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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.

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

NOTIFICATION.

Patna, the 30th January 1939.

No. 1R.—In exercise of the powers conferred by section 10 of the Arbitration (Protocol and Convention) Act, 1937 (VI of 1937), the High Court is pleased to make the following rules and they are published for general information:—

1. These rules may be called and cited as 'Arbitration (Protocol and Convention) Rules'.

2. In these rules—

- (a) 'Award' means an award as defined in section 2 of the Arbitration (Protocol and Convention) Act, 1937;
- (b) 'the Act' means the Arbitration (Protocol and Convention) Act, 1937;
- (c) 'the Code' means the Code of Civil Procedure, 1908; and
- (d) 'the High Court' means the High Court of Judicature at Patna.

3. All applications, affidavits and proceedings under the Act shall be intitled "In the matter of the Arbitration (Protocol and Convention) Act, 1937, Suit no. of 19 ".

4. Each application for enforcing an award under section 5 of the Act shall be drafted and verified, as far as may be, in the manner laid down in Orders VI and VII of the Code and shall, besides other particulars, state that the award has—

- (a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed,
- (b) been made by the tribunal provided for in the agreement or constituted in the manner agreed upon by the parties,
- (c) been made in conformity with the law governing the arbitration procedure,
- (d) become final in the country in which it was made.

5. The application shall be numbered and registered as a suit between the applicant as plaintiff and the other parties to the arbitration as defendants.

6. The application shall be accompanied by the original agreement for arbitration and the original award or copies thereof duly authenticated in manner required by the law of the country in which they were made.

7. Order VII, Rules 19 to 22 of the Code shall apply to a person seeking to enforce a foreign award as if such person were a plaintiff in a suit.

8. Service of notice in proceedings under the Act shall be in the manner laid down in the Code.

9. The Court shall, in regard to proceedings under the Act, have the same powers and follow the same procedure as it has and follows in the exercise of its original civil jurisdiction.

10. Fees for serving and executing processes in proceedings under the Act shall be levied in accordance with the scale prescribed by the High Court.

11. Unless the Court otherwise directs for reasons to be recorded in writing, costs of the proceedings shall follow the event and legal practitioner's fees, if any, shall be calculated and allowed in accordance with the scale of fees prescribed by the High Court.

12. Applications, affidavits and proceedings under section 3 of the Act shall be intitled in the suit or proceedings which the applicant seeks to have stayed. A court may stay proceedings on such terms as it thinks fit, but not without notice to the opposite party, except where it appears that the object of granting a stay would be defeated by any delay occasioned by issuing a notice.

13. All proceedings under this Act, including the preparation of decrees, shall be in the English language.

14. The Court may presume the correctness of any statement as to the law of a foreign country with respect to the items mentioned in clauses (a), (b), (c) and (d) of sub-section (1) of section 7, clause (a), (b) or (c) of sub-section (2) of section 7 of the Act, contained in an affidavit of any Diplomatic or Consular representative in India of that country.

15. The Court may presume that a copy of an award filed under section 8 of the Act is duly authenticated in manner required by the law of the country in which it was made if it is certified on the face of such copy by a Diplomatic or Consular representative of the British Government or of the Government of India in the country in which it was made, that the authentication is in the manner commonly used in that country for the authentication of copies of such documents.

16. The Court may presume that any document purporting to be a certified copy of the arbitral proceedings in which the award was made is genuine and accurate if it is certified on the face of the document by a Diplomatic or Consular representative of the British Government or of the Government of India in the country in which the arbitral proceedings took place that the document is certified in a manner commonly in use in that country for the certification of copies of such documents.

17. Applications under the Act should be decided expeditiously and a report should be made to the High Court as to the cause of delay if a suit has not been decided within six months.

18. Subject to the provisions of the preceding rules the Court shall, as far as may be, guide itself in the matter of evidence in proceedings under the Act by the provisions of the Indian Evidence Act of 1872.

By order of the High Court of Judicature
at Patna,

H. WHITTAKER,

Registrar.

LAW, COMMERCE AND LABOUR DEPARTMENT.

NOTIFICATIONS.

The 28th January 1939.

No. 590—II E-5/39-Com.—The following notification, issued by the Government of India in the Department of Labour, is republished for general information.

By order of the Governor,

C. G. NAIR,

Secretary to Government.

New Delhi, the 12th January 1939.

No. M.-1261.—In exercise of the powers conferred by section 4, sub-section (2) of section 14 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Petroleum Rules, 1937, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely:—

In the said Rules—

- (1) Rule 22 shall be re-numbered as sub-rule (1) of that rule and in the sub-rule as so re-numbered for the words "customs authority" the words "Collector of Land Customs" shall be substituted.

- (2) After sub-rule (1) of rule 22 as so re-numbered the following sub-rule shall be inserted, namely :—

“(2) If the Collector of Land Customs is satisfied that any dangerous petroleum imported at a land customs station on the Viramgam custom line under sub-rule (1) is not intended to be stored in British India but is intended to be despatched immediately to Baroda State territory, he may waive the requirement of rule 5 subject to such conditions as he may specify.”

M. S. A. HYDARI,

Secy. to the Govt. of India.

The 28th January 1939.

No. 620—IIIc-7/39-Com.—The 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 Government.

IMPORT AND EXPORT REGULATIONS.

New Delhi, the 17th December 1938.

No. 245 (1)-Tr. (I. E. R.)/38.—In exercise of the powers conferred by section 24 of the Indian Rubber Control Act, 1934 (XXVIII of 1934), the Central Government is pleased to direct that with effect from the 1st day of January 1939, the following further amendment shall be made in the Indian Rubber Control Rules, 1936, namely :—

For the First Schedule to the said Rules, the following Schedule shall be substituted, namely :—

“ FIRST SCHEDULE.

The allowances for untapped mature rubber or for rubber for which authenticated figures of production are not available shall be 275 lbs. per acre during each year. The allowances for young rubber in each of the

years 1939, 1940, 1941, 1942 and 1943 shall be as set out in the following table :—

TABLE.

Year of Planting.	Allowance in lbs. per acre during				
	1939	1940	1941	1942	1943
1931 or earlier ...	275	275	275	275	275
1932 ...	175	275	275	275	275
1933 ...	125	175	275	275	275
1934 ...	Nil	125	175	275	275
1935 ...	Nil	Nil	125	175	275
1936 ...	Nil	Nil	Nil	125	175
1937 ...	Nil	Nil	Nil	Nil	125

N. R. PILLAI,

Joint Secy. to the Govt. of India.

The 28th January 1939.

No. 621—IIc-12/39-Com.—The following notifications, issued by the Government of India in the Finance Department (Central Revenues), are republished for general information.

By order of the Governor,

C. G. NAIR,

Secretary to Government.

CENTRAL EXCISES.

New Delhi, the 24th December 1938.

No. 77.—In exercise of the powers conferred by section 7 of the Matches (Excise Duty) Act, 1934 (XVI of 1934), the Central Government is pleased to prohibit absolutely the bringing of matches into British India from the territories of the Dir and Amb States in the North-West Frontier Province.

New Delhi, the 7th January 1939.

No. 1.—In exercise of the powers conferred by section 7 of the Matches (Excise Duty) Act, 1934 (XVI of 1934), the Central Government is pleased to prohibit absolutely the bringing of matches into British India from the territory of the Wankaner State in the Western India States Residency, with effect from the 15th January 1939.

M. SLADE,

Joint Secy. to the Govt. of India.