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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

COMMERCE AND LABOUR DEPARTMENT

NOTIFICATIONS

The 11th April 1945

No. 1511-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  
J. E. MAHER

Secretary to Government

REGISTRATION OF ACCOUNTANTS

New Delhi, 3rd March 1945

No. 13-A(1)/45—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:—

Orr, Mr. James, C.A., F.A.,

C/o Messrs. Lovelock & Lewes, 4, Lyons Range,

Calcutta.

(Ceased to be partner in the firm of Registered Accountants in which he was partner at the time when his name was included in the list. Name removed from the list with effect from the 30th April 1944).

Y. N. SUKTHANKAR

Joint Secy. to the Govt. of India

The 11th April 1945

No. 1513-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  
J. E. MAHER

Secretary to Government

REGISTRATION OF ACCOUNTANTS

New Delhi, 3rd March 1945

No. 1-A(7)/44—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 clause (b) of rule 2 of the said Rules, after the words "Osmania University" the words "or of the University of Travancore" shall be inserted.

Y. N. SUKTHANKAR

Joint Secy. to the Govt. of India

HOME DEPARTMENT

NOTIFICATION

The 17th April 1945

No. 1072-C.—The following notifications by the Government of India, is republished for general information.

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

Chief Secretary to Government

HOME DEPARTMENT

New Delhi, 15th March 1945

No. 1/11/45-Poll.(E).—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Registration of Foreigners (Exemption) Order, 1939, published with the notification of the Government of India in the Home Department, No. 21/32/39-Political, dated the 21st June 1939, namely:—

After paragraph (a) of Declaration 3 of the Declaration set out in the said order, the following paragraph shall be inserted, namely:—

(aa) Any foreigner who holds the office of Governor-General of Portuguese India or Governor-General of the French India his wife and children.

V. SHANKAR

Deputy Secretary to Govt. of India

DEFENCE DEPARTMENT

New Delhi, 10th March 1945

No. 5-DC(8)/45—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

To clause (a) of sub-rule (1) of rule 114, of the said Rules, the following shall be added, namely:—

"and upon such payment the said money shall be deemed to be property vested in the prescribed Custodian".

L. J. D. WAKELY

Deputy Secretary to Govt. of India

New Delhi, 17th March 1945

No. 5-DC(9)/45—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made to the Defence of India Rules, namely:—

In clause (d) of sub-rule (2) of rule 46 of the said Rules after the words "public safety" the words "or the maintaining of supplies and services essential to the life of the community" shall be inserted.

C. MACI. G. OGILVIE

Secretary to the Govt. of India

New Delhi, 24th March 1945

No. 5-DC(50)/43—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

For the proviso to sub-rule (3) of rule 50B of the said Rules, the following proviso shall be substituted, namely:—

"Provided that in applying the provisions of section 6 of the said Act to any such case, the words 'to accompany the forces engaged in the manoeuvres' shall be deemed to have been omitted from sub-section (1) thereof".

L. J. D. WAKELY

Deputy Secretary to Govt. of India

DEPARTMENT OF SUPPLY AND TRANSPORT

NOTIFICATION

The 11th April 1945

No. 8559-S.T.—The following notification of the Government of India in the Department of War Transport is republished for general information.

By order of the Governor  
B. MUKERJI

Deputy Secretary to Government

New Delhi, 31st March 1945

No. LV7(7)/44—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 Cycles Control Order, 1945.

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

(3) It shall come into force on the 16th of April 1945.

2. In this Order—

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

(b) "controlled motor cycle" means any new motor cycle which has been or may hereafter be released for civil use under orders of the Central Government;

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

(d) "distributor" means any person whose name is for the time being specified in the First Schedule to this Order ;

(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.

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

(2) The Central Government may by special order require any distributor or dealer to sell or otherwise dispose of any controlled motor cycle in his possession in such manner as may be specified in the order ; and the distributor or 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 cycle may be sold or otherwise disposed of—

(a) by a distributor to a dealer ; or

(b) by a dealer in accordance with a sale order.

(4) No 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 shall, as a consideration for the sale or disposal by him of a controlled motor cycle—

(a) take, or make allowance for, any other motor cycle 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 shall purchase, or otherwise acquire, a controlled motor cycle save in accordance with the provisions of this Order.

(7) No person shall have in his possession or under his control any controlled motor cycle 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.

(8) Save as otherwise provided by an order in writing of the Central Government no agreement of hire-purchase shall be effected or be effective in relation to a controlled motor cycle.

4. 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 and the person in whose favour the order is made. Part II shall be retained by the 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.

5. 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 cycle :—

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

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

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

(4) 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.

(5) If the Registering Authority is satisfied that the controlled motor cycle 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 ; and

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

(6) The Registering Authority having jurisdiction at any place from which a controlled motor cycle is issued by a distributor shall, on demand by the distributor, dealer or other competent person, register the motor cycle temporarily in accordance with section 25 and the Sixth Schedule of the Act and the rules thereunder.

6. 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 cycle save in accordance with a sale order issued in his favour.

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

8. Every 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 cycle in his possession and any accounts, books, or other records that the Provincial Motor Transport Controller may by order in writing specify.

9. 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, 1944, 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 vehicle ; 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.

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

11. The Central Government may by general or special order exempt any motor cycle or class of motor cycles from all or any of the provisions of this Order.

### FIRST SCHEDULE

[SEE CLAUSE 2 (d)]

List of Distributors

Name and address of distributor	Nature of controlled motor cycles in relation to the distributor
M/s Bombay Cycle and Motor Agency, Limited, 534, Sandhurst Bridge, Bombay 7.	Light Auto and Motor Cycles, 98 c. c. and 125 c. c. of Scott and Norman makes.

### SECOND SCHEDULE

[SEE CLAUSE 2 (c)]

List of Dealers

Province in which the dealer has a trading area	Name of dealer
Madras .. .. .	M/s Union Motor Company, Mount Road, Madras.
Bombay .. .. .	M/s Bombay Cycle and Motor Agency, Ltd., 534, Sandhurst Bridge, Bombay 7.
Bengal .. .. .	M/s Matthews & Company, 39, Park Mansions, Calcutta.
United Provinces .. .. .	M/s Motor Cycle House, 11, Station Road, Lucknow.
Punjab .. .. .	M/s Butt Brothers, 9, Meleod Road, Lahore.
Bihar .. .. .	M/s Liberty & Co., Patna
C. P. and Berar .. .. .	M/s Eduljee & Co., Nagpur
Assam (For Assam Valloy) .. .. .	M/s Jorhat Motor Works, Jorhat.
Assam (For Surma Valloy) .. .. .	M/s Habibur Rahman, Sylhet
N.-W. F. P. .. .. .	M/s Ghulam Sarwar & Brothers, Peshawar.
Orissa .. .. .	M/s Nabhi Brothers, Berhampur
Sind .. .. .	M/s Mengh Raj & Co., Karachi
Delhi .. .. .	M/s Sikand & Co., 50, Queensway, New Delhi.
Baluchistan .. .. .	M/s Mengh Raj & Co., Quetta

THIRD SCHEDULE  
[See Clause 3 (E)]

MOTOR CYCLES CONTROL ORDER, 1945  
SALE ORDER, PART I

Office of the Provincial Motor Transport Controller.....  
No.....Date.....  
To.....

Subject to tender of payment and to your having in your possession a motor cycle 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 cycle as follows:—  
Make.....C. C.....  
at the following price.....*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 motor cycle 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 motor cycle you shall after the expiry of one week after the money has been deposited be entitled to recover storage charges at the rate of rupee one per day.

Provincial Motor Transport Controller

(Counterfoil to be retained in the office of issue)

MOTOR CYCLES CONTROL ORDER, 1945  
SALE ORDER, PART II

Office of the Provincial Motor Transport Controller.....  
No.....Date.....  
To.....

Subject to tender of payment and to your having in your possession a motor cycle 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 cycle as follows:—  
Make.....C. C.....  
at the following price.....*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 motor cycle 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 motor cycle you shall after the expiry of one week after the money has been deposited be entitled to recover storage charges at the rate of rupee one per day.

Provincial Motor Transport Controller

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

MOTOR CYCLES CONTROL ORDER, 1945  
SALE ORDER, PART III

Office of the 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 sale a controlled motor cycle as follows:—  
Make.....C. C.....  
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 motor cycle C. C.....  
Engine No.....  
for Rs.....

delivery charges by road from  
recovered Rs.....  
Price.....Rs.....  
rail  
Delivery charges by road from  
sea

recovered Rs.....  
Dealer

The Motor cycle has been registered by me as.....  
on.....  
Registering Authority

Date.....

(To be pasted into the Registration Book)

MOTOR CYCLES CONTROL ORDER, 1945  
SALE ORDER, PART IV

Office of the 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 cycle as follows:—  
Make.....C. C.....  
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 motor cycle C. C.....  
Engine No.....  
for Rs.....

delivery charges by road from  
recovered Rs.....  
Price.....Rs.....  
rail  
Delivery charges by road from  
sea

recovered Rs.....  
Dealer

The above is a true statement.  
Date.....  
Purchase

Date.....

(To be pasted into the Registration Book)

MOTOR CYCLES CONTROL ORDER, 1945

SALE ORDER, PART II (REVERSE)

In accordance with this order I/we have on  
.....sold to.....  
Motor Cycles.....C.C.....  
Engine No.....

plus delivery charges road from  
rail  
sea

.....Rs.....  
.....Dealer.

Date.....

The above statement is correct

Purchaser.....

Date.....

D. R. RUTNAM  
Joint Secy. to the Govt. of India

MOTOR CYCLES CONTROL ORDER, 1945

SALE ORDER, PART IV (REVERSE)

The motor cycle has been registered by me  
as.....  
(Registration mark assigned)

Part III of this Order has been pasted by me  
into the Registration Book issued in respect of  
the motor cycle described in this part.

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

Registering Authority

Date.....

## PRESS NOTE

The Government of India have by a Notification in the *Gazette of India Extraordinary*, dated the 22nd March 1945, fixed the maximum prices at which any person may sell Cotton Waste (Hard) in India or may export it to any place outside India. The details of the types of Cotton Waste are shown in the notification.

## PRESS NOTE

The Textile Commissioner to the Government of India has decided to exempt cloth manufactured by powerloom factories consisting of less than 25 powerlooms from the operation of his notification, dated the 16th December 1944, which requires that those dealers in Bombay City and suburban district and in the Ahmedabad Municipal Borough who buy from them not to sell or dispose of their stocks except with the sanction of the Textile Commissioner. The necessary notification to give effect to this is being issued.

## PRESS NOTE

Transport Permits from Ahmedabad and Bombay are valid for the movement of powerloom and handloom cloth in addition to mill-packed bales.

## PRESS NOTE

Cotton Textile Mills in Bombay Province and Cawnpore are permitted to sell in retail either in the mill or from their retail shops not more than 2 per cent of their total production in yards. This is in cancellation of the general permission given by the Textile Commissioner in his circular No. T.C.S.42/1, dated the 8th November 1944.

## PRESS NOTE

It has come to the notice of the Textile Commissioner that a number of commission agents in Ahmedabad who have taken delivery of goods on behalf of quota-holders outside the Bombay Surplus Area are not disposing of these goods through the Maskati Cloth Market Association.

to persons authorised to purchase on behalf of deficit zones. Such commission agents are hereby warned that unless they do dispose of the goods to permit-holders forthwith, the quotas to their principals may have to be cancelled.

The commission agents had already been informed of the procedure that should be adopted in the case of goods received on behalf of quota-holders and they should have by this time obtained the consent of their principals to the above-mentioned procedure.

#### PRESS NOTE

The Textile Commissioner to the Government of India has decided to exempt imported fents not exceeding three yards in length from the price stamping provisions of his notification No. T. C.(12)/44, dated the 14th October 1944. Similar exemption is being provided for imported embroideries also which have been so certified by the

respective controllers. It is to be noted that the above varieties are being exempted only from price stamping and not from price control. Certificates of landed cost would be issued by the respective controllers for these varieties also and improters and other dealers are instructed to specify the number and date of such certificates on all invoices issued by them in respect of these goods so that it will be easy to verify whether the prices which they charge are lawful.

#### PRESS NOTE

The Government of India have by an amendment to clause 12 of the Cotton Cloth and Yarn (Control) Order, 1943, prescribed that the rate of commission which a commission agent may receive in respect of a sale of cloth or yarn shall not exceed half per cent. This provision applies only in cases where the cloth or yarn is sold by a dealer and does not apply in cases of sales by mills.