

THE ORISSA GAZETTE

PUBLISHED BY AUTHORITY

No. 15

CUTTACK, FRIDAY, APRIL 9, 1943

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 DEPARTMENT

NOTIFICATION

The 5th April 1943

No. 1047-C.—The following notification by the Government of Bombay is republished for general information.

By order of the Governor

J. BOWSTEAD

Chief Secretary to Government

HOME DEPARTMENT (POLITICAL)

Bombay Castle, 10th March 1943

Indian Press (Emergency Powers) Act XXIII of 1931

No. 417-Poll.—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931, the Government of Bombay is pleased to declare all copies, wherever found, of the book in English entitled "Nehru Flings a Challenge", edited by "A Student", printed by R. P. Shukla at the Vidyalaya Press, 23, Hamam Street, Fort Bombay, and published by Inder Gupta, for "Hamara Hindostan" Publications, 23, Hamam Street, Fort Bombay, and all other documents containing copies, reprints, translations of or extracts from, the said book, to be forfeited to His Majesty on the ground that it appears to the Government of Bombay that the said book contains words of the nature described in clauses (b) and (d) of section 4(1) of the said Act.

By order of the Governor of Bombay

D. SYMINGTON

Secretary to Government

COMMERCE AND LABOUR DEPARTMENT

NOTIFICATIONS

The 30th March 1943

No. 519—IJ-1/43-Com.—The following notifications, issued by the Government of India in the Department of Commerce, are republished for general information.

By order of the Governor

W. W. DALZIEL

Secretary to Government

COMPANY LAW

New Delhi, 30th January 1943

No. 23 (47)-Tr. (C. L.)/42—In exercise of the powers conferred by section 3 of the Registration of Transferred Companies Ordinance, 1942 (Ordinance No. LIV of 1942), the Central Government is pleased to direct that the powers conferred on it by sub-sections (1) and (2) of section 2 of the said Ordinance may be exercised in a Governor's Province by the Provincial Government and in a Chief Commissioner's Province by the Chief Commissioner.

New Delhi, 30th January 1943

No. 23 (49)-Tr. (C.L.)/42—In exercise of the powers conferred by sub-section (3) of section 2 of the Registration of Transferred Companies Ordinance, 1942 (Ordinance No. LIV of 1942), the Central Government is pleased to make the following rules, namely:—

1. *Short title*—These rules may be called the Registration of Transferred Companies Rules, 1943.

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

(1) "Act" means the Indian Companies Act, 1913 (VII of 1913);

(2) "Ordinance" means the Registration of Transferred Companies Ordinance, 1942 (Ordinance No. LIV of 1942);

(3) "Registrar" has the meaning assigned to it in the Act.

3. *Application to Provincial Government*—Any company incorporated by or under the law in force in any Dominion within the meaning of the Statute of Westminster, 1931, or in British Burma, or in any colony, or in any British Protectorate, or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom, which desires to be registered under the Ordinance, may apply to the Provincial Government or to the Chief Commissioner, as the case may be, of the Province in which the Company desires to have its registered office, for the issue of an order under sub-section (1) of section 2 of the Ordinance. The application shall specifically state the matters on which orders under clauses (a), (b), (c) and (d) of sub-section (2) of section 2 of the Ordinance are sought and explain the reasons therefor:

Provided that if the necessary number of directors to form a quorum for a meeting of board of directors of the company are not in India, an application as aforesaid may be made by the managing agents, managing director or manager of the company, as the case may be, notwithstanding the fact that no resolution to this effect may have been passed by the board.

4. *Certain documents to be filed with application*—An application made under rule 3 shall, unless exemption has been asked for in respect of any of the undermentioned documents, be accompanied by—

- (i) the Memorandum and Articles of Association of the company as in force at the time of the application or any other instrument as then in force regulating the constitution or functions of the company;
- (ii) a list of the existing directors, managers, managing agents or other principal officers of the company, showing their nationality, permanent and present address;

- (iii) a copy of the latest balance sheet and accounts of the company, duly audited by the auditors of the company;
- (iv) the name of the country of its origin, and the principal place of business of the company in such country;
- (v) a statement setting forth the purpose of registration under the Ordinance and also whether the company intends to carry on any business in British India, and if so, the nature of such business;
- (vi) the name of the province in which the registered office of the company is to be situate;
- (vii) the name and address of such officer of the company as will be in charge of the affairs of the company in British India;
- (viii) the certificate of incorporation of the company obtained in the country of its origin;

and shall be supported by an affidavit by the person named in clause (vii) to the effect that the company was duly incorporated by or under the law in force in the country of its origin and was in operation at the time of its evacuation from that country, and that to the best of his knowledge, the company is not functioning there.

5. *Filing of documents with Registrar*—On issue of an order under sub-sections (1) and (2) of section 2 of the Ordinance, the documents required for registration of a company as provided in the Act shall, subject to such directions regarding modifications, adaptations, exclusions or such other directions as may be given in the said order, be filed with the Registrar of the province in which the registered office of the company is to be situate and he shall retain and register them and shall certify in the manner provided in sub-section (1) of section 23 of the Act:

Provided that the affidavit required under rule 4 shall be filed in place of the declaration under sub-section (2) of section 24 of the Act.

6. *Separate register for such companies*—The Registrar shall maintain a separate register for companies registered under the Ordinance.

7. *Registration under the Ordinance to be mentioned in letters, etc.*—Every company registered under the Ordinance shall have the fact that it was originally registered in another country and has been re-registered in India under the Ordinance, mentioned in legible English characters, in all bill-heads and letter papers and in all sign boards, notices, advertisements and other official publications of the company, and in all bills of exchange, hundis, promissory notes, endorsements, cheques and orders for money and goods purporting to be signed by or on behalf of the company and in all bills of parcels, invoices, receipts and letters of credit of the company.

8. The Central Government may in particular case, if it thinks fit and upon such conditions as it may impose relax any of the provisions of these rules.

T. S. PILLAY

Joint Secy. to the Govt. of India

The 31st March 1943

No. 6189—Com./643-Com.-(C).—The following notifications, issued by the Government of India, Department of Commerce, are republished for general information.

By order of the Governor

W. W. DALZIEL

Secretary to Government

IMPORT TRADE CONTROL.

New Delhi, 27th February 1943

No. 8-I.T.C./43—The following Open General Licence issued by the Central Government under the notification of the Government of India in the Department of Commerce, No. 56-I.T.C./41, dated

the 23rd August 1941, is published for general information and shall have effect in supersession of Open General Licence No. II, published with the notification of that Department No. 37-I.T.C./42, dated the 6th June 1942, from the 1st March 1943:—

“IMPORT TRADE CONTROL

Open General Licence No. II

In pursuance of Commerce Department Notification No. 56-I.T.C./41, dated the 23rd August 1941, the Central Government gives general permission to all persons to import until further notice from Ceylon any of the goods specified in the Schedule to the said notification (not being goods previously imported into Ceylon from Canada, Newfoundland or a place outside the British Empire), except goods of the following descriptions covered by the entries in that Schedule noted against each:—

Description	Part of Schedule	Item No.
Aluminium tea chest linings and Tea chests containing aluminium	A	61
Domestic hardware and stoves made of aluminium.	A	122 (i)
Smoker's requisites excluding tobacco and matches made of aluminium.	A	152 (i)
Aluminium Powder and paint ..	B	26 (ii)
Tea chests and parts and fittings thereof, excluding those specified in Part A of the Schedule.	B	33
Raw Manilla Hemp (fibre) ..	B	39
Raw Hemp (excluding raw Manilla hemp fibre).	B	40
Raw sisal fibre	B	41
Aloe fibre	B	42
Sisal yarn	B	42-A
Diamonds, onset and imported uncut, including bort and industrial diamonds.	B	48
Copper wrought and manufactures of copper, all sorts not otherwise specified.	B	50
Copper scrap	B	51
Aluminium circles, sheets and other manufactures not otherwise specified	B	53
Unwrought ingots, blocks and bars of aluminium.	B	54
Copper only	B	60
Bort and Industrial diamonds only ..	B	67, 68 and 69

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This licence is without prejudice to the application to any goods of any other prohibition or regulation affecting the import of goods that may be in force at the time when such goods are imported.

2. This notification shall not, however, operate so as to subject to the prohibition contained in notification No. 56-I.T.C./41, dated the 23rd August 1941 any goods despatched on through consignment to India and which, had they been imported into British India on the date of such through consignment, would have been covered by the said Open General Licence No. II, published with notification No. 37-I.T.C./42, dated the 6th June 1942.

New Delhi, 27th February 1943

No. 9-I.T.C./43—In pursuance of the notification of the Government of India in the Department of Commerce, No. 56-I.T.C./41, dated the 23rd August 1941, the Central Government is pleased to cancel, with effect from the 1st March 1943, the Open General Licence No. III, issued under the said notification, and published with the notification of the Government of India in the Department of Commerce, No. 59-I.T.C./41, dated the 23rd August 1941.

2. This notification shall not, however, operate so as to subject to the prohibition contained in notification No. 56-I.T.C./41, dated the 23rd August 1941, any goods despatched on through consignment to India and which, had they been imported into British India on the date of such through consignment, would have been covered by the said Open General Licence No. III published with the notification No. 59-I.T.C./41, dated the 23rd August 1941.

N. R. PILLAI

Secy. to the Govt. of India

The 5th April 1943

No. 6984—IHC-37/41-Com.(C).—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

INDUSTRIAL CONTROL

New Delhi, 6th March 1943

No. 104-I. C. (5)/42—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendment shall be made in the Newsprint Control Order, 1941, namely:—

In clause (aa) the word "not" occurring before the word "exceeding" shall be omitted.

S. N. RAY

Joint Secy. to the Govt. of India

DEPARTMENT OF SUPPLY AND TRANSPORT

NOTIFICATION

The 5th April 1943

No. 2926-S.T.—The following notification, issued by the Government of India, Department of Food, is republished for general information.

By order of the Governor

F. E. A. TAYLOR

Secretary to Government

THE FOODGRAINS CONTROL ORDER, 1942

New Delhi, 5th February 1943

No. A-I-E/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 direct that the following further amendment shall be made in the Foodgrains Control Order, namely:—

After clause 7 of the said Order, the following clause shall be inserted:—

"7-A. If any person contravenes the provisions of clause (3) or clause (6) of this Order then without prejudice to any other punishment to which he may be liable, any Court trying the offence may order that any stocks of foodgrains, together with the packages and coverings thereof, in respect of which the Court is satisfied that the offence has been committed, shall be forfeited to His Majesty."

B. G. HOLDSWORTH

Secy. to the Govt. of India