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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

HOME DEPARTMENT NOTIFICATIONS

The 28th February 1945

No. 1097-A.—The following notification, issued by the Government of India in the Legislative Department, is republished for general information.

By order of the Governor
J. E. MAHER

Addl. Secretary to Government

No. F.15/45-C.&G.—A vacancy having occurred in the Legislative Assembly by reason of the death of Mr. Umar Aly Shah, a Member elected to the said Assembly by the North Madras (Muhammadan) Constituency, the Governor-General is pleased, in pursuance of the provisions of sub-rule (1) of rule 26 of the Legislative Assembly Electoral Rules, to call upon the North Madras (Muhammadan) Constituency to elect, in accordance with the said Rules, a person for the purpose of filling the said vacancy on or before the 10th April 1945.

G. H. SPENCE

Secretary to the Government of India

The 28th February 1945

No. 1098-A.—The following draft notification to be issued by the Government of Madras in the Public (Elections) Department is republished for general information.

By order of the Governor
J. E. MAHER

Addl. Secretary to Government

As His Excellency the Governor-General has issued a notification calling upon the North Madras (Muhammadan) Constituency of the Central Legislative Assembly to elect a member on or before the 10th April 1945, the Government of Madras are pleased, under rule 11(2) of the Legislative Assembly Electoral Rules, to appoint the following dates for the election:—

Nomination of candidates..	Not later than the 1st March 1945 (Thursday).
Scrutiny of nominations ..	6th March 1945 (Tuesday)
Poll ..	6th April 1945 (Friday)

By order of His Excellency the Governor
J. B. BROWN

Chief Secretary to the Government of Madras
The 28th February 1945

No. 1096-Poll.—The following notifications of the Government of India in the Department of Commonwealth Relations are hereby republished for general information.

By order of the Governor
R. A. E. WILLIAMS

Chief Secretary to Government

New Delhi, 1st December 1944

No. F. 170-2/43-O. S. (7)—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 under rules 6, 10, 14, 16 and 19 of the Reciprocity (South Africa) Rules, 1944, and rules 4 and 5 of the Reciprocity (Natal and the Transvaal) Rules, 1944, subject to the condition that the functions so entrusted shall continue to be exercisable also by the Central Government.

New Delhi, 1st December 1944

No. F. 170-2/43-O. S. (5)—In exercise of the powers conferred by section 6 of the Reciprocity (Amendment) Act, 1943 (No. XXII of 1943) (Overseas), and in pursuance of the direction made in respect of persons domiciled in either of the Provinces of Natal and Transvaal of the Union of South Africa under section 3 of the said Act in the notification of the Government of India in the Department of Commonwealth Relations No. F. 170-2/43-O. S. (2), dated

the 3rd November 1944, the Central Government is pleased to make the following Rules, namely:—

1. *Short title and commencement*—(1) These rules may be called the Reciprocity (Natal and the Transvaal) Rules, 1944.

(2) They shall come into force at once.

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

(a) "the Act" means the Reciprocity (Amendment) Act, 1943;

(b) "South African" means any person not being of Indian origin who is domiciled in either of the Provinces of Natal and the Transvaal of the Union of South Africa, other than—

(i) any person duly appointed by His Majesty or by the Govt. of the Union of South Africa to exercise diplomatic functions anywhere or otherwise to represent that Govt. in India, and the family, staff and servants of such person;

(ii) any officer or member of the crew of any vessel for the time being used commercially for the carriage of passengers or cargo, while employed in his duties as such;

(iii) any member of the Armed Forces of His Majesty and the wife and legitimate children of such member, until the expiry of six months after the termination of the present hostilities;

(iv) any person born in British India before the commencement of the Act;

(v) any person born anywhere after the commencement of the Act whose parents were at the time of his birth domiciled in British India, provided that such person if born outside British India is brought into British India within three years from the date of his birth;

(vi) the wife and legitimate children who have been proved to be so to the satisfaction of the Immigration Commissioner or Officer concerned of any person described in sub-clause (iv) or sub-clause (v).

3. *Restrictions on agreements relating to immovable property*

(1) Except under the authority of a permit issued under rule 5, no person shall enter into any agreement whereby a South African acquires or purports to acquire any title in any immovable property in British India, or any share in, or any debenture of, any company which is the owner of any such property.

(2) Without prejudice the provisions of rule 6, any agreement entered into in contravention of sub-rule (1) shall be null and void.

(3) Every agreement of the nature referred to in sub-rule (1) which is entered into on or after the 1st day of September 1943 and before the commencement of these Rules shall, on the expiry of three months after the commencement of these Rules, become null and void unless in the meantime a permit has been issued under rule 5 in respect of such agreement.

4. *Restrictions on occupation of land and premises*—(1) Except under the authority of a permit issued under rule 5, no South African shall hire or occupy any land or premises in British India unless such land was or premises were, immediately prior to the commencement of these Rules occupied only by persons, not being of Indian origin, who are domiciled anywhere in the Union of South Africa.

(2) A lease of any land or premises entered into before the commencement of these Rules shall not authorise any South African to occupy such land or premises, as the case may be, unless the lessee under the lease was a South African and he was actually in occupation of the land or premises to which the lease relates immediately prior to the commencement of these Rules.

(3) The Court convicting a South African for a contravention of sub-rule (1) may, without prejudice to the provisions

of rule 6, make an order for the ejection of the person convicted from the land or premises in respect of which the contravention took place; and any such order shall on application made in this behalf by an officer authorised for the purpose by the Central Government, be executable by a Civil Court having jurisdiction in the area within which the land is or premises are situated, as if it were a decree for the delivery of actual possession of the land or premises passed by the said Civil Court.

5. *Permits*—Subject to such general or special conditions as the Central Government may think fit to impose, the Central Government or any officer appointed by it in this behalf may issue a permit authorising:—

(a) the entering into of an agreement of the nature referred to in sub-rule (1) of rule 3;

(b) the hiring or occupation of land or premises by a South African.

6. *Penalties*—If any South African contravenes any of the provisions of these Rules, he shall be punishable with fine not exceeding one thousand rupees, and in the case of a continuing contravention, with a further fine at a rate not exceeding one hundred rupees for every day during which such contravention is continued.

New Delhi, 1st December 1944

No. F. 170-2/43-O. S. (6)—In exercise of the powers conferred by section 6 of the Reciprocity (Amendment) Act, 1943 (No. XXII of 1943) (Overseas), and in pursuance of the direction made in respect of persons domiciled in any of the Provinces of the Union of South Africa excepting the Cape Province under section 3 of the said Act, in the notification of the Government of India, in the Department of Indians Overseas No. F. 170-2/43-O. S. (3), dated the 3rd November 1944, the Central Government is pleased to make the following Rules:—

1. (1) These Rules may be called the Reciprocity (South Africa) (Local Franchise) Rules, 1944.

(2) They shall come into force at once.

2. In these Rules, "South African" means a person not being of Indian origin, who is domiciled anywhere in the Union of South Africa elsewhere than in the Cape Province, but until the expiry of six months after the termination of the present hostilities, excludes any such person who is a member of His Majesty's forces.

3. Notwithstanding anything contained in any other law, no South African shall be eligible for election to any local authority or to vote in any such election, unless his name was entered on the electoral roll of such local authority immediately prior to the commencement of these Rules.

A. V. PAL

Joint Secy. to the Govt. of India

New Delhi, 25th January 1945

No. F. 170-2/43-O. S.—In exercise of the powers conferred by section 6 of the Reciprocity Act, 1943 (IX of 1943), the Central Government is pleased to direct that the following amendments shall be made in the notification of the Government of India in the Department of Commonwealth Relations, No. F. 170-2/43-O. S. (4), dated the 1st December 1944, and in the Reciprocity (South Africa) Rules, 1944, contained therein, namely:—

I. In the said notification, for the words, brackets and figures "Reciprocity (Amendment) Act, 1943 (Overseas) (No. XXII of 1943)" the words, figures and brackets "Reciprocity Act, 1943 (IX of 1943)" shall be substituted.

II. In the said Rules:—

(a) in clause (a) of rule 2 the brackets and word "(Amendment)" shall be omitted;

(b) to sub-rule (2) of rule 11 the words "the decision of the Appellate Authority shall be final" shall be added.

New Delhi, 25th January 1945

No. F. 170-2/43-O. S. (8)—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 all Chief Commissioners other than the Chief Commissioners of British Baluchistan and Panth Piploda, shall until further orders discharge the functions of the Central Government under rules 10, 16 and 19 of the Reciprocity (South Africa) Rules, 1944, and rule 4 of the Reciprocity (Natal and the Transvaal) Rules, 1944 subject to the condition that the said functions shall continue to be exercisable also by the Central Government.

New Delhi, 25th January 1945

No. F. 170-2/43-O. S. (10)—In exercise of the powers conferred by section 6 of the Reciprocity Act, 1943 (IX of 1943), the Central Government is pleased to direct that the following amendment shall be made in the notification

wealth Relations, No. F. 170-2/43-O. S. (5), dated the 1st December 1944, and in the Reciprocity (Natal and the Transvaal) Rules, 1944, contained therein, namely:—

I. In the said notification, for the words, brackets and figures "Reciprocity (Amendment) Act, 1943 (No. XXII of 1943) (Overseas)" the words, figures and Brackets "Reciprocity Act, 1943 (IX of 1943)," shall be substituted.

II. In clause (a) of Rule 2 of the said Rules the brackets and word "(Amendment)" shall be omitted.

New Delhi, 25th January 1945

No. F. 170-2/43-O. S. (11)—In exercise of the powers conferred by section 6 of the Reciprocity Act, 1943 (IX of 1943), the Central Government is pleased to direct that the following amendments shall be made in the notification of the Government of India in the Department of Commonwealth Relations, No. F. 170-2/43-O. S. (6), dated the 1st December 1944, namely:—

In the said notification—

(a) for the words, brackets and figures "Reciprocity" (Amendment) Act, 1943 (No. XXII of 1943) (Overseas)" the words, figures and brackets "Reciprocity Act, 1943 (IX of 1943)" shall be substituted;

(b) for the words "Department of Indians Overseas" the words "Department of Commonwealth Relations" shall be substituted.

S. ITAAT HUSAIN

Deputy Secy. to the Govt. of India

The 7th March 1945

No. 639-G.—The following notifications by the Government of India are republished for general information.

By order of the Governor

R. A. E. WILLIAMS

Chief Secretary to Government

HOME DEPARTMENT

New Delhi, 10th February 1945

No. 9/4/45-Poll. (EW)—In exercise of the powers conferred by section 3 of the Foreigners Act, 1940 (II of 1940), the Central Government is pleased to direct that the following further amendments shall be made in Foreigners Order, 1939, namely:—

Paragraph 12 of the said Order shall be renumbered as paragraph 11, and after that paragraph as so renumbered, the following shall be inserted, namely:—

"12. No foreigner, not being a member of His Majesty's armed forces or the armed forces of an Allied Power travelling on duty or an official travelling on the official business of an Imperial or Allied Government or a member of the air crew of the aircraft concerned, shall enter into, or depart from, British India in a military aircraft or a civil aircraft, employed by the military authorities of an Allied Power on charter unless:—

(1) the place at which the aircraft is scheduled to make its first landing in, or, as the case may be, its final take off from India is an aerodrome which is for the time being declared under rule 53 of the Indian Aircraft Rules, 1920, to be a customs aerodrome, and

(2) he has obtained the previous permission in writing—

(a) in the case of the British Military Aircraft of an officer of the Royal Air Force or Army not lower in rank than a Group Captain or a Colonel as the case may be,

(b) in the case of Military aircraft of an Allied Power or civilian aircraft chartered by the military authorities of an Allied Power, of the Central Government or of a British Consular officer.

New Delhi, 10th February 1945

No. 9/4/45-Poli. (EW)—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—

(a) all District Magistrates in Assam,

(b) the Commissioner of Police, Bombay,

(c) the Commissioner of Police, Calcutta,

(d) the District Magistrates of Chingleput and Trichinopoly, and

(e) the District Magistrate, Karachi, with the consent of the Provincial Governments concerned, the function of granting permission specified in paragraph 12 of the Foreigners Order, 1939 subject to the conditions:—

(1) that notwithstanding this entrustment the Central Government may itself exercise the said function either generally or in any particular case or class of cases, and

(2) that the said officers shall not exercise in a manner inconsistent with any orders which have been, or may hereafter be, passed by the Central Government under the Foreigners Act, 1940 (II of 1940).

V. SHANKAR

COMMERCE AND LABOUR DEPARTMENT
NOTIFICATION*The 28th February 1945*

No. 760-Ccm.—The following notification, issued by the Government of India in the Department of Commerce, is republished for general information.

By order of the Governor
J. E. MAHER

Secretary to Government

REGISTRATION OF ACCOUNTANTS

New Delhi, 27th January 1945

No. 13-A(2)/44—In pursuance of rule 39 of the Auditor's Certificates Rules, 1932, it is hereby notified that the

Central Government has been pleased to remove from the list of Registered Accountants entitled to train articled clerks, for the reason and with effect from the date specified, the name of the undermentioned gentleman :—

Reddy, Mr. C. C., G. D. A., R. A., Kurnool

(Ceased to be a member of the original firm of Registered Accountants in which he was a partner at the time when his name was included in the list. Name removed from the list, with effect from the 1st January 1944)

Y. N. SUKTHANKAR

Joint Secy. to the Govt. of India