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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 NOTIFICATION

The 17th May 1945

No. 2283-A.—The following notification, issued by the Government of India, Home Department, is republished for general information.

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

Chief Secretary to Government,  
New Delhi, 16th April 1945

No. 63/1/44-Ests.—The following amendments in the Reserved Posts (Indian Civil Service) Rules, 1938, made by the Secretary of State for India, are published for general information:—

I. 1, Lawrence John Lumley, Marquess of Zetland, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 246(I) and section 250(I) of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following amendments to the Reserved Posts (Indian Civil Service) Rules, 1938, namely:—

I. In the said Rules—

(i) in the proviso to rule 2 for the words "two" and "third" the words "three" and "fourth" respectively, shall be substituted; and

(ii) in the first proviso to sub-rule (I) of rule 4, for the words "Public Service Commission", the words "Governor-General in his discretion has consulted the Federal Public Service Commission and the Commission" shall be substituted.

II. In the schedule to the said Rules—

(i) under the head "Posts under the Central Government" and sub-head "Superior Posts"—

(a) after the entry relating to the Additional Secretary and Draftsman, Legislative Department, the following entry shall be inserted, namely:—

"1 Secretary, Governor-General's Council":

(b) the entry relating to the Joint Secretary, Home Department, shall be omitted;

(c) for the entry "4 Deputy Secretaries in the Home, Education, Health and Lands, Communications and Labour Departments", the following entry shall be substituted, namely:—

"5 Two Deputy Secretaries in the Home Department and one each in the Education, Health and Lands, Communications and Labour Departments";

(d) for the entry "1 Deputy Secretary, Legislative Department", the following entry shall be substituted, namely:—

"2 Deputy Secretaries, Legislative Department"; and

(e) for the figures "45" the figures "47" shall be substituted;

(ii) under the head "Posts in Madras" and sub-head "Superior Posts" for the entry relating to the Commissioner of Labour and Rural Uplift, the entry "1 Commissioner of Labour" shall be substituted;

(iii) under the head "Posts in Bombay and Sind (Combined Cadres)" and sub-head "Superior Posts"—

(a) the entry "1 Backward class Officer\*" shall be omitted; and

(b) for the figures "70" the figures "69" shall be substituted;

(iv) under the head "Posts in Bengal" and sub-head "Superior Posts"—

(a) in the entry relating to the Secretaries to Government, for the figure "6" the figure "7" shall be substituted;

(b) in the entry relating to the Settlement Officers, for the figure "4" the figure "3" shall be substituted.

Given under my hand this 6th day of July 1939.

ZETLAND

One of His Majesty's  
Principal Secretaries of State

II. I, Leopold Stennett Amery, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 246(I) and section 250(I), of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following amendment in the Reserved Posts (Indian Civil Service) Rules, namely:—

In the Schedule to the said Rules—

under the head "Posts in Bombay and Sind (combined cadres)" for the words "Director of Land Records\*" the words "Settlement Commissioner and Director of Land Records\*" shall be substituted.

Given under my hand this 2nd day of October 1940.

L. S. AMERY

One of His Majesty's  
Principal Secretaries of State

D. S. DAS

Deputy Secy. to the Govt. of India

### COMMERCE AND LABOUR DEPARTMENT NOTIFICATIONS

The 17th May 1945

No. 2055-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, 28th April 1945

No. 1-A(1)/45—The following draft of a further amendment to the Auditor's Certificates Rules, 1932, which it is proposed to make in exercise of the powers conferred by sub-section (2) of section 144 of the Indian Companies Act, 1913 (VII of 1913), is published, as required by the said sub-section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 28th May 1945.

Any objection or suggestion which may be received from any person with respect to the draft before the aforesaid date will be considered by the Central Government.

#### DRAFT AMENDMENT

For sub-rule (1) of Rule 38 the following shall be substituted:—

(1) No person shall be eligible for inclusion in the list of Registered Accountants entitled to train articled clerks unless for a continuous period of not less than three years immediately before the date of the application mentioned in sub-rule (2) he—

(i) has been on the Register of Accountants, and

(ii) has been either in practice as a Registered Accountant in India or employed as a paid Assistant to a practising Registered Accountant in India or partly in such practice and partly so employed:

Provided that the Central Government may for reasons which it deems sufficient condone any break in the continuity of the said period.

Y. N. SUKTHANKAR

Joint Secy. to the Govt. of India

*The 17th May 1945*

**No. 2057-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, 28th April 1945*

No. 13-A(2)/45—In pursuance of clause (b) of sub-rule (1) 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, with effect from the above date the name of Mr. Syed Ahmad Afzal, F.S.A.A., B.A., Calcutta, who has ceased to practise as a Registered Accountant in India.

Y. N. SUKTHANKAR

*Joint Secy. to the Govt. of India*

*The 17th May 1945*

**No. 2059-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, 14th April 1945*

No. 9-A(4)/45—In pursuance of sub-rule (3) of rule 49 and rule 55-A of the Auditor's Certificates Rules, 1932 and in partial modification of its notification in the Department of Commerce, No. 9-A(4)/44, dated the 1st July 1944, the Central Government is pleased to notify the nomination, with effect from the 11th April 1945, of Sir Bertie Staig, C.S.I., I.C.S., Auditor-General of India, as a member of the Indian Accountancy Board, vice Sir Cameron Badenoch, K.C.I.E., C.S.I., I.C.S.

Y. N. SUKTHANKAR

*Joint Secy. to the Govt. of India*

LAW DEPARTMENT  
NOTIFICATIONS

*The 23rd May 1945*

**No. 2179-L.R.**—The following Ordinances promulgated by the Governor-General are hereby republished for general information.

By order of the Governor  
J. E. MAHER

*Secretary to Government*

*New Delhi, 5th May 1945*

ORDINANCE No. XI OF 1945

AN

ORDINANCE

*temporarily to validate certain provincial laws in so far as they relate to promissory notes*

WHEREAS an emergency has arisen which makes it necessary temporarily to validate the provisions of certain Provincial debt enactments in so far as they relate to promissory notes ;

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, commencement and duration**—(1) This Ordinance may be called the Provincial Debt Laws (Temporary Validation) Ordinance, 1945.

(2) It shall come into force at once, and shall remain in force up to the 31st day of March 1947.

**2. Temporary validation of Provincial debt laws in certain respects**—While this Ordinance remains in force—

(a) the provisions of the Acts set out in the First Schedule and of the amendments enacted after the 1st day of April 1937 and before the 12th day of December 1944 to the Acts set out in the Second Schedule shall, in so far as they relate to or affect promissory notes, transactions based on promissory notes or proceedings arising out of such transactions, be deemed to be and always to have been as valid and effectual for all purposes as if they had been, in relation to such matters as aforesaid, enacted by the Central Legislature ; and

(b) no decree, declaration or order of any Court or debt settlement tribunal (by whatsoever name called) made whether before the commencement or during the continuance of this Ordinance shall be called in question

or subjected to modification on the ground that such of the said provision as are relevant are invalid and ineffectual by reason of the incompetence of the Provincial Legislature concerned to make laws relating to the aforesaid matters.

*The First Schedule*

(1) The Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938).

(2) The Punjab Registration of Money-lenders' Act, 1938 (Punjab Act III of 1938).

(3) The Bihar Money-lenders (Regulation of Transactions) Act, 1939 (Bihar Act VII of 1939).

(4) The Orissa Money-Lenders Act 1939 (Orissa Act III of 1939).

(5) The Central Provinces and Berar Relief of Indebtedness Act, 1939 (Central Provinces and Berar Act XIV of 1939).

(6) The Bombay Agricultural Debtors Relief Act, 1939 (Bombay Act XXVIII of 1939).

(7) The Sind Agriculturists Relief Act, 1940 (Sind Act VIII of 1940).

(8) The Bengal Money-Lenders Act, 1940 (Bengal Act X of 1940).

(9) The United Provinces Debt Redemption Act, 1940 (United Provinces Act XIII of 1940).

(10) The Sind Debt Conciliation Act, 1941 (Sind Act IX of 1941).

(11) The Sind Money-Lenders Act, 1944 (Sind Act XIV of 1944).

(12) All Acts enacted before the 12th day of December 1944 amending any of the above Acts.

*The Second Schedule*

(1) The Central Provinces Debt Conciliation Act, 1933 (Central Provinces Act II of 1933).

(2) The Punjab Relief of Indebtedness Act, 1934 (Punjab Act VII of 1934).

(3) The Assam Money-Lenders' Act, 1934 (Assam Act IV of 1934).

(4) The Central Provinces Money-Lenders Act, 1934 (Central Provinces Act XIII of 1934).

(5) The Bengal Agricultural Debtors Act, 1935 (Bengal Act VII of 1936).

(6) The Central Provinces Reduction of Interest Act, 1936 (Central Provinces Act XXXII of 1936).

JOHN COLVILLE

*Viceroy and Acting Governor-General*

G. H. SPENCE

*Secy. to the Govt. of India*

*New Delhi, 12th May 1945*

ORDINANCE No. XII OF 1945

AN

ORDINANCE

*further to amend the Criminal Law Amendment Ordinance, 1943*

WHEREAS an emergency has arisen which makes it necessary further to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), for the purposes 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 Criminal Law (1943 Amendment) Amending Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 3, Ordinance XXIX of 1943**—In section 3 of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance),—

(a) for the word "hereinafter" the words "which may be" shall be substituted ;

(b) after the words "and Amraoti, respectively" the following shall be inserted, namely :—

"and may from time to time by like notification—  
Special Tribunals as may appear to it to be necessary to sit at such places as shall be specified in the notification ;

(b) direct that any Special Tribunal shall sit at a place other than the place specified for it by or under this section ;"

(c) in the proviso, the words "such" and "hereinbefore" shall be omitted.

**3. Amendment of section 5, Ordinance XXIX of 1943—**

In section 5 of the said Ordinance,—

(a) sub-section (1) and (2) shall be renumbered as sub-sections (2) and (3) respectively, and before sub-section (2) as so renumbered the following sub-section shall be inserted, namely :—

“(1) The Central Government may from time to time by notification in the official Gazette allow cases to be tried to each Special Tribunal, and may also from time to time by like notification transfer any case from one Special Tribunal to another or withdraw any case from the jurisdiction of a Special Tribunal or make such modifications in the description of a case (whether in the names of the accused or in the charges preferred or in any other manner) as may be considered necessary.”;

(b) in sub-section (2) as so renumbered,—

(i) for the words “in the First Schedule” the words, brackets and figure “under sub-section (1)” shall be substituted;

(ii) the word “Second” shall be omitted;

(c) in sub-section (3) as so renumbered, the word “Second” shall be omitted.

**4. Amendment of section 9, Ordinance XXIX of 1943—**

In sub-section (1) of section 9 of the said Ordinance, for the words, figures and brackets “punishable under section 161 or section 165 of the Indian Penal Code (XLV of 1860)” the words “specified in the Schedule” shall be substituted.

**5. Substitution of new section for section 10, Ordinance XXIX of 1943—**For section 10 of the said Ordinance the following section shall be substituted, namely :—

“10. *Special provision regarding punishment*—When any person charged before a Special Tribunal with an offence specified in the Schedule is found guilty of that offence, the Special Tribunal shall, notwithstanding anything contained in the Indian Penal Code (XLV of 1860), whether or not it imposes a sentence of imprisonment, impose a sentence of fine which shall not be less in amount than the amount of money or value of other property found to have been procured by the offender by means of the offence.”

**6. Omission of First Schedule, Ordinance XXIX of 1943—**The first Schedule to the said Ordinance shall be omitted:

Provided that every case therein shall be deemed to have been allotted by notification under sub-section (1) of section 5 of the said Ordinance to the Special Tribunal specified in the heading of that Part of the said Schedule in which it was, immediately prior to the commencement of this Ordinance, contained.

**7. Amendment of Second Schedule, Ordinance XXIX of 1943—**In the Second Schedule to the said Ordinance,—

(a) in the heading, the word “SECOND” shall be omitted;

(b) in items 3 and 3A, after the word and figures “section 406”, the words and figures “or section 408” shall be inserted.

JOHN COLVILLE

Viceroy and Acting Governor-General

G. H. SPENCE

Secy. to the Govt. of India

The 23rd May 1945

**No. 2136-L.**—The following Ordinances promulgated by the Governor-General, are hereby republished for general information.

By order of the Governor

J. E. MAHER

Secretary to Government

New Delhi, 16th May 1945

ORDINANCE No. XIII of 1945

AN

ORDINANCE

further to amend the War Risks (Factories) Insurance Ordinance, 1942

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), for the purposes 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 War Risks (Factories) Insurance (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance XII of 1942—**In clause (k) of section 2 of the War Risks (Factories) Insurance Ordinance, 1942,—

(a) sub-clauses (ii), (iii), (iv) and (v) shall be renumbered as sub-clauses (iii), (iv), (v) and (vi) respectively;

(b) after sub-clause (i) the following sub-clause shall be inserted, namely :—

“(ii) any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things;”;

(c) in sub-clause (iii) as hereinbefore renumbered, for the word “aforesaid” the following shall be substituted, namely :—

“is described in sub-clause (i) or of any such explosion or fire as is described in sub-clause (ii)”.

JOHN COLVILLE

Viceroy and Acting Governor-General

## ORDINANCE No. XIV of 1945

AN  
ORDINANCE

*to amend the Criminal Law Amendment Ordinance, 1944*

WHEREAS an emergency has arisen which makes it necessary to amend the Criminal Law Amendment Ordinance, 1944 (XXXVIII of 1944), for the purposes herein-after 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 Criminal Law (1944 Amendment) Amending Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 12, Ordinance XXXVIII of 1944**—To section 12 of the Criminal Law Amendment Ordinance, 1944 (hereinafter referred to as the said Ordinance), the following sub-sections shall be added, namely:—

(4) Where the accused is convicted of a schedule offence other than one specified in item 1 of the Schedule to this Ordinance and where it appears that the offence has caused loss to more than one Government referred to in the said Schedule or local authority, the finding referred to in this section shall indicate the amount of loss sustained by each such Government or local authority.

(5) Where the accused is convicted at the same trial of one or more offences specified in item 1 of the Schedule to this Ordinance and of one or more offences specified in any of the other items of the said Schedule, the finding

referred to in this section shall indicate separately the amounts procured by means of the two classes of offences."

**3. Amendment of section 13, Ordinance XXXVIII of 1944**—To section 13 of the said Ordinance the following sub-section shall be added, namely:—

(6) Every sum ordered to be forfeited under this section in connection with any scheduled offence other than one specified in item 1 of the Schedule to this Ordinance shall, after deduction of the costs of attachment as determined by the District Judge, be credited to the Government (being a Government referred to in the said Schedule) or local authority to which the offence has caused loss, or where there is more than one such Government or local authority, the sum shall, after such deduction as aforesaid, be distributed among them in proportion to the loss sustained by each."

**4. Amendment of Schedule, Ordinance XXXVIII of 1944**—In the Schedule to the said Ordinance,—

(a) to item 1 the words "or any conspiracy to commit or any attempt to commit or any abetment of such offence" shall be added;

(b) in items 2 and 3, after the word and figures "section 406" the words and figures "or section 408" shall be inserted;

(c) in item 5, for the words "aforesaid offences" the words and figures "offences specified in items 2, 3 and 4" shall be substituted.

JOHN COLVILLE

Viceroy and Acting Governor-General

G. H. SPENCE

Secy. to the Govt. of India