



PUBLISHED BY AUTHORITY

No. 6

CUTTACK, FRIDAY, FEBRUARY 11, 1944

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 CorpsHOME DEPARTMENT
NOTIFICATIONS*The 9th February 1944*

No. 655-A.—The following notification, issued by the Government of India, Home Department, is republished for general information.

By order of the Governor
J. BOWSTEAD

*Chief Secretary to Government
New Delhi, 8th December 1943*

No. 139/43-Ests.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 241 of the Government of India Act, 1935, and in supersession of the Government Servants' Applications for Posts (Central Services) Rules, published with the notification of the Government of India in the Home Department No. F. 510/31-Ests., dated the 7th June 1934, the Governor-General in Council is pleased to make the following rules, namely:—

1. These Rules may be called the Government Servants' Applications for Posts (Central Services) Rules, 1943.

2. An applicant for appointment to a Central Service or to any post in a Central Service shall not be eligible for appointment if he is in the service of the Crown in India and has applied without the consent of the Head of the office in which, or Department of Government under which, he is employed.

3. Permission to a Government servant employed in a Central Service to apply for, or for transfer, of his services to a post in another Department or office of the Central Government, or in a Department or office under the control of the Crown Representative or a Provincial Government or a Chief Commissioner, shall not be granted except in such cases and in such circumstances as may from time to time be specified by order of the Central Government.

H. K. CHAINANI

*Deputy Secy. to the Govt. of India
The 9th February 1944*

No. 434-C.—The following notification by the Government of India, Home Department, is republished for general information.

By order of the Governor
J. BOWSTEAD

*Chief Secretary to Government
New Delhi, 17th January 1944*

ORDER

No. 41/13/43-Poll.(1)—In exercise of the powers conferred by clause (b) of sub-rule (1) of Rule 41 of the Defence of India Rules, the Central Government is pleased to prohibit the making or publishing by any printer, publisher or editor in British India of any document which is a reprint or translation of, or contains substantial extracts or translations of extracts from, the book entitled "THE REVOLUTION OF 1905" by V. I. Lenin, published by Lawrence and Wishart, London.

R. TOTTENHAM

Addl. Secy. to the Govt. of India

FINANCE DEPARTMENT
NOTIFICATION*The 8th February 1944*

No. 753-F.—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
V. RAMANATHAN

*Deputy Secretary to Government
Simla, 29th January 1944*

STAMPS

No. 1—In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II of 1899),

the Central Government is pleased to remit the duty chargeable under the said Act on receipts for their maintenance allowances executed by internees and parolees confined in Internment Camps and Parole Centres in British India.

S. RANGANATHAN
Dy. Secy. to the Govt. of India

COMMERCE AND LABOUR DEPARTMENT
NOTIFICATION*The 9th February 1944*

No. 585—9/43-Com.—The following notification, issued by the Government of India, Department of Commerce, is republished for general information.

By order of the Governor
W. W. DALZIEL

Secretary to Government

WAR RISKS INSURANCE

New Delhi, 15th January 1944

No. 1-W.R.I (G)/44—In pursuance of section 6 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Department of Commerce No. 7-W.R.I./40, dated the 14th September 1940, namely:—

In the Schedule annexed to the said notification, the following entry shall be inserted, namely:—

"46-A. Kaiser-i-Hind Insurance Company Limited."

S. R. ZAMAN

Joint Secretary to the Government of India

LAW DEPARTMENT
NOTIFICATIONS*The 8th February 1944*

No. 560-L.—The following resolution of the Government of India in the Commerce Department is republished for general information.

By order of the Governor
W. W. DALZIEL

Secretary to Government

RESOLUTION

Simla, 8th January 1944

No. 751-I(6)/43—In partial modification of the Resolution of the Government of India in the Department of Commerce, No. 114-S.I./41, dated the 28th June 1941, publishing the composition of the Insurance Advisory Committee, the Government of India have decided to increase the number of elected members from five to six and to allow one seat each to be nominated by the Association of Life Assurance Offices in India, Calcutta, and the Calcutta Insurance Association, Calcutta, and to increase the number of members to be nominated by the Government from three to four.

S. R. ZAMAN

Joint Secretary to the Government of India

The 8th February 1944

No. 574-L.—The following notification of the Government of India in the Commerce Department is republished for general information.

By order of the Governor
W. W. DALZIEL

Secretary to Government

REGISTRATION OF ACCOUNTANTS

New Delhi, 1st January 1944

No. 1-A (11)/43—In exercise of the powers conferred by sub-section (2) of section 144 of the Indian Companies Act, 1913 (VII of 1913), the Central Government is pleased to direct that the following further amendment shall be made in the Auditor's Certificates rules, 1932, the same having

been previously published as required by the said sub-section, namely :—

In rule 36 of the said Rules, for sub-clause (i) of clause (b) the following shall be substituted, namely :—

“(i) in the case of a person referred to in sub-clause (i) of clause (a) or of a person who, in consideration of the circumstances mentioned in sub-clause (ii) of the said clause, was admitted to any of the Final Examinations so mentioned, and passed it.....6 years”.

Y. N. SUKTHANKAR

Joint Secretary to the Government of India

The 9th February 1944

No. 583-L.—The following Ordinances promulgated by the Governor-General are republished for general information.

By order of the Governor

W. W. DALZIEL

Secretary to Government

New Delhi, 31st January 1944

ORDINANCE No. V OF 1944

AN

ORDINANCE

further to amend the Indian Army Act, 1911

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911 (VIII of 1911), 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 Indian Army (Amendment) Ordinance, 1944.

(2) It shall come into force at once

2. *Amendment of section 111B, Act VIII of 1911.*—To sub-section (1) of section 111B of the Indian Army Act, 1911 (VIII of 1911), the words “or under the Burma Army Act” shall be added.

WAVELL

Viceroy and Governor-General

ORDINANCE No. VI OF 1944

AN

ORDINANCE

further to amend the Criminal Law Amendment

Ordinance, 1943.

WHEREAS an emergency has arisen which renders it necessary to correct an error and omit an entry in and to make certain additions to the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943) ;

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 (Amending) Ordinance, 1944.

(2) It shall come into force at once

2. *Amendment of the First Schedule, Ordinance XXIX of 1943.*—In the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943)—

(a) in Part I—

(i) entry No. 2 shall be omitted, and shall be deemed never to have been included ;

(ii) in entry No. 23, for the word “Wadiad” the word “Nadiad” shall be substituted ;

(iii) the following entries shall be added after entry No. 25, namely :—

- | | | |
|-----------------------------|--|---|
| “ 26. (1) Haridhone Daw | ... | |
| (2) Subodh Krishna Dutta | ... | |
| (3) Gobardhan Bhattacharyya | of Messrs. Daw and Company, 18, Raja Woodmunt Street, Calcutta. | (1) Section 120B, I. P. C.
(2) Section 406, I. P. C. |
| 27. (1) Haridhone Daw | ... | (1) Section 120B, I. P. C. |
| (2) Subodh Krishna Dutta | of Messrs. Daw & Company, 18, Raja Woodmunt Street, Calcutta. | (2) Section 420, I. P. C.
(3) Sections 420/511, I. P. C. |
| 28. Tara | ada Banerjee, Station Master, Kaliagunge Railway Station, B. & A. Railway. | Section 161, I. P. C. |

- | | | |
|---|---|---|
| 29. Dhirendra Nath Ghosal of the | Agricultural Development, Syndicate, 41/4, Russa Road, South Tollygunge, Calcutta. | (1) Section 420, I. P. C.
(2) Section 406, I. P. C. |
| 30. Major T. H. O'Beney, Comm- | ander, R. I. A. S. C., 39, Indian Light Division, No. 10, Advance, Base Post Office, India. | Section 161, I. P. C. |
| 31. Benjamin Lyall, Head Clerk, | Bengal Aviation Division No. 1, Central P. W. D., 15/1, Chowringhee Square, Calcutta. | Section 161, I. P. C. |
| 32. (1) Chote Lal of 116/1/1, Harison | Road, Calcutta. | |
| (2) Noor Mahammad, Proprietor | of Messrs. Gaya Star Tailoring Company of 28/B, Narkeldanga Main Road, Calcutta. | (1) Section 120B, I. P. C.
(2) Section 406, I. P. C. |
| 33. Sushil Kumar Mukharjee of | Messrs. The Victory Engineering Works, 26-2, Barrack-pore Trunk Road, Cossipore, Calcutta. | Sections 161/116, I. P. C. |
| 34. Subedar J. H. Abraham, R. I. A. | S. C., Gudivada, Madras. | Section 161, I. P. C. |
| 35. Ignacio Francisco Miranda, Club | of Dramapurcaries, Sidhwa Building, 66, Old Sonapur Lane, Dhobi Talao, Bombay. | (1) Sections 161/116, I. P. C.
(2) Sections 161/116, read with section 511, I. P. C. |
| 36. Fazlullah Mehdi, Official repre- | sentative of Bengal Government for purchases of pulses, working in the Central Provinces and Berar. | Section 161, I. P. C. |
| 37. (1) Jamansha Gulam Kadar | ... | (1) Section 406, I. P. C. |
| (2) Sayed Kasam Ali Akbar, | Tactical Training School, Poona. | (2) Sections 406/109, I. P. C. |
| (b) in Part II, the following entries shall be added- | after entry No. 29, namely :— | |
| “ 30. Mani Ram, Chief Goods Clerk, | N. W. R. Delhi. | Section 161, I. P. C. |
| 31. Madan Gopal, Incharge Goods | Clerk, E. I. R., Tundla Railway Station. | Section 161, I. P. C. |
| 32. (1) Ismail, son of Hassanali, | Contractor, Saddar Bazar, Rawalpindi. | |
| (2) Ram Dass, son of Gurdass | Mali, Clerk, Ordnance Depot Chaklala (under suspension) now residing at Rawalpindi. | |
| (3) Amrik Lall, son of Ram Dass, | Clerk, Ordnance Depot, Chaklala (under suspension) now residing at Rawalpindi. | (1) Section 120B, read with section 420, I. P. C. |
| (4) Naeem Ullah, son of Azim | Ullah, formerly Clerk, Ordnance Depot, Chaklala, now residing at Rawalpindi. | (2) Sections 420/109, I. P. C.
(3) Section 420, I. P. C. |
| 33. Kartar Singh, Military Contrac- | tor, College Road, Rawalpindi. | Sections 161/116, I. P. C. |
| 34. (1) Kirpal Singh, Divisional | Transportation Officer, N. W. R., Lahore, now at Quetta. | (1) Section 161, I. P. C. |
| (2) Kanhaya, son of Nagahia, | ex-peon to Kirpal Singh, N. W. R., Lahore. | (2) Sections 161/109, I. P. C. |
| 35. (1) Kirpal Singh, Divisional | Transportation Officer, N. W. R., Lahore, now at Quetta. | (1) Section 161, I. P. C. |
| (2) Kanhaya, son of Nagahia, | ex-peon to Kirpal Singh, N. W. R., Lahore. | (2) Sections 161/109, I. P. C. |
| 36. (1) Kirpal Singh, Divisional | Transportation Officer, N. W. R., Lahore, now at Quetta. | (1) Section 161, I. P. C. |
| (2) Sadhu Ram, Station Master, | N. W. R., Phagwara, now at Pattoke. | (2) Sections 161/109, I. P. C. |

37. Ganpat Rai, Station Master, Section 161, I. P. C.
N. W. R., Kot Radha
Kishan, now at Mangwal.
33. Jagan Nath, Station Master, Section 161, I. P. C.
N. W. R., Jallalabad.
39. Naseer Ahmad, Goods Clerk, Section 161, I. P. C.
Goods Office, N. W. R.,
Sibi.
40. (1) Ganpat Rai Gadi, son of } (1) Section 120B,
Dayal Dass Gadi, E-3, } road with sec-
C. R. E. Air Fields, } tion 42), I.P.C.
Karachi. } (2) Section 42),
(2) Hardayal Jaswant Rai Hardy, } I. P. C.
Advocate, Karachi. } (3) Sections 42)/109,
(3) Asanand Chagpal Joshi, } I. P. C.
Advocate Karachi. } (4) Section 417,
(4) Anoopchand, son of Kirpa } I. P. C.
Ram Mehta, School Master, } (5) Section 161,
Middle School, Keamari, } I. P. C.
Karachi. } (6) Sections 161/109,
I. P. C.
41. (1) W. J. Farrell, Station Master, } (1) Section 120B,
N. W. R., Quetta. } I. P. C.
(2) E. H. Moore, Chief Controller, } (2) Section 161,
N. W. R., Quetta. } I. P. C.
(3) Moolchand Chandiram, Chief } (3) Sections 161/109,
Parcel Clerk, N. W. R. } I. P. C.
Quetta. } (4) Abdul Ghafoor of Messrs.
Abdul Jalal Abdul Ghafoor,
Fruit Merchants, Quetta.
42. (1) Prakash Chandra Nayer, son } Sections 161/116,
of Harkishen Dass Nayer, } read with sec-
Contractor, Qarol Bagh, } tion 34, I. P. C.
Delhi. } (2) Amrit Lal Nayer, son of
Harkishen Das Nayer, } Contractor, Qarol Bagh,
Delhi. } (3) Sohan Lal Vohra, son of
Lachhman Dass Vohra,
Contractor, Qarol Bagh,
Delhi.
43. (1) Minohar Lal Kapur, Contrac- } (1) Section 120B,
tor, Saddar Bazar, Lahore } read with sec-
Cantonment. } tion 420, I.P.C.
(2) Sardari Lal, Charge Electrici- } (2) Section 161,
cian, M. E. S., Lahore } I. P. C.
Cantonment. } (3) Sections 161/109,
(3) K. Chandra, S. D. O., E. & } I. P. C.
M.(1), Lahore Cantonment. } (4) Lt. S. C. Keelan, A. G. E.,
Lahore Division, Lahore, } Cantonment.
(4) Lt. S. C. Keelan, A. G. E., } (5) I. K. Kaul, A. G. E., Reserve
Base, Lahore Cantonment. } (5) I. K. Kaul, A. G. E., Reserve
Base, Lahore Cantonment.
44. Daya Ram, Yard Supervisor, Section 161, I. P. C."
N. W. R., Sibi.

WAVELL

Viceroy and Governor-General

ORDINANCE No. VII of 1944

AN
ORDINANCE

*to constitute a fund for the financing of activities to promote
the welfare of labour employed in the
coal-mining industry*

WHEREAS an emergency has arisen which makes it necessary to constitute a fund for the financing of activities to promote the welfare of labour employed in the coal-mining industry ;

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, extent and commencement.*—(1) This Ordinance may be called the Coal Mines Labour Welfare Fund Ordinance, 1944.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. *Interpretation.*—In this Ordinance—

(a) "Advisory Committee" means the Advisory Committee constituted under section 5 ;

(b) "Fund" means the Coal Mines Labour Welfare Fund referred to in sub-section (1) of section 4.

3. *Imposition and collection of a cess.*—(1) With effect from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, there shall be levied and collected, as a cess for the purposes of this Ordinance, on all coal and soft coke despatched from collieries in British India, a duty of excise at such rate, not less than one anna nor more than four annas per ton, as may from time to time be fixed by the Central Government by notification in the official Gazette after consultation with the Advisory Committee :

Provided that the Central Government may, by notification in the official Gazette, exempt from liability to the duty a specified class or classes of coal or soft coke.

(2) The duty imposed by sub-section (1) shall, subject to and in accordance with the rules made in this behalf, be collected on behalf of the Central Government by such agencies and in such manner as may be prescribed by the rules, and shall be paid by the collecting agencies into the Reserve Bank of India at Calcutta to the credit of the Central Government.

4. *The Coal Mines Labour Welfare Fund.*—(1) The proceeds of the duty imposed by sub-section (1) of section 3 shall be credited to a fund to be called the Coal Mines Labour Welfare Fund, which shall be applied by the Central Government to meet expenditure incurred in connection with measures in the opinion of the Central Government necessary or expedient to promote the welfare of labour employed in the coal-mining industry.

(2) Without prejudice to the generality of the foregoing sub-section, the Fund may be utilised to defray—

(a) the cost of administering the Fund ;

(b) the allowances, if any, of the members of the Advisory Committee, and the salaries and the allowances, if any, of Inspectors, Welfare Administrators or other officers appointed to supervise or carry out the activities financed from the Fund ;

(c) the cost of measures for the benefit of labour employed in the coal-mining industry directed towards—

(i) the improvement of public health and sanitation, the prevention of disease, the provision of medical facilities and the improvement of existing medical facilities,

(ii) the provision of water supplies and facilities for washing, and the improvement of existing supplies and facilities,

(iii) the provision or improvement of educational facilities,

(iv) the improvement of standards of living, including housing and nutrition, the amelioration of social conditions, and the provision of recreational facilities,

(v) the provision of transport to and from work ;

(d) the grant to a Provincial Government, a local authority, or the owner, agent or manager of a coal-mine of money in aid of any scheme approved by the Central Government for any purpose for which the Fund may be utilised :

Provided that before any such grant is made to the owner, agent or manager of a coal-mine the Advisory Committee shall be consulted ;

(e) any other expenditure which the Central Government directs to be defrayed from the Fund.

(3) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

(4) The Central Government shall publish annually in the official Gazette an estimate of receipts into and expenditure from the fund, and a statement of accounts.

5. *The Advisory Committee.*—(1) The Central Government shall constitute an Advisory Committee, to advise the Central Government on the matters on which the Central Government is required by this Ordinance to consult it, and upon any other matters arising out of the administration of this Ordinance which the Central Government may refer to it for advice.

(2) The members of the Advisory Committee shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed by rules made under this Ordinance :

Provided that the Committee shall include an equal number of members representing colliery owners and workmen employed in the coal-mining industry, and that at least one member of the Committee shall be a woman.

(3) The chairman of the Advisory Committee shall be an officer of the Central Government, appointed by the Central Government.

(4) The Central Government shall publish in the official Gazette the names of all members of the Advisory Committee.

6. *Appointment and powers of officers*—(1) The Central Government may appoint Inspectors, Welfare Administrators and other officers to supervise or carry out the activities financed from the Fund.

(2) Any officers so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) Any Inspector or Welfare Administrator may, with such assistance if any, as he thinks fit, enter at any reasonable time any place which he considers it necessary to enter for the purpose of supervising or carrying out the activities financed from the Fund, and may do therein anything necessary for the proper discharge of his duties.

7. *Power to make rules*—(1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the purposes and the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(i) the manner in which the excise duty imposed by sub-section (1) of section 3 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries, the deduction by collecting agencies of a percentage of the realisations to cover the cost of collection, and the procedure to be followed in remitting the proceeds to the credit of the Central Government;

(ii) the composition of the Advisory Committee, the manner in which its members shall be chosen, the term of office of its members, the allowances, if any, payable to them, and the manner in which the Advisory Committee shall conduct its business;

(iii) the conditions governing the grant of money from the Fund to a Provincial Government, a local authority or an employer;

(iv) the conditions of service and the duties of the officers appointed to supervise or carry out the activities financed from the Fund;

(v) the form of the estimate and statement referred to in sub-section (4) of section 4;

(vi) the furnishing by owners or agents or managers of coal-mines of statistical or other information, and the punishment by fine of failure to comply with the requirements of any rule made under this clause.

WAVELL

Viceroy and Governor-General

ORDINANCE No. VIII OF 1944

AN

ORDINANCE

further to amend the Excess Profits Tax Act, 1940

WHEREAS an emergency has arisen which makes it necessary further to amend the Excess Profits Tax Act, 1940 (XV of 1940), 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 Excess Profits Tax (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. *Amendment of section 4 (1), Act XV of 1940*—In sub-section (1) of section 4 of the Excess Profits Tax Act, 1940 (XV of 1940), after the proviso, the following proviso shall be added, namely:—

“Provided further that in the case of any business which includes the mining of any mineral, any bonus paid by or through the Central Government in respect of increased output of the mineral shall be totally exempt from excess profits tax under this Act.”

WAVELL

Viceroy and Governor-General

DEPARTMENT OF SUPPLY AND TRANSPORT

The 9th February 1944

No. 2062-S.T.—The following notification, issued by the Government of India, Department of Food, is republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 28th December 1943

No. 1-SC (2)/43—In pursuance of sub-clause (a) of clause 2 of the Sugar and Sugar Products Control Order, 1943, I, N. C. Mehta, Sugar Controller for India, hereby direct that the following amendment shall be made in the

notification of the Government of India in the Department of Food No. 1-SC(2)/43, dated the 26th October 1943, namely:—

In the schedule of the said notification against item 10 for the words “Price Control Officer, Orissa”, the words “Controller of Supply and Transport, Orissa” shall be substituted.

N. C. MEHTA
Sugar Controller

The 9th February 1944

No. 2063-S.T.—The following notification of the Government of India in the War Transport Department is hereby republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 12th January 1944

No. LV 7 (4)/43—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 make the following Order:—

1. (1) This Order may be called the Civil Motor Transport Vehicles Control Order, 1944.

(2) It applies to all motor vehicles of the description given in the First Schedule to this Order which have been or may hereafter be released for civil use under orders of the Central Government including all vehicles to which the Lease/Lend Vehicles Control Order, 1943, applied immediately before the commencement of this Order.

(3) It extends to the whole of British India.

(4) It shall come into force on the first day of February 1944.

2. The Lease/Lend Vehicles Control Order, 1943, is hereby repealed:

Provided that all appointments made, proceedings commenced and a lien taken under any provisions of that Order shall be continued and so far as may be, shall be deemed to have been respectively made, commenced, or taken under the corresponding provisions of this Order.

3. In this Order—

(a) “the Act” means the Motor Vehicles Act, 1939 (IV of 1939);

(b) “controlled motor vehicle” means any vehicle to which this Order applies;

(c) “dealer” means any person whose name is for the time being specified in the Second Schedule to this Order;

(d) “distributor” means in respect of Chevrolet motor vehicles, the General Motors India Ltd., and in respect of Ford Motor vehicles, the Ford Motor Company of India Ltd.;

(e) “Provincial Motor Transport Controller” means the Officer appointed with this designation by the Provincial Government;

(f) “registering authority” means the authority empowered to register motor vehicles under Chapter III of the Act;

(g) “sale order” means an order in the form set out in the Third Schedule to this Order issued by a Provincial Motor Transport Controller;

(h) “sub-dealer” means any person notified as such by the Provincial Motor Transport Controller under clause 4 and authorised to deal with controlled motor vehicles in a specified area.

4. A Provincial Motor Transport Controller may by notification in the official gazette declare any person to be a sub-dealer for the purposes of this Order within such area as may be specified in the notification.

5. (1) Save as provided in sub-clauses (2) and (3) no distributor, dealer or sub-dealer shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, any controlled motor vehicle.

(2) The Central Government may by special order require any distributor, dealer or sub-dealer to sell or otherwise dispose of any controlled motor vehicle in his possession in such manner as may be specified in the Order; and the distributor, dealer or sub-dealer, as the case may be, shall comply with such requirement.

(3) Subject to any order made under sub-clause (2) and to such general or special instructions, as the Central Government may from time to time issue for securing a proper distribution, a controlled motor vehicle may be sold or otherwise disposed of—

(a) by a distributor to a dealer; or

(b) by a dealer to a sub-dealer within the dealer's area of supply;

(c) by a dealer or sub-dealer in accordance with a sale order.

(4) No dealer or sub-dealer shall without good and sufficient cause fail to comply with any sale order issued upon him and presented by the person named therein.

(5) No dealer or sub-dealer shall, as a consideration for the sale or disposal by him of a controlled motor vehicle—

(a) take, or make allowance for, any other motor vehicle save in accordance with the written orders of the Provincial Motor Transport Controller;

(b) demand or receive any amount or other consideration in excess of the price specified in the sale order.

(6) No person in possession of a controlled motor vehicle, not being a distributor, dealer or sub-dealer, shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, any controlled motor vehicle save in accordance with the written orders of the Provincial Motor Transport Controller.

(7) No person shall purchase, or otherwise acquire, a controlled motor vehicle save in accordance with the provisions of this Order.

(8) No person shall have in his possession or under his control any controlled motor vehicle that has not come into his hands in accordance with the provisions of this Order or a similar Order for the time being in force in an administered area or an Indian State.

(9) Save as otherwise provided by an order in writing of the Central Government no controlled motor vehicle shall be pledged or offered or accepted as security for any loan or other financial transaction, and no agreement of hire-purchase shall be effected or be effective in relation to any such vehicle.

6. Part I of every sale order shall be retained by the Provincial Motor Transport Controller. The entries in Parts II, III and IV shall be appropriately filled in by the Provincial Motor Transport Controller, the dealer or sub-dealer and the person in whose favour the order is made. Part II shall be retained by the dealer or sub-dealer as his record of authority for the sale. Parts III and IV shall be delivered by the person in whose favour the order is made to the Registering Authority.

7. (1) Notwithstanding anything to the contrary in Chapter III of the Act the following provisions shall apply in regard to the registration of a controlled motor vehicle.

(2) The applicant for registration shall attach to his application Parts III and IV of the sale order duly filled in.

(3) The Registering Authority shall not register any vehicle which he knows or has reason to believe to be a controlled motor vehicle unless Parts III and IV of the sale order are duly produced before him.

(4) It shall not be necessary for the applicant to produce Form F as set forth in the First Schedule to the Act.

(5) A controlled motor vehicle shall not be registered in the name of any person other than the person named in the sale order.

(6) Save as otherwise provided by an order in writing of the Central Government, no note relating to any transaction of hire purchase shall be entered on the certificate of registration in Form G as set forth in the First Schedule to the Act.

(7) If the Registering Authority is satisfied that the controlled motor vehicle may properly be registered he shall, subject to the provisions of this Order, proceed to register it in accordance with the provisions of and under the Act, duly completing Parts III and IV of the sale order, and shall—

(a) firmly attach Part III of the sale order to the certificate of registration;

(b) endorse the certificate of registration with the warning set out in the Fourth Schedule to this order; and

(c) complete Part IV of the sale order and return it to the authority which issued it.

(8) The figures and letters of the registration mark of a controlled motor vehicle shall be in yellow upon a black ground, and there shall follow, or be placed below, the mark, in letters and figures of two-thirds the size of those in the registration mark, the letter C followed by the serial number of the sale order relating to the vehicle.

(9) The Registering Authority having jurisdiction at any place from which a controlled motor vehicle is issued by a distributor—

(a) shall, on demand by the distributor, dealer or other competent person, register the vehicle temporarily in accordance with section 25 and the Sixth Schedule of the Act and the rules thereunder; and

(b) may, if he thinks fit, substitute for the Form of temporary registration required under the Act, the Form set out in the Fifth Schedule to this order.

(10) The Registering Authority issuing a certificate of temporary registration may also issue a temporary permit in the Form set out in the Sixth Schedule to this Order, and a temporary permit so issued shall be valid throughout British India without countersignature for the period specified therein.

8. No person shall transfer or attempt to transfer to any other person any sale order issued in his favour, and no person shall obtain or attempt to obtain any controlled motor vehicle save in accordance with a sale order issued in his favour.

9. The registered owner for the time being of any controlled motor vehicle shall comply with any written order of the Provincial Motor Transport Controller requiring him—

(a) to insure the vehicle against all or any specified risks;

(b) to fit a producer gas plant and to operate the vehicle on producer gas.

10. No registered owner of a controlled motor vehicle registered in British India shall remove it or cause or allow it to be removed outside British India, and no driver of such vehicle shall remove the vehicle outside British India otherwise than in accordance with the general or specific permission in writing of the Provincial Motor Transport Controller.

11. Any person having in his possession or custody or under his control any controlled motor vehicle, shall, on being required so to do by an order in writing of the Central Government or the Provincial Motor Transport Controller, deliver it in accordance with the Order.

12. Every dealer and every sub-dealer shall keep such records, and furnish such returns, in relation to controlled motor vehicles as the Central Government or the Provincial Motor Transport Controller may from time to time by general or special order require.

13. Every dealer and every sub-dealer shall produce for inspection by any person authorised in writing in this behalf by the Provincial Motor Transport Controller at any reasonable time any controlled motor vehicle in his possession and any accounts, books, or other records that the Provincial Motor Transport Controller may by order in writing specify.

14. If in the opinion of the Central Government any dealer has—

(a) contravened any of the provisions of this Order, or of the Motor Vehicle Spare Parts Control Order, 1943, or of any other Order under the Defence of India Rules in respect of any motor vehicle spare part or accessory; or

(b) made any false declaration or statement in relation to any transaction in respect of controlled motor vehicles or controlled spare parts; or

(c) committed a breach of the terms of any contract with the Central Government or a Provincial Government relating to the operation or maintenance of transport vehicles; or

(d) been declared an insolvent; or
(e) otherwise shown himself unfit to continue as a dealer, under the provisions of this Order,

the Central Government may, without prejudice to any other action that may be taken against any such dealer, direct the removal of his name from the Second Schedule to this Order; and the Provincial Motor Transport Controller may, for like reasons, cancel any notification declaring any person to be a sub-dealer; whereupon such person shall cease to be a dealer or, as the case may be, sub-dealer for the purposes of this Order.

15. A motor vehicle which has been released for civil use in an Administered Area or an Indian State in accordance with a law in force in that Administered Area or State of like purport to this Order, shall, when the vehicle is in British India, be deemed to be a controlled motor vehicle for the purposes of this Order:

Provided that nothing in this sub-clause shall prevent the removal of such a vehicle from British India in the course of its lawful employment.

16. Any court trying a contravention of this Order may direct that any motor vehicle in respect of which the Court is satisfied that this Order has been contravened, shall be forfeited to His Majesty.

17. The Central Government may by general or special order exempt any motor vehicle or class of motor vehicles from all or any of the provisions of this Order.

FIRST SCHEDULE

[See Clause 1(2)]

Types of motor vehicles to which this Order applies—
Chevrolet—160 inch and 115 inch wheel—base

Ford—158 inch, 134 inch, 122 inch and 114 inch wheel—base.

SECOND SCHEDULE

[See Clause 3(c)]

LIST OF DEALERS

Chevrolet Vehicles

1. Messrs. Allen Berry & Co., Ltd., Connaught Place, New Delhi.
2. Messrs. Allen Berry & Co., Ltd., Hazra Road, Calcutta.
3. Messrs. Allen Berry & Co., Ltd., Station Road, Lucknow.
4. Messrs. Bombay Garage (Ahmedabad) Ltd., Mirzapur, Ahmedabad.
5. Messrs. Bombay Garage, Commercial Road, Nagpur.
6. Messrs. Bombay Garage, Chowpatty, Bombay.
7. Messrs. Bombay Garage, Nerbudda Road, Jabulpore.
8. Messrs. Bombay Garage, Ghod Bunder, Santa Cruz, Bombay.
9. Messrs. The Deccan Motor Service Ltd., Poona.
10. Messrs. Lyallpur Automobile Co., Lyallpur.
11. Messrs. Menghraj & Co., Quetta.
12. Messrs. Naraindas & Co., Garden Road, Karachi.
13. Messrs. Naraindas & Co., The Mall, Lahore.
14. Messrs. Maira Bros., Lawrence Road, Rawalpindi.
15. Messrs. Raja Cycle & Motor Garage, Srinagar Road, Ajmer.
16. Messrs. Simpson & Co. Ltd., Mount Road, Madras.
17. Messrs. Stanes Motors (S. I.) Limited, Coimbatore.
18. Messrs. Stanes Motors (S. I.) Limited, Calicut.
19. Messrs. T. V. Sundram Iyengar & Sons, Ltd., Madura.
20. Messrs. Allen Berry & Co., Ltd., Hazaribagh.

Ford Vehicles

1. Messrs. The Ideal Motors Ltd., Lal Darwaja, Ahmedabad.
2. Messrs. Rajputana Automobiles, Ajmer.
3. Messrs. The Sutaria Automobiles Ltd., Belgaum.

4. Messrs. United Motors (India) Ltd., Hughes Road, Bombay.

5. Messrs. Provincial Automobiles Co., King's Way, Nagpur.

6. Messrs. Reginald Motors, Bombay Agra Road, Nasik.

7. Messrs. Silver Jubilee Motors Ltd., 12, Arsenal Road, Poona.

8. Messrs. R. B. Shirke Bros., Opposite Collectorate, Ratnagiri.

9. Messrs. G. H. Devi & Co., Ltd., Satara.

10. Messrs. B. E. Nicum & Company, Station Road, Surat.

11. Messrs. British Motor Car Co. (1934), Ltd., New Delhi.

12. Messrs. Eastern Automobiles, Bunder Road, Karachi.

13. Messrs. Eastern Automobiles, The Mall, Lahore.

14. Messrs. Guru Nanak Automobiles, Saddar Road, Peshawar Cantt.

15. Messrs. Eastern Automobiles, Quetta, Baluchistan.

16. Messrs. Dadabhoy Motors, 30, Lawrence Road, Rawalpindi.

17. Messrs. Tribeni Motor Car Co., 10, Clive Road, Allahabad (U. P.).

18. Messrs. Mohamaddin & Sons, G. T. Road, Asansol (Bengal).

19. Messrs. Modern Motors Co., Lazarus Kothi, Benares Cantt. (U. P.).

20. Messrs. Nabhi Bros., The Motor House, Berhampore

21. Messrs. National Motors, 36, Chowringhee Road, Calcutta.

22. Messrs. The Auto Service Garage, The Mall, Cawnpore (U. P.).

23. Messrs. Eastern Agencies & Automobile Works, 60, Revati Mohan Das Road, Dacca (Bengal).

24. Messrs. The Everest Motor Co., Mackenzie Road, Darjeeling (Bengal).

25. Messrs. A. Bowen & Co., Dhanbad (Bihar and Orissa).

26. Messrs. The Planters' Stores & Agency Co., Ltd., Dibrugarh (Assam).

27. Messrs. Narbheram & Co., Ltd., Jamshedpur, via Tatanagar, B.-N. R. (Bihar and Orissa).

28. Messrs. Jorhat Motor Car Co., Ltd., Cally Building, Jorhat (Assam).

29. Messrs. Bajoria Halwasiya & Co., Holwasiya Court, Hazratgunge, Lucknow.

30. Messrs. Arthur Butler & Co., (Moz.), Ltd., Muzaffarpur (Bihar and Orissa).

31. Messrs. Lawly Son & Co., Exhibition Road, Patna, (Bihar and Orissa).

32. Messrs. Raipur Motor Engineering Works, Fafadi, Raipur (C. P.).

33. Messrs. P. S. Abdul Razaek & Sons, Sambalpur (Bihar and Orissa).

34. Messrs. Surma Valley Stock Ltd., Silchar (Assam).

34. Messrs. Kilburn & Co., Tezpur (Assam).

36. Messrs. S. M. Abdul Haq & Bros., Bezwada.

37. Messrs. American Arcot Mission Industrial Institute, Katpadi.

38. Messrs. Gordon Woodroffe (Motors), Ltd., 36-B Mount Road, Madras.

39. Messrs. G. N. Chakrapany Chetty & Sons, 56, Tamil Sangham Road, Madura.

40. Messrs. U. Subraya Nayak, Cantonment, Mangalore.

41. Messrs. S. R. Bhartya, Dhulia.

42. Messrs. K. Kuppuswami and G. Ramasubba Reddy, Nandyal.

43. Messrs. George Oakes Ltd., The Garage Ltd., Ootacamund.

44. Messrs. B. V. Subramaniam, Salem.

THIRD SCHEDULE

[See Clause 3 (g)]

Transport Vehicles Control Order, 1944

SALE ORDER, PART I

Office of Provincial Motor Transport Controller

No.....Date.....
To.....

Subject to tender of payment, and to your having in your possession a motor vehicle not reserved for disposal in accordance with a prior order issued by me, you are hereby directed to deliver to.....

to whom this order has been given, a controlled motor vehicle lorry with goods body as follows :—
chassis

Make.....Wheel-base.....inches

at the following price.....Chassis as issued by distributors. Rs.....Body Rs.....Total Rs..... plus delivery charges at sanctioned rates to be endorsed by you at the time of sale on Parts II, III and IV of this sale order.

Parts III and IV of this sale order are to be duly filled in by you at the time of sale and to be delivered to the purchaser.

Take notice that if you demand or receive any payment or consideration in excess of the said sum of Rs.....plus delivery charges at sanctioned rates you render yourself liable to disqualification for handling the material and to prosecution under the Defence of India Rules.

INSTRUCTIONS

If on the expiry of ten days after the issue by you of a notice that a vehicle is available for delivery against this order, the person named herein shall have failed to tender to you the price named and delivery charges this order shall be void. If having deposited the purchase money and delivery charges in full the purchaser fails to take delivery of the vehicle you shall after the expiry of one week after the money has been deposited be entitled to recover storage charges at the rate of ten rupees per day.

Provincial Motor Transport Controller

Counterfoil to be retained in the office of issue

Transport Vehicles Control Order, 1944

SALE ORDER, PART II

Office of Provincial Motor Transport Controller

No.....Date.....
To.....

Subject to tender of payment, and to your having in your possession a motor vehicle not reserved for disposal in accordance with a prior order issued by me, you are hereby directed to deliver to.....

to whom this order has been given, a controlled motor vehicle lorry with goods body as follows :—
chassis

Make.....Wheel-base.....inches

at the following price.....Chassis as issued by distributors. Rs.....Body Rs.....Total Rs..... plus delivery charges at sanctioned rates to be endorsed by you at the time of sale on Parts II, III and IV of this sale order.

Parts III and IV of this sale order are to be duly filled in by you at the time of sale and to be delivered to the purchaser.

Take notice that if you demand or receive any payment or consideration in excess of the said sum of Rs.....plus delivery charges at sanctioned rates you render yourself liable to disqualification for handling the material and to prosecution under the Defence of India Rules.

INSTRUCTIONS

If on the expiry of ten days after the issue by you of a notice that a vehicle is available for delivery against this order, the person named herein shall have failed to tender to you the price named and delivery charges this order shall be void. If having deposited the purchase money and delivery charges in full the purchaser fails to take delivery of the vehicle you shall after the expiry of one week after the money has been deposited be entitled to recover storage charges at the rate of ten rupees per day.

Provincial Motor Transport Controller

Copy to be retained by dealer who is to complete entries on reverse and obtain signature of purchaser.

Transport Vehicles Control Order, 1944

SALE ORDER, PART III

Office of Provincial Motor Transport Controller

No.....Date.....
An order bearing the above number and date has been issued by me upon.....

dealer.....
directing him/them to sell a controlled motor vehicle lorry with goods body as follows :—
chassis

Make.....Wheel-base.....
To.....

for payment not exceeding Rs..... plus delivery charges at sanctioned rates.

Provincial Motor Transport Controller.

Sold on.....
to.....

Chassis No.....Engine No.....

C. C. No.....Wheel-base.....inches

C. F. No.....

Price with goods body Rs.....
without

Delivery charges by road from.....
sea

recovered Rs.....

Dealer

I/we.....of.....

declare that I/we am/are aware of the provisions of the Transport Vehicles Control Order, 1944, and in consideration of having been allowed to buy the controlled motor vehicle above described I/we agree and undertake to abide by the provisions thereof; and further agree and undertake that I/we will abide by any direction given to me/us at any time by competent authority regarding the fitting and using of a producer gas-plant and generally regarding the use of the vehicle anywhere in India and its insurance; that I/we will maintain the vehicle in sound mechanical condition or cause it to be so maintained; that I/we will not cause or suffer it at any time to be loaded in excess of the authorised load or to be driven in excess of authorised speed; that the Government of India have the right to resume possession of the vehicle on breach by me/us of any of the above conditions, or otherwise, at Government valuation and that I/we will forthwith surrender the vehicle on demand by competent authority.

Signed.....

Date.....Registered Owner(s)

The above declaration has been signed by the registered owner(s) in my presence.

The vehicle has been registered by me as.....

.....on.....

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Transport Vehicles Control Order, 1944

SALE ORDER, PART IV

Office of Provincial Motor Transport Controller

No.....Date.....

An order bearing the above number and date has been issued by me upon.....

dealer.....

directing him/them to sell a controlled motor vehicle lorry with goods body as follows :—
chassis

Make.....Wheel-base.....

To.....

for payment not exceeding Rs..... plus delivery charges at sanctioned rates.

Provincial Motor Transport Controller

In accordance with the said order I/we have on.....sold to.....

a lorry with goods body wheel-base.....
chassis

inches.....

Chassis No.....

Engine No.....C. C. No.....

C. F. No.....

for Rs.....

delivery charges by road from.....
sea

recovered Rs.....

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Transport Vehicles Control Order, 1944

SALE ORDER PART IV (Reverso)

I/we.....of.....
 declare that I/we am/are aware of the provisions of the Transport Vehicles Control Order, 1944, and in consideration of having been allowed to buy the controlled motor vehicle described on the obverse I/we agree and undertake to abide by the provisions thereof; and further agree and undertake that I/we will abide by any direction given to me/us at any time by competent authority regarding the fitting and using of a producer gas-plant and generally regarding the use of the vehicle anywhere in India and its insurance; that I/we will maintain the vehicle in sound mechanical condition or cause it to be so maintained; that I/we will not cause or suffer it at any time to be loaded in excess of the authorised load or to be driven in excess of authorised speed; that the Government of India have the right to resume possession of the vehicle on breach by me/us of any of the above conditions, or otherwise, at Government valuation and that I/we will forthwith surrender the vehicle on demand by competent authority.

Signed.....

Date.....Registered Owner(s)

The above declaration has been signed by the registered owner(s) in my presence.

The vehicle has been registered by me as.....
(Registration mark assigned) on.....

Part III of this Order has been pasted by me into the Registration Book issued in respect of the motor vehicle described in this Part. I have also caused the necessary endorsement required by clause 7 (7) (b) of the Transport Vehicles Control Order, 1944, to be made within the Registration Book.

Returned to the Provincial Motor Transport
Controller.....

Registering Authority.

Date.....

Transport Vehicles Control Order, 1944

SALE ORDER, PART II (Reverse)

In accordance with this Order

I/we have on.....

.....sold to.....

.....

.....

a lorry with goods body wheel-base
 chassis

Chassis No.

Engine No.

C.C./C.F. No.

plus delivery charges by $\frac{\text{rail}}{\text{sea}}$ from.....

Rs.

Dealer

Date.....

The above statements are correct.

Purchaser}

Date.....

FOURTH SCHEDULE

[See Clause 7 (7) (b)]

Endorsement to be made on Certificates of Registration of
Controlled Motor Vehicles

WARNING

1. The vehicle herein described is a "controlled motor vehicle" under the provisions of the Civil Motor Transport Vehicles Control Order, 1944. This Order is made under rule 81 of the Defence of India Rules. Contravention of any provision of this Order is punishable with imprisonment for a term which may extend to three years or with fine or both.

2. In particular the registered owner for the time being shall not sell or otherwise dispose of the vehicle herein described except in accordance with the written orders

of the Provincial Motor Transport Controller herein endorsed.

3. The Court trying a contravention of the provisions of the said Order may direct that any vehicle in respect of which the Court is satisfied that any such provision has been contravened shall be forfeited to His Majesty.

FIFTH SCHEDULE

[See Clause 7 (9) (b)]

Certificate of Temporary Registration

1. Name and address of dealer.
2. Make and class of vehicle (*e.g.*, 158 inch Ford Chassis or Ford lorry).
3. Chassis No. Engine No.

4. Tyres :—

	Size	Manufacturer's serial number
Front Wheels	1.....	
	2.....	
Rear „	1.....	
	2.....	
	3.....	
	4.....	
Spare Wheel		

5. If with body (not for chassis). Laden weight permitted in pounds :

F. A. W.....R. A. W..... Total.....

6. Temporary Registration Mark.....

7. Temporary Registration valid until.....
for a journey by road from to.....

Date

Signed.....
Registering Authority

SIXTH SCHEDULE

[See Clause 7 (10)]

Temporary Permit

So long as the above temporary registration is valid, the transport vehicle above described may be driven from...
..... to..... via.....
as a public carrier *
as a private carrier *
without load *

Date.....

Signed.....

Registering Authority

* Strike out inapplicable.

S. N. ROY

Secy. to the Govt. of India