



The Orissa Gazette

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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.

HOME, REVENUE AND FINANCE DEPARTMENT.

NOTIFICATIONS.

The 25th October 1937.

No. 3486-C.—The following notifications by the Government of Bombay are republished for general information.

By order of the Governor,

P. T. MANSFIELD,

Chief Secretary to Government.

HOME DEPARTMENT (POLITICAL).

Bombay Castle, 25th September 1937.

No. 1598-Poll.—Government notification no. S. D.-2431, dated the 31st July 1922, published at page 1630 of Part I of the *Bombay Government Gazette*, dated the 3rd August 1922, declaring to be forfeited to His Majesty all copies of the periodical entitled "*Rashtra Dharma*", Volume II, nos. 6 and 7 for May and June 1922, published by Mr. K. A. Arjunwadkar, and all other documents containing copies, reprints or translations of, or extracts from the said books is hereby cancelled.

Bombay Castle, 5th October 1937.

No. 1695-Poll.—Government notifications no. 5011, dated the 6th July 1912 and no. 5516, dated the 28th September 1910, published at pages 1040 and 1572 of Part I of the *Bombay Government Gazette*, dated the 11th July 1912 and the 6th October 1910, respectively, in so far as they declare the following books, and all other documents containing copies, reprints or translations of, or extracts from the said books to be forfeited to His Majesty are hereby cancelled:—

- (1) *Murar Bajincha Ponwada* by Mr. D. N. Apte,
- (2) *Speeches of Aravinda Ghose*, printed in English and published by Mr. H. R. Bhagwat,
- (3) *Aravinda Ghose's Speeches in Maharashtra*, printed in Marathi and published by Mr. H. R. Bhagwat,
- (4) *Two Lectures of Sriyut Aravinda Ghose* printed in English and published by Mr. G. P. Murdeshwar.

Bombay Castle, 5th October 1937.

No. 1697-Poll.—Government notifications no. 5126-Poll., dated the 15th December 1930 and no. 1796-Poll., dated the 30th October 1934, published at pages 3035 and 2356 of Part I of the *Bombay Government Gazette*, dated the 18th December 1930 and 1st November 1934, respectively, declaring to be forfeited to His Majesty all copies of the following books, and all other documents containing copies, reprints or translations of, or extracts from the said books, are hereby cancelled:—

- (1) "Sindhudo" or "War Song" published by Mr. H. M. Pandya; and
- (2) "Jallianwala" written by an anonymous writer styling himself "Darshak" and published by Mr. Amritlal Dalpatbhai Sheth.

By order of the Governor of Bombay,
J. B. IRWIN,

Secretary to the Government of Bombay.

The 25th October 1937.

No. 3488-C.—The following notification by the Government of Madras is republished for general information.

By order of the Governor,

P. T. MANSFIELD,

Chief Secretary to Government.

PUBLIC (GENERAL) DEPARTMENT.

The 8th October 1937.

G. O. No. Ms. 15.—Notification of the Government of Madras, Public (General) Department, no. 39, dated the 16th October 1934, published at page 1871 of Part I of the *Fort St. George Gazette*, dated the 23rd October 1934, declaring to be forfeited to His Majesty all copies, wherever found, of the book in Telugu entitled "Neti Russia" (Modern Russia) written by Narla Venkateswara Rao, printed at Andhra Vani Printing Press and published by Narlavani, Kowtharam, Kistna district, and all other documents containing copies, reprints or translations of or extracts from, the said book, is hereby cancelled.

By order of His Excellency the Governor,
C. F. BRACKENBURY,

Chief Secretary to Government.

The 25th October 1937.

No. 3490-C.—The following notification by the Government of the Punjab is republished for general information

By order of the Governor,

P. T. MANSFIELD,

Chief Secretary to Government.

HOME DEPARTMENT (GENERAL).

Simla-E., the 19th August 1937.

No. 52/9645-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 publications noted below and all other documents containing copies, reprints or translations of, or extracts from, the said publications, on the ground that they contain matter, the publication of which is punishable under section 4 (1) of the aforesaid Act read with section 16 (h) of the Criminal Law Amendment Act, XXIII of 1932:—

- (1) The pamphlet in Urdu entitled "Misrji Insan Ke Libas Men," by Shri Prem Chandra, Sant Nagar, Lahore, printed by him at the Hindu Art Press, Paissa Akhbar Street, Lahore, and published by him for the Sahitya Wabhag, Arya Pratinidhi Sabha, Guru Datt Bhawan, Lahore.
- (2) The book in Urdu entitled "Jebi Pistol" written and published by Shri Prem Chandra, Arya Sewak, Guru Datt Bhawan, Lahore, and printed by him at the Nami Press, Lahore.
- (3) The pamphlet in Hindi entitled "Arya Samaj Ki Nak Men Nakel" written by Badri Singh 'Tanwar', published by Jai Narayan Sharma 'Kaushik' Bhiwani, and printed by K. A. Desai at the Ambika Printing Works, City Branch, Bhiwani.
- (4) The book in Urdu entitled "Ram Puja Aur Shaitan Ki Talim", written and published by Shri Gopal Misr Haryanwi and printed at the Peshawar Electric Press, Peshawar.

By order of the Governor of the Punjab,
J. D. PENNY,

Chief Secretary to Government, Punjab.

The 25th October 1937.

No. 3492-C.—The following notifications by the Chief Commissioner, Delhi, are republished for general information.

By order of the Governor,

P. T. MANSFIELD,

Chief Secretary to Government.

Delhi, the 4th August 1937.

No. B. 9/37 (A).—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Chief Commissioner of Delhi hereby declares to be forfeited to His Majesty all copies, wherever found, of the cyclostyled poster (whether in Urdu or in Hindi), entitled "Tajposhi ka boycott karo" (Boycott the Coronation) purporting to have been issued by the Secretary, Tajposhi Boycott Sub-Committee (Young Indians Association) and all other documents containing copies or translations of or extracts from the said poster, inasmuch as the said poster contains matter of the nature described in clause (d) of sub-section (1) of section 4 of the said Act.

Delhi, the 4th August 1937.

No. B. 9/37 (B).—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Chief Commissioner of Delhi hereby declares to be forfeited to his Majesty all copies, wherever found, of the cyclostyled poster (whether in Urdu or in Hindi) entitled "Tajposhi ka boycott karo" (Boycott the Coronation) purporting to have been issued by the Secretary, Tajposhi Boycott Sub-Committee, Delhi, and all other documents containing copies or translations of or extracts from the said poster inasmuch as the said poster contains matter of the nature described in clause (d) of sub-section (1) of section 4 of the said Act.

Delhi, the 4th August 1937.

No. B. 9/37 (C).—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Chief Commissioner of Delhi hereby declares to be forfeited to His Majesty all copies, wherever found, of the cyclostyled poster (whether in Urdu or in Hindi), entitled "Tajposhi ka boycott karo" (Boycott the Coronation) purporting to have been issued by the Secretary, Tajposhi Boycott Sub-Committee, and all other documents containing copies or translations of or extracts from the said poster, inasmuch as the said poster contains matter of the nature described in clause (d) of sub-section (1) of section 4 of the said Act.

E. M. JENKINS,

Chief Commissioner, Delhi.

LAW AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

The 23rd October 1937.

No. 7658-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.

COMPANY LAW.

Simla, the 2nd October 1937.

No. 88 (14)-Tr. (C.L.).—In pursuance of sub-section (3) of section 94 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the Chief Commissioners of Chief Commissioner's Provinces other than British Baluchistan shall, until further orders, exercise the powers of a Provincial Government under Section 289-A of the Indian Companies Act, 1913 (VII of 1913).

H. DOW,

Secy. to the Govt. of India.

The 23rd October 1937.

No. 7650-Com.—The following notification, issued by the Government of India in the Finance Department (Central Revenues), is republished for general information.

By order of the Governor,

C. G. NAIR,

Secretary to Government.

CENTRAL EXCISES.

Simla, the 18th September 1937.

No. 14.—In exercise of the powers conferred by sections 10 and 11 of the Sugar (Excise Duty) Act, 1934 (XIV of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Sugar (Excise Duty) Order, 1934, namely:—

For clause 9 of the said Order the following clause shall be substituted, namely:—

"9. Any person who exports from British India to any place outside India sugar on which duty has become payable under the Act, shall, on production of an application in Form C appended to this Order, duly completed, either before the Collector or before the Customs-collector at the port of export, receive a refund of that duty. If the exporter is the owner of the factory in which the sugar was produced and has presented his application for refund to the Collector the amount may, at that officer's discretion, be paid in cash or be set off against duty due from the owner of the factory."

2. After Form B of the Forms appended to the said Order, the following Form shall be inserted, namely:—

"FORM C.

PART I.

I/We propose to export the under-mentioned quantities of sugar to... (country of destination)—

Description of sugar.	Number of bags.	Average weight of the contents of each bag.		Total quantity.		Remarks.
		Mds.	Srs.	Mds.	Srs.	
1	2	3	4	5	6	7

Exporter(s).....

Dated the.....

To

The Collector of Customs,

Port.....

No.....

I certify that the consignment of sugar specified above has been shipped in full to (country of destination) on the..... 193 and that there has been no relauding of any sugar contained in the said consignment.

(Signed) Collector of Customs,

Port

Dated the.....193 .

PART II.

I/We request that a refund of the duty paid or payable in respect of the above consignment admissible under clause 9 of the Sugar (Excise Duty) Order, 1934, may be allowed. Documents showing that British Indian excise duty at the rate of Rs..... per cwt. amounting to Rs..... has already been paid or become payable are enclosed herewith.

Exporter(s).....

Dated the.....193 .

To

* The Collector,

District.....

The Collector of Customs,

Port.....

* Strike off the portion not required.

I am satisfied that the refund claimed is admissible and may be paid.

(Signed) The Collector,

District.....

The Collector of Customs,

Port.....".

A. H. LLOYD,

Joint Secy. to the Govt of India.

The 26th October 1937.

No. 7761—1A-6/37-Com.—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,

C. G. NAIR,

Secretary to Government.

ARCHAEOLOGY.

Simla, the 26th August 1937.

No. F.34-11/37.F.—In exercise of the powers conferred by sub-section (1) of section 20-B of the Ancient Monuments

Preservation Act, 1904 (VII of 1904), the Central Government is pleased to direct that the following further amendments shall be made in the rules published with the notification of the Government of India in the Department of Education, Health and Lands, No. F. 41-1/33, dated the 13th September 1934, regulating the grant of licences for archaeological excavations in protected areas, the same having been previously published as required by sub-section (2) of the said section, namely:—

(i) For rule 2 of the said rules, the following rule shall be substituted, namely:—

"2. Before the Central Government declare an area protected, they shall cause a notice of intended declaration to be published in the official Gazette or in such other manner as they may deem fit and the Collector shall cause public notice of such notification to be given at convenient places on or near the area in question. Such notice shall specify the boundaries of the area and shall invite any person who objects to the proposed declaration to forward to the Collector a statement of the grounds of such objection within one month of the date on which the notice is exhibited. Any objection received in pursuance of this invitation shall be transmitted to the Central Government with the observations of the Collector and shall be taken into consideration by the Central Government before they decide whether to make the proposed declaration."

(ii) In rule 3 of the said rules—

(a) for the words "other than Government" the words "other than the Crown" and for the words "Local Government" the words "Provincial Government" shall be substituted; and

(b) for the words "Governor General in Council" in both places where they occur, the words "Central Government" shall be substituted.

(iii) In rule 6 of the said rules, for the words "Governor General in Council" in both places where they occur, the words "Central Government" shall be substituted.

(iv) In rule 7 of the said rules, for the word "Government" the words "the Central Government" and for the words "Governor General in Council" the words "Central Government" shall be substituted.

(v) In rule 8 of the said rules, for the words "Governor General in Council" the words "Central Government" and for the word "Government" in both places where it occurs, the words "the Central Government" shall be substituted.

(vi) In condition (7) of rule 11 of the said rules, for the words "shall be carried out by Government" the words "may be carried out by the Central Government" shall be substituted.

(vii) In rules 15 and 16 of the said rules, for the words "Governor General in Council" wherever they occur, the words "Central Government" shall be substituted.

(viii) In the Schedule annexed to the said rules—

(a) In Form A, for the words "Governor General in Council" the words "Central Government" shall be substituted; and

(b) in Form B, for the words "Secretary of State" in both places where they occur, the words "Governor General" and for the words "Governor General in Council" the words "Central Government" shall be substituted.

M. W. YEATTS,

Joint. Secy. to the Govt. of India.

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

NOTIFICATION.

The 8th October, 1937.

No. 26-R.—The following amendments of Orders XXI and XXXIX of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), having been made and approved in accordance with the provisions of Part X of the said Code, are hereby published for general information under section 127 of the Code. The amendments shall have force and effect from the 1st day of January, 1938.

By order of the High Court,

S. K. DAS,

Registrar.

**HIGH COURT OF JUDICATURE AT
PATNA.**

ORDER XXI.

Rule 58.

Substitute the following for rule 58:—

"58. (1) When any claim is preferred to any property, the subject-matter of execution proceedings, or any objection is made to the attachment thereof, on the ground that the applicant has an interest therein which is not bound under the decree,

or that such property is not liable to attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

(2) Where the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may in its discretion make an order postponing the delivery of the property after the sale pending the investigation of the claim or objection. And in no case shall the sale become absolute until the claim or objection has been decided."

Rule 59.

Substitute the following for rule 59:—

"59. The claimant or objector must adduce evidence to show that at the date of the decree or of the attachment, as the case may be, he had some interest in, or was possessed of, the property in question."

Rule 60.

Substitute the following for rule 60:—

"60. Where upon the said investigation the Court is satisfied that for the reasons stated in the claim or objection such property was not, at the date of the decree, or when attached, as the case may be, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall make an order releasing the property, wholly or to such extent as it thinks fit, from the execution proceedings, or from attachment.

Where the property has been sold, such order shall have the effect of setting aside the sale; and if it has been purchased by a third party in good faith, the Court may make such order for his compensation by the

decree-holder or objector, to an extent not exceeding 12½ per cent. of the purchase price, as it thinks fit."

Rule 61.

Substitute the following for rule 61:—

"61. Where the Court is satisfied that the property was, at the time of the decree, or of the attachment, as the case may be, in the possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim."

Rule 92.

In sub-rule (1) of rule 92 after the words "the Court shall" insert the words "subject to the provisions of rule 58 (2)".

ORDER XXXIX.

Rule 1.

Substitute the word "the" for the word "a" in line 1 of clause (a) of rule 1 and add the following provisos after rule 1:—

"Provided that no such temporary injunction shall be granted if it would contravene the provisions of section 56 of the Specific Relief Act (Act I of 1877).

Provided further that an injunction to restrain a sale, or confirmation of a sale, or to restrain delivery of possession, shall not be granted except in a case where the applicant cannot lawfully prefer, and could not lawfully have preferred, a claim to the property, or objection to the sale, or to the attachment preceding it, before the Court executing the decree."

Act I of 1877