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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

COMMERCE AND LABOUR DEPARTMENT

The 22nd September 1944

No. 3543-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 TRADE CONTROL

New Delhi, 19th August 1944

No. 24-I.T.C./44—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the Schedule annexed to the notification of the Government of India in the Department of Commerce No. 23-I.T.C./43, dated the 1st July 1943 :—

In Part II of the said Schedule—

(i) for the existing entry in column (2) against serial No. 30 substitute the following, namely :—

“ Diesel engines of all types, and component parts thereof except spare parts for internal combustion engines of road vehicle type.”

(ii) for the existing entry in column (2) against serial No. 31 substitute the following, namely :—

“ Petrol and kerosene engines of all types (excluding automobile units) and component parts thereof except spare parts for petrol internal combustion engines of road vehicle type.”

K. K. CHETTUR

Deputy Secy. to the Govt. of India

The 2nd October 1944

No. 3574—IE-17/44-Com.—The following notification, issued by the Government of India in the War Department, is republished for general information.

C. G. NAIR

Secretary to Government

PART B

ECOLESIASTICAL

New Delhi, 29th July 1944

No. 1211—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935, the Governor-General in Council is pleased to entrust to Provincial Governments with their consent the functions of the Central Government in relation to such ecclesiastical affairs as are specified in the first column of the schedule hereto annexed subject to the conditions set out in the corresponding entry in the second column of the said schedule.

THE SCHEDULE

Functions of the Central Government	Conditions subject to which function is entrusted
(A) <i>Chaplains in the Indian Ecclesiastical Establishment—all functions in respect of</i> (1) Posting (2) Confirmation (3) Transfer within the Diocese (4) Travelling allowance (5) Grant of leave (6) Fixation of Initial pay (7) Grant of increments (8) Retirements, including sanction of pensions. (9) Application of Secretary of State's (Medical Attendance) Rules, 1938.	In the discharge of the entrusted functions, the Provincial Government shall generally act in accordance with orders issued, or which may be issued, by the Secretary of State for India or the Governor-General in Council and subject to the superintendence, control and direction of the Governor-General in Council.

Functions of the Central Government

Conditions subject to which function is entrusted

(B) *Subordinate (Church and cemetery) Establishment—all functions in respect of*

(1) Appointment (not creation of posts).

(2) Confirmation

(3) Promotion

(4) Transfer within the Diocese

(5) Discipline

(6) Travelling allowance

(7) Grant of leave

(8) Fixation of pay

(9) Grant of increment

(10) Retirements, including sanction of pensions and gratuities.

(C) *Contingent expenditure, appropriation and re-appropriation of funds.*

Sanction to expenditure from, and appropriations and re-appropriations of funds at the disposal of the Provincial Governments.

(D) *Ecclesiastical Works—Erection, maintenance, etc., of churches and cemeteries.*

All functions in respect of ecclesiastical works in civil stations in the Provinces of Central Provinces and Berar, North-West Frontier Province, Assam and Orissa.

In the discharge of the entrusted functions, the Provincial Government shall act subject to rules and orders of the Governor-General in Council in respect of rates of pay and allowances, pensions and gratuities, and the provisions of Ecclesiastical Rules.

In the discharge of the entrusted functions, the Provincial Government shall exercise the powers conferred by rules 44(a), and 49 to 54 of the Book of Financial Powers (First Edition, Re-print).

In the discharge of the entrusted functions, the Provincial Government shall act subject to the provisions of the Ecclesiastical Rules and the superintendence, control and direction of the Governor-General in Council.

C. M. TRIVEDI

Secretary to Government of India

LAW DEPARTMENT NOTIFICATIONS

The 21st September 1944

No. 3515-L.—The following Ordinances promulgated by the Governor-General are hereby published for general information.

By order of the Governor
C. G. NAIR

Secretary to Government

New Delhi, 26th August 1944

ORDINANCE No. XL of 1944

AN ORDINANCE

further to amend the Criminal Law Amendment Ordinance 1943

WHEREAS an emergency has arisen which makes it necessary further to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), for the purposes herein-after appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Criminal Law Amendment (Fifth Amending) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 5, Ordinance XXIX of 1943—

In sub-section (2) of section 5 of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance), for the words "not specified" the words "whether or not specified" shall be substituted, and shall be deemed always to have been substituted.

3. Amendment of section 6, Ordinance XXIX of 1943—

After sub-section (1) of section 6 of the said Ordinance, the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in section 4, any two members of a Special Tribunal may proceed with the trial of a case during the temporary and unavoidable absence of the third member:

Provided that all three members shall be present when after the evidence has been concluded the prosecutor or the accused or his pleader is addressing the Special Tribunal and when the judgment in the case is delivered."

4. Amendment of First Schedule, Ordinance XXIX of 1943—

In the First Schedule to the said Ordinance,—

(a) in Part I, entry No. 31 shall be omitted, and shall be deemed never to have been included;

(b) in entry No. 32 of Part III, for the name "Zille-Hasan Badar" the name "Zille Hasnain Badar" shall be substituted, and shall be deemed always to have been substituted.

WAVELL

Viceroy and Governor-General

New Delhi, 5th September 1944

ORDINANCE No. XLI of 1944

AN
ORDINANCE

further to amend the Allied Forces (Exemption from Local Taxation) Ordinance, 1943

WHEREAS an emergency has arisen which makes it necessary further to amend the Allied Forces (Exemption from Local Taxation) Ordinance, 1943 (XXVIII of 1943), for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement—(1) This Ordinance may be called the Allied Forces (Exemption from Local Taxation) Second Amendment Ordinance, 1944.

(2) It shall come into force at once.

2. Insertion of new section 2A in Ordinance XXVIII of 1943—After section 2 of the Allied Forces (Exemption from Local Taxation) Ordinance, 1943, the following section shall be inserted, namely:—

"2A. *Application to Nepalese Contingent*—The provisions of this Ordinance shall apply to the Nepalese Contingent maintained in British India as they apply to a force maintained in British India by an Authority to which this Ordinance applies, and to the members of the said Contingent as they apply to the members of the said force."

ORDINANCE No. XLII of 1944

AN
ORDINANCE

to make certain provision in respect of Post-Office Twelve-Year National Savings Certificates and other classes of Savings Certificates

WHEREAS an emergency has arisen which renders it necessary to make certain provision in respect of Post-Office Twelve-Year National Savings Certificates and other classes of Savings Certificates;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title, application and commencement—(1) This Ordinance may be called the Post-Office National Savings Certificates Ordinance, 1944.

(2) It applies to—

(a) Post-Office Twelve-Year National Savings Certificates issued in pursuance of the Notification of the Government of India in the Finance Department, No. F. 17 (100)-F/43, dated the 4th September 1943, and

(b) any other classes of savings certificates to which the Central Government may from time to time by notification in the official Gazette direct that the provisions of this Ordinance shall apply.

(3) It shall come into force at once.

2. Interpretation—In this Ordinance—

(a) "minor" means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875 (IX of 1875);

(b) "savings certificate" includes a Post-Office Twelve-Year National Savings Certificate referred to in clause (a) of sub-section (2) of section 1 and a savings certificate of any other class to which the provisions of this Ordinance have been applied by a direction in pursuance of clause (b) of that sub-section;

(c) "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law.

3. Restriction of transfer—Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer, whether made before or after the commencement of this Ordinance or, as the case may be, before or after the making of a direction in pursuance of clause (b) of sub-section (2) of section 1, of a savings certificate shall be valid without the previous consent in writing of an officer of the Post Office authorised by general or special order of the Central Government in that behalf.

4. Payment on death on holder of savings certificate—

(1) If a person dies and is at the time of his death the holder of a savings certificate, payment of the sum for the time being due thereon may be made in the manner provided in the Government Savings Banks Act, 1873 (V of 1873), for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of the savings certificate were a depositor in a Government Savings Bank and the sum for the time being due on the certificate were a deposit in such a Bank:

Provided that in such application section 8 of the said Act shall be construed as if the reference therein to three thousand rupees were a reference to the amount of the maximum holding of savings certificates prescribed in the rules made or deemed to have been made under this Ordinance applicable to the particular savings certificate:

Provided further that—

(a) the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Postmaster-General for the area within which the post office of issue of such savings certificate is situate;

(b) where in any one case payment is to be made of savings certificates issued from more post offices than one, the said powers shall be exercisable by the Postmaster-General for the area in which any of the said post offices is situate.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a savings certificate before it has reached maturity.

5. Holdings by or on behalf of minors—Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary,—

(1) a minor may apply for and hold savings certificates and any person may apply for and hold savings certificates on behalf of a minor;

(2) where any certificate is held by or on behalf of a minor, the minor shall, whether the certificate was applied for and issued before or after the commencement of this Ordinance or, as the case may be, before or after the making of a direction in respect of such certificate in pursuance of clause (b) of sub-section (2) of section 1, be bound by the provisions of this Ordinance and of any rules made or deemed to have been made thereunder applicable to such savings certificate and by the terms of any declaration made by the applicant for the certificate in pursuance of the said rules;

(3) payment of the sum for the time being due on a savings certificate held by or on behalf of a minor may be made—

(a) to him personally, if he himself applied for the certificate, or

(b) for the use of the minor, if the application for the certificate was made by any person other than the minor,—

(i) to any such person, being a parent of the minor or guardian of his property, as may be nominated in that behalf in the form of application, or

(ii) if no such nomination has been made, to any guardian of the property of the minor appointed by a competent Court, or where no such guardian has been so

appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor, or where neither parent or guardian for any sum paid under this clause shall be a sufficient discharge therefor.

6. Rules—(1) The Central Government may by notification in the official Gazette make rules relating to any class of savings certificate.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the discharge of, and conditions as to interest or discount relating to, any class of savings certificate, and may also provide—

(a) that where any such maximum limits of holdings are exceeded, no interest shall be payable on the amount of such excess ;

(b) that if any interest has been paid on any amount of such excess, it shall be recoverable as an arrear of land-revenue or in such other manner as the rules may prescribe.

(3) All rules relating to—

(a) the Post-Office Twelve-Year National Savings Certificates in force at the commencement of this Ordinance,

(b) any other class of savings certificate in force at the time when a direction in pursuance of clause (b) of sub-section (2) of section 1 is made in respect thereof— shall, so far as they are not inconsistent with the provisions of this Ordinance, continue in force until they are duly rescinded or amended, and shall be deemed to have been made under this Ordinance.

WAVELL

Viceroy and Governor-General

The 4th October 1944

No. 3616-L.—The following ordinance promulgated by the Governor General is hereby published for general information.

By order of the Governor
C. G. NAIR

Secretary to Government

New Delhi, 16th September 1944
ORDINANCE No. XLIII of 1944

AN

ORDINANCE

to amend the Cotton Textiles Fund Ordinance 1944

WHEREAS an emergency has arisen which makes it necessary to amend the Cotton Textiles Fund Ordinance, 1944 (XXXIV of 1944), for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement—(1) This Ordinance may be called the Cotton Textiles Fund (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 4, Ordinance XXXIV of 1944—To the proviso to sub-section (1) of section 4 of the Cotton Textiles Fund Ordinance, 1944, the following shall be added, namely :—

“ or exported for any purpose which is in the opinion of the Collector connected with the prosecution of the war.”

WAVELL

Viceroy and Governor-General

DEPARTMENT OF SUPPLY AND TRANSPORT
NOTIFICATION

The 2nd October 1944

No. 17138-S.T.—The following notifications, issued by the Government of India in the Department of Industries and Civil Supplies, are republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 9th September 1944

No. 475-DM(1)/44—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the Drugs Control Order, 1943, namely :—

I. In the said Order,—

1. In the definition of “drug” in Clause 2, after the word and letter “Schedule A”, the following shall be inserted :—

“ and in Clauses 11, 12 and 13, includes also any article which is a drug as defined in Section 3 of the Drugs Act, 1940 ”.

2. For Clause 4, the following clause shall be substituted :—

“ 4. *Manufacturer's, importer's, wholesaler's and retailer's licences*—(1) No person shall carry on the business of a manufacturer, importer, wholesaler or retailer at any place in British India except under and in accordance with the conditions of a valid licence in Form A1, A2, or A3, as the case may be, and a separate licence shall be taken out for each distinct place of business.

(2) All licences issued before the 9th September 1944 in Form A shall from that date be deemed to be licences in Form A1 or Form A3, as the case may be.

(3) Any manufacturer, importer or wholesaler holding a valid licence in Form A issued before the 9th September 1944 may, if his business has from a date prior to the date of the licence been confined to not more than five drugs and the total turnover of the business during the year 1943 did not exceed Rs. 30,000 in value, apply to the appropriate licensing authority for replacing his licence in Form A by a restricted licence in Form A2 and if the application is granted the licensee shall be entitled to a refund of the difference between the licence fee already paid by him and the licence fee which he would have had to pay for the restricted licence in Form A2, and the new licence shall be made valid for the same period as the original licence in Form A.

(4) No manufacturer, importer or wholesaler holding a restricted licence in Form A2 shall carry on the business of manufacturing, importing or dealing wholesale in drugs other than those specified in his licence.”

3. In sub-clause (1) of Clause 6 for the words and letters “Form A or B” the words, letters and figures “Form A1, A2 or A3 or in Form B” shall be substituted.

4. In sub-clause (2) of Clause 6, and in Clause 8A, for the word and letter “Form A”, the words, letter and figures “Form A1, A2 or A3” shall be substituted.

5. In Clause 12, the *Explanation* shall be omitted.

II. In the Forms appended to the said Order,—

(1) for Form A, the following Forms shall be substituted—

“ FORM A1
(See clause 4) ”



Manufacturer's/Importer's/Wholesaler's General Licence under the Drugs Control Order, 1943

Messrs. (name)
of (address) are hereby licensed, as *
under the Drugs Control Order, 1943, for the period from 194 to 194 subject to the following conditions besides those prescribed in the said Order :—

Place
Date

Signature of Licensing Authority

NOTE—The tokens printed below should be cut out by the licensee and send to his branch offices. Each branch should produce its token to the local licensing authority for obtaining a free licence for the branch.

DRUGS CONTROL ORDER, 1943

Licensee's Token

No.



Messrs. (name)
of (address)

*Insert one of the following words: Manufacturers, Importers & Wholesalers.

hold a *Manufacturer's/*Importer's/*Wholesaler's General Licence in Form A1, No. valid from.....
to.....
 Place.....
 Date.....

Signature of Licensing Authority

* Strike out words not applicable.

FORM A2
 (See clause 4)



Manufacturer's/Importer's/Wholesaler's Restricted Licence under the Drugs Control Order, 1943

Messrs.....(name).....of.....(address).....
 are hereby licensed under the Drugs Control Order, 1943, as *.....of the following drugs, namely,
 (1).....(2).....(3).....(4).....
 (5).....for the period from the.....
 194 , to the.....194 , subject to the following conditions besides those prescribed in the said Order :—
 Place.....
 Date.....

Signature of Licensing Authority

* Insert one of the following words: Manufacturers, Importers, or Wholesalers.

NOTE—The tokens printed below should be cut out by the licensee and sent to his branch offices. Each branch should produce its token before the local licensing authority for obtaining a free licence for the branch.

DRUGS CONTROL ORDER, 1943
 Licensee's Token
 No.....



Messrs.....name.....of.....(address).....
 hold a *Manufacturer's/*Importer's/*Wholesaler's Restricted Licence in Form A2, No.....
 valid from.....to.....for the following drugs: (1).....(2).....(3).....
 (4).....(5).....
 Place.....
 Date.....

Signature of Licensing Authority

* Strike out words not applicable.

FORM A3
 (See clause 4)



Retailer's Licence under the Drugs Control Order, 1943
 Messrs.....name.....of.....(address).....
 are hereby licensed as retailers under the Drugs Control Order, 1943, for the period from the.....194 , to the.....194 , subject to the following conditions besides those prescribed in the said order :—
 Place.....
 Date.....

Signature of Licensing Authority.

(2) In Form C—

(i) in the first paragraph for the words "Wholesaler's/Retailer's licence may be issued" the words "Wholesaler's

General/Restricted Licence/Retailer's Licence may be issued" shall be substituted;

(ii) after paragraph 5 the following shall be added :—

"6. †I carry on business only in the following drugs, namely, (1).....(2).....(3).....(4).....(5)..... and the total turnover of my business during the year 1943 did not exceed Rs. 30,000 in value."

(3) after the footnote the following shall be added :—

† Strike out if application is not for a manufacturer's, importer's or wholesaler's restricted licence in Form 42."

New Delhi, 9th September 1944

No. 475-DM (18)/43—In pursuance of sub-clause (1) of clause 6 of the Drugs Control Order, 1943, the Central Government is pleased to direct that the following amendments shall be made in Notification No. 475-CS (d) (18)/43, dated the 25th December 1943, namely,—

In the said Notification—

(1) for the heading "I. Licences in Form A" and paragraph 1, the following shall be substituted—

"1. Manufacturer's, Importer's or Wholesaler's General Licence in Form A1.

(a) where the licensee's place of business is in the city of Bombay or Calcutta, an annual fee of Rs. 600.

(b) where the licensee's place of business is elsewhere than in the city of Bombay or Calcutta, an annual fee of Rs. 400.

2. Manufacturer's Importer's or Wholesaler's Restricted Licence in Form A2.

(Available only to those manufacturers, importers and wholesalers whose business is restricted to not more than five drugs and the total turnover of whose business during the year 1943 did not exceed Rs. 30,000 in value.)

(a) where the licensee's place of business is in the city of Bombay or Calcutta, an annual fee of Rs. 200.

(b) where the licensee's place of business is elsewhere than in the city of Bombay or Calcutta, an annual fee of Rs. 130."

(2) for the sub-head "2. Retailer's Licences" the heading "3. Retailer's Licence in Form A3" shall be substituted;

(3) for the heading "II. Licences in Form B" the heading "4. Purchaser's Licence in Form B" shall be substituted;

(4) the following paragraphs shall be added—

"5. All licences will be made valid up to the 15th February next. The annual fees prescribed above shall be reduced,—

(i) by three-quarters, if the licence is made valid for a period not exceeding three-months;

(ii) by one-half, if the licence is made valid for a period exceeding three months but not exceeding six months, and

(iii) by one-fourth, if the licence is made valid for a period exceeding six months but not exceeding nine months.

6. Where a manufacturer, importer or wholesaler has taken out a licence in Form A, A1 or A2 in respect of his principal place of business, whether before or after the 9th September 1944, no licence fee shall be payable for licences in the same Form in respect of his branch offices, provided the manager or other person in charge of the branch office produces the original licence or a licence token to the appropriate licensing authority. If any manufacturer, importer or wholesaler has before the 9th September 1944 obtained licences in Form A in respect of his branch offices after paying licence fees therefore, he shall be entitled to a refund of those fees."

H. M. PATEL

Secretary to the Government of India

FINANCE DEPARTMENT
 NOTIFICATION

The 23rd September 1944

No. 6519-F.—The following notification published by the Government of India, Finance Department, (Communication) is republished for general information.

By order of the Governor
 A. H. KEMP

Chief Secretary to Government

New Delhi, 6th March 1944

No. 1574-PT/44—The Governor-General in Council is pleased to direct that the following further amendment shall be made in the Post office 12-year National Savings Certificates Rules, namely :—

In exception (C) under sub-rule (5) of rule 2 of the said rules, for the letters and figures "Rs. 20,000" the letters and figures "Rs. 1,00,000" shall be substituted.

M. K. SEN GUPTA
 Finance Adviser