is too ill to travel, the authorised medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient is.
- (2) Applications for travelling allowance under sub-rule (1) shall be accompanied by a certificate in writing by the authorised medical attendant stating that medical attendance was necessary and, if the application is under clause (b) of that sub-rule, that the patient was too ill to travel.
6. (1) If the authorised medical attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance by some person other than himself, he may, with the approval of the Chief Administrative Medical Officer of the Province (which shall be obtained beforehand unless the delay involved entails danger to the health of the patient),—
- (a) send the patient to the nearest specialist or other medical officer in the Province by whom, in his opinion, medical attendance is required for the patient; or
 - (b) if the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient.

(2) A patient sent under clause (a) of sub-rule (1), shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be entitled to travelling allowance for the journey to the headquarters of the specialist or other medical officer.

(3) A specialist or other medical officer summoned under clause (b) of sub-rule (1) shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be entitled to travelling allowance for the journey to and from the place where the patient is.

7. (1) A Government servant shall be entitled, free of charge, to treatment—

(a) in such Government hospital in the district in which he falls ill, as can, in the opinion of the authorised medical attendant, provide the necessary and suitable treatment; or

(b) if there is no such hospital as is referred to in clause (a), in such hospital, other than a Government hospital, in that district as can, in the opinion of the authorised medical attendant provide the necessary and suitable treatment; or

(c) if there is no such hospital as is referred to in clauses (a) and (b), in such hospital in the Province as can, in the opinion of the authorised medical attendant, provide the necessary and suitable treatment.

(2) Where a Government servant is entitled, under sub-rule (1), free of charge, to treatment in a hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be reimbursed to him.

8. (1) If the authorised medical attendant is of opinion that owing to the absence or remoteness of a suitable hospital or to the severity of the illness, a Government servant cannot be given treatment as provided in sub-rule (1) of rule 7, the Government servant may receive treatment at his residence.

(2) A Government servant receiving treatment at his residence under sub-rule (1) shall be entitled to receive towards the cost of such treatment incurred by him a sum equivalent to the cost of such treatment as he would have been entitled, free of charge, to receive under these rules if he had not been treated at his residence.

(3) Claims for sums admissible under sub-rule (2) shall be accompanied by a certificate in writing by the authorised medical attendant, stating—

(a) his reasons for the opinion referred to in sub-rule (1);

(b) the amount of the cost of similar treatment referred to in sub-rule (2).

9. (1) Charges for services rendered in connection with, but not included in, medical attendance on, or treatment of, a patient entitled, free of charge, to medical attendance or treatment under these rules shall be determined by the authorised medical attendant and paid by the patient.

(2) If any question arises as to whether any service is included in medical attendance or treatment, it shall be referred to the Government, and the decision of the Government shall be final.

10. Nothing in these Rules shall be deemed to entitle a Government servant—

(a) to travelling allowance for a journey—

(i) for attendance by a dentist or oculist; or

(ii) outside the Province; or

(b) to reimbursement of costs incurred in respect of medical services obtained by him, or to travelling allowance for any journey performed by him, otherwise than as expressly provided in these Rules.

11. The Government may, by general or special order, direct that any certificate required by these rules to be given by the authorised medical attendant, and the controlling officer, for travelling allowance purposes, of a patient may, by special order, direct that any certificate so required for such purposes, shall be countersigned by the Chief Administrative Medical Officer of the Province.

12. No Government servant shall be transferred to foreign service unless the foreign employer undertakes to afford to him, so far as may be, privileges not inferior to those which he would have enjoyed under these rules if he had been employed in the service of the Crown in India.

13. Nothing in these rules shall be construed as preventing the Government from granting to any person to whom they apply any concession relating to medical treatment or attendance which is not authorised by these rules.

14. (1) Until the commencement of Part II of the Government of India Act, 1935, references in these rules to the Governor General shall be construed as references to the Governor General in Council

(2) In the discharge of his functions under these rules the Governor, and after the commencement of Part II of the said Act, the Governor General, shall exercise his individual judgment

from under my hand this 30th day of August 1938.

(Sgd) ZETLAND,

One of His Majesty's Principal Secretaries of State.

M. W. M. YEATTS,

Joint Secy. to the Govt. of India.

LAW, COMMERCE AND LABOUR DEPARTMENT.

NOTIFICATIONS.

The 15th April 1939.

No. 2655—II-E-5/39-Com.—The following notification issued by the Government of India, Department of Labour, is republished for general information.

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

New Delhi, the 16th March 1939.

No. 826-M.—The following draft of certain further amendments to the Petroleum Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), is published as required by sub-section (2) of section 29 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration or after the 15th day of May 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.

I. In sub-rule (3) of rule 82 of the said Rules, for the words "no passengers shall be allowed", the words "the driver or other person in charge of the vehicle shall not allow any passenger" shall be substituted.

II. In Form K in Schedule II to the said Rules, for condition 13 the following condition shall be substituted, namely:—

"13 (a) Petroleum shall not be placed in any motor vehicle while the engine is running and, where the vehicle is licensed for the conveyance of more than six passengers on hire, while any passenger remains in the vehicle, and

(b) persons in and engaged in connection with any motor vehicle shall not be permitted to smoke while it is being refuelled."

M. S. A. HYDARI,
Secretary to the Government of India.

The 15th April 1939.

No. 2656—Ij-11/39-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.

REGISTRATION OF ACCOUNTANTS.

New Delhi, the 25th March 1939.

No. 12-A. (1)/39.—With reference to this Department's Notification No. 12-A. (2)/38,

dated the 24th September 1938, it is hereby notified that in exercise of the powers conferred by rule 16 of the Auditor's Certificates Rules, 1932, the Central Government is pleased to restore to the Register of Accountants the name of the following gentleman, namely:—

Mr. Tirumandangudi Visvanatha
Ganapathy, G.D.A., Tennore,
Trichinopoly.

H. DOW,

Secy. to the Govt. of India.

The 17th April 1939.

No. 2680—IIIc-5/39-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 25th March 1939.

No. 243(10)-Tr. (I. E. R.)/38—In pursuance of section 13 of the Indian Rubber Control Act, 1934 (XXVIII of 1934), the Central Government is pleased to declare that the permissible maximum net exports of dry rubber from British India for the second quarter of 1939 shall be 2,187½ tons.

H. DOW,

Secretary to the Govt. of India.

The 17th April 1939.

No. 2686-Com.—The following notifications issued by 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.

TREATIES—I. E. R.

New Delhi, the 1st April 1938.

No. 201 (1)-Tr. (I.E.R.)/38.—In pursuance of clause (c) of section 2 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to notify that the taking out of British India by land, of tea to Afghanistan, Sikkim, Nepal, Bhutan or Tibet shall not be "export" for the purposes of the said Act.

H. DOW,

Secy. to the Govt. of India.

IMPORT AND EXPORT REGULATIONS.

Simla, the 20th August 1938.

No. 201 (1)-Tr. (I.E.R.)/38.—In pursuance of clause (c) of section 2 of the Indian Tea

Control Act, 1933 (VI.I of 1938), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Commerce, no 201 (1) Tr. (I.E.R.)/38, dated the 1st April 1938, namely:—

In the said notification the word
"Sikkim" shall be omitted.

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

IMPORT AND EXPORT REGULATIONS.

Simla, the 3rd September 1938.

No. 201 (14)-Tr. (I.E.R.)/38.—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 amendment shall be made in the Indian Tea Control Rules, 1938, namely:—

After Form No. 5 of the Forms appended to Schedule VI to the said Rules, the following Form shall be inserted, namely:—

" FORM No. 6.

The Indian Tea Control Act, 1938.

[See Sections 11 (c), 12 and 23.]

EXPORT OF TEA BY PARCEL POST.

(1)		(2)	(3)
Description and weight of packing used.		Net weight of tea in pounds.	Gross weight of parcel in pounds (Column 1 added to Column 2).
Description.	Weight in pounds.		

This Parcel Post tea export licence has been issued by me under section 12 of the Indian Tea Control Act, 1933, to cover.....lbs. net of tea as per Column (2) above.

For and on behalf of
Indian Tea Licensing Committee,

Signed.....
Joint Controller."

Dated.....

N. R. PILLAI,
Joint Secy. to the Govt. of India.