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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 9th June 1943

No. 1756-C.—The following notifications issued by the overnment of India, Defence Department, are republished r general information.

By order of the Governor J. BOWSTEAD Chief Secretary to Government The 15th May 1943

No. 5-D.C(24)/43-In exercise of the powers conferred oy section 2 of the Defence of India Act, 1939 (XXV of 1939), the Central Covernment is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :-

After rule 44 of the said Rules, the following rule shall

be inserted, namely:

"44A. Control of cinematograph exhibitions—(1) In

(a) "approved film" means a cinematograph film approved for the purposes of this rule by the Central

Government; (b) "cinema theatre" means a place licensed under the Cinematograph Act, 1918, for the exhibition of cine-

matograph films; (c) "exhibitor" means a person carrying on the

business of exhibiting cinematograph films to the public. (2) Every exhibitor shall cause to be exhibited at each performance given after the 14th September 1943, in every nema theatre under his control one or more approved

s the total length of which is not less than two sand feet.

3) Every exhibitor shall comply with any directions ich the Central Government may by general or special der give as to the manner in which approved films shall Je exhibited in the cource of any performance.

(4) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

New Delhi, 17th May 1943
No. 5-D.C. (27)/43—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules,

After Rule 94 of the said Rules, the following Rule shall

be inserted, namely :-

"94-A. Control of capital issues—(1) For the purpose of this Rule-

(a) securities shall include shares, stocks, bonds;

debentures and debenture stocks, issued by or for the

benefit of a company; (b) a person shall be deemed to make an issue of capital who issues any securities whether in cash or other-

(2) Subject to such exemptions as may be granted by order of the Central Government, no company, whether incorporated in British India or not, shall, except with the consent of the Central Government-

(a) make an issue of capital in British India;

- (b) make in British India any public offer of securities for sale;
- (c) renew or postpone the date of maturity or repayment of any security maturing for payment in British India.

(3) Subject to such exemptions as may be granted by order of the Central Government no company incorporated in British India shall, except with the consent of the Central Government make an issue of capital anywhere.

(4) Subject to such exemptions as may be granted by order of the Central Government, no person shall issue in British India any prospectus or other document offering for subscription or publicly offering for sale any security which does not include a statement that the consent of the Central Government has been obtained to the issue or offer of the securities.

(5) No person shall subscribe for any securities issued by a company in respect of any issue of capital made in British India or elsewhere unless such issue has been made with the consent of the Central Government.

(6) If any person contravenes the provisions of this rule he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

> C. MACI. G. GGILVIE Secy. to the Gort. of India

FINANCE DEPARTMENT NOTIFICATION

The 3rd June 1943

No. 11421-F.(C).—The following notification, issued by the Government of India in the Finance Department (Communications), is republished for general information.

By order of the Governor

V. RAMANATHAN

Deputy Secretary to Government New Delhi. 13th May 1943

No. D-3036-PT /43—The Governor-General in Council is pleased to direct that the following further amendment shall be made in the Rules for the guidance of depositors in Post Office Savings Banks, namely:

In the Note below clause (m) of rule 42 of the said Rules, in paragraph (b), the words 'authorised to accept applications for such loans' shall be omitted.

A. QADIR Deputy Financial Adviser

COMMERCE AND LABOUR DEPARTMENT NOTIFICATIONS

The 5th June 1943

No. 11592—Com-9/43-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

WAR RISKS INSURANCE New Delhi, 8th May 1943

No. 23-W.R.I. (G)/43—In pursuance of sub-rule (2) of rule 15 of the War Risks (Goods) Insurance Rules, the Central Government is pleased to direct that the following further amendments shall be made in the list of recogn sed Loss Assessors, published with the notification of the Government of India in the Department of Commerce, No. 25-W.R.I./40, dated the 28th December 1940, namely;

In the said list, the following entries shall be omitted,

"23. Mr. R. B. Fairclough, M.C., Messrs. Anglo-Thai Corporation, Limited, Karachi.

54. Mr. Jamshed Nusserwanji Mehta, J. P., The Buyers' and Shippers' Chamber, Bellasis Street, Karachi.

RESOLUTION

New Delhi, 8th May 1943

of the Govern-No. 43-W.R.1.(66)/43-In pursuance ment of India, Commerce Department, Resolution No. 43-W.R.I. (24)/42, dated the 14th November 1942, and with a view to ensure prompt adjudication of claims under the War Risks (Goods) Insurance, Ordinance, 1940, and the War Risks (Factories) Insurance Ordinance, 1942, the following sub-committee is hereby appointed at Karachi:-

Mr. R. B. Fairclough, Co Anglo-Thai Corporation

Limited, Karachi.

Mr. L. H. Johnson, Co Ralli Brothers, Limited, Karachi. Mr. G. Gow, Co Grahams Trading Company, Karachi.

Mr. Jamshed Nusserwanjee Mehta, Co Karachi Buyers' and Shippers' Association, Karachi.

Mr. Yusuf Abdoola Haroon, M.L.A., Napier Road,

Karachi.

The Special Officer, War Risks Insurance, Karachi, ORDER :-Ordered that the Resolution be published in the Gazette of India for general information.

S. R. ZAMAN

Joint Secy. to Gort. of Inaia

The 5th June 1943

No. 11627-Som.(C).—The following notification issued by the Government of India in the Department of Labour is republished for general information.

By order of the Governor W. W. DALZIEL Secretary to Government

New Delhi, 26th May 1943

No. L827-In exercise of the powers conferred by subsection (1) of section 3 of the War Injuries Ordi ance, 1941 (No. VII of 1941), the Central Government is pleased to direct that the following further amendment shall be made in the War Injuries Scheme, 1942, namely :-

In sub-paragraph (ii) of paragraph (e) of sub-clause (2)

of clause 2 of the said scheme-

(i) for the words "on the day on which the injury was sustained" the words "the injury was sustained at any time on a day on which "shall be substituted;

(ii) after the word "illness" the word "injury"

shall be inserted.

H. C. PRIOR

Secy. to the Gort, of India

The 5th June 1943

11692-Gom.(6).—The following notification of Government of India, Department of Commerce is republished for general information.

By order of the Governor W. W. DALZIEL.

Secretary to Government

New Delhi, 8th May 1943

No. 405-Ind. (1)43-The following draft of certain amendments to the Trade Marks Rules, 1942, which it is proposed to make in exercise of the powers conferred by sub-section (I) of section 84 of the Trade Marks Act 1949 (V of 1940), as amended by the Trade Marks (Amendment) Act, 1943 (XV of 1943), read with section 22 of the General Clauses Act, 1897 (X of 1897), 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 draft will be taken into consideration on or after the 22nd May 1943. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government:—

Draft Amendments

I. In the said Rules-

(I) for the words "Patent Office" wherever they occur, the words "Trade Marks Registry" shall be substituted;

(2) in rule 22, before the word "Every", the following heading shall be inserted, namely :-

"Acknowledgment of receipt of application.-"

(3) for rule 86, the following rule shall be substituted.

namely:** 86. Inspection of register, etc.-The Register, the Refused Textile Marks List and the lists relating to Trade Marks deposited under section >85 shall be open to inspection, on payment of the prescribed fee, at such times on all the days on which the Trade Marks Registry is not closed to the public, as may be fixed by the Registrar."

(4) in rule 87, the words "and the Bombay Registrar"

shall be omitted;

(5) for rule 88, the following rule shall be substi-

"88. Applications made to the Court to be served the Registrar—Every application to a High Court und Act shall be served on the Registrar";

(6) rules 99, 106, 107, 110 and 111 and sub-rule

rule 128 shall be omitted,

(7) in rule 103,

(a) in the heading for the word " Lists", the List" shall be substituted;
(b) the word "relevent" shall be omitted;

(8) in rule 104, in the heading, for the word a Line or hatituted. and the word " List" shall be substituted;

(9) in rule 108,

(9) in rule 100,
(a) the words " either in the Patent Office or in
Bombay Registry " shall be omitted;
(b) the word " Bombay " wherever it occurs shall

omitted;

(c) for the word "Lists", the word "List" sha substituted;

(10) for rule 109, the following rule shall be substituted:

namely :-

"109. Application for registration, additional reputation—Every application for the registration of an mark (other than a mark consisting of a word words or letters or nume als or any combination the relating to textile goods shall be made on Form TM. shall be accompanied by four additional representation The representations of the mark on the the mark. cation and its duplicate and the additional representa shall correspond exactly with one another. The additi representations shall in all cases be noted with all Registrar. Such particulars shall, if required by by the applicant." particulars as may from time to time be required by

(11) in Chapter II of Part III, for the heading "Runder section 64 (d)" the heading "Rules under section (2) of section 64" shall be substitute 1;

(12) in sub-rule (2) of rule 120, the words "and at Bombay Registry" shall be omitted;

(13) in rule 122, the words " and the Bombay Regista

shall be omitted:

(14) in rule 123 the words " or the Bombay Registed wherever they occur and the words " as the case may shall be omitted;

(15) in rules 124 and 127, the words " or the Box Registrar" wherever they occur shall be omitted;

- (16) in sub-rule (3) of rule 138, sub-rule (2) of rule and sub-rule (2) of rule 140, for the words "In Marks Journal", the word "Journal" shall be s tituted:
 - H. In the Schedules annexed to the said Rules-

(A) in the First Schedule-

- (1) against ontry No. 1, the word, figures and k or 63A " in the second column shall be emitted;
- (2) against entries Nos. 33, 34, 35 and 2, the word or Bombay Registrar" in the second column shall omitted;
- (3) against entry No. 67, in the second column words "Textile Marks Records" and "or copy of entropy in the supplied under rule 107" shall be omitted and for words "Lists", the word "List" shall be substituted.

 (B) in the Second School of the substituted of t

(B) in the Second Schedule-

(1) in the entries relating to Form Nos. TM-17, and TM-46, the words " or Bombay Registrar " in the " column shall be omitted;

(2) in the entries relating to Form No. TM-21, words "or Bombay Registrar's" in the third column's he omitted;

(3) in the Forms set forth in the said Schedule-

(i) in Form TM-1, for the word "Calcutta", the "Bombay" shall be substituted;

(ii) in Form TM-2, the word, figures and letter tion 63A and the brackets and words "(To be additionally addi panied by a duplicate of this Form and by six addition

representation)" shall be omitted;
(iii) in Forms TM-2 to TM-7, TM-11 to TM-17, TM
to TM-21, TM-23 to TM-41, TM-44 to TM-48 and fM-5

TM-53-

(a) for the word "Calcutta", the word "Bombo

shall be substituted;
(b) the entry "The Registrar of Textile Trade Management of Textile Textile Trade Management of Textile Text at Bombay, The Trade Marks Registry, Bombay omitted;

(c) the footnote "Strike out whichever address, and the strike out which which we strike out the strike out which we strike out the strike not applicable " and the letter reference thereto shall omitted. omitted;

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22

111	Forms T bay Re	OISEPV	tho), for word	the word s '' Tra	ls" F de l	'atent Marks
Office/Boin Registry	Forms	TM-8,	TM-9	and	TM-10.	the	word

(v) in Form TM-15, the words "Calcutta, or at the Trade Marks Registry, Bombay, as the cases may be "shall be omitted; (vi) in Form TM-15, the words "Bombay Registrar"

shall be omitted;

TM-17, (vii) in Form the brackets and words (Bombay Registrar's) 's shail be omitted;

(kiii) in Forms TM-17, TM-18 and TM-19, the words or the Bombay Registrar "shall be omitted:

(ix) in Forms TM-19, TM-20, TM-21, TM-23, TM-24, TM-46 and TM-47, the brackets and word "(Bombay)" shall be omitted;
(x) in Form TM-21, the words "or the Bombay Regis-

trar's shall be omitted;

(xi) in Form TM-22, for the word "Calcutta", the word "Bombay" shall be substituted and the words "or the Registrar of Textile Trade Marks at Bombay, The Trade Marks Registry, Bombay "shall be omitted; (xii) in Form TM-38, the entry "(*six)" and the

footnote "In the case of textile marks" relating thereto

shall be omitted;

(xiii) in Forms TM-42 and TM-43, for the words " at Calcutta or Rombay, as the case may be", the word Bombay "chall be substituted;

(xiv) in Form TM-49, the words " or Bombay Regis-

" shall be omitted;

(xv) in Form TM-50, the words "or the Bombay Registrar, as the case may be "wherever they occur shall be cmitted;

(xvi) in Form TM-53 after the words "Total fee", the words and figures " on any number of such applications made at the same time by the same person and relating to one and the same trade mark, in respect of the different items under rule 102 " shall be inserted;

(xvii) in all TM Forms, for the words "The Registrar of Trade Marks, The Trade Mark Registry, Bombay " wherever they occur, the words "The Registrar of Trade Marks, Bombay" shall be substituted,

(xviii) in Forms TMA-1, TMA-2, and TMA-3, for the entry " at Calcutta or Bombay as the case may be ", the entry " Bombay " shall be substituted;

(C) in the Third Schedule-

(1) in the heading the words "ORTHE BOMBAY REGISTRAR "shall be omitted;

(2) in the Forms set forth in the said Schedule-

(i) in Forms O-1, O-2 and O-3 the words "Registrar of Textile Trade Marks at Bombay" shall be omitted;

(ii) in Fo in O-1, the heading "THE TRADE MARK 3
REGISTRY, CALCUTTA" shall be omitted:

(iii) in Forms O-2 and O-3, for the words "CALCUTTA"

the word "BOMBAY" shall be substituted;

(iv) in For a O-4, for the word "Secretary", the words

"Under-coretary

Assistant Stereta y shall be substituted;
(D) for the Seventh Schedule, the following Schedule shall be substituted, namely :-

> THE SEVENTH SCHEDULE List of Associations referred to in rule 116 (1). Number

of parsons to be Names of Associations

mended recoma 1. The Ahmedabad Millowners' Association, Ahmedabad ... 2. The Maskati Cloth Market Association, Ahmedabad ... 3. The Panchkuva Cloth Merchants' Association, Ahmedabad

Names of Associations.		to be
		ecom -
4 (0) 37(1)	11.	ended.
4. The Millowners' As ociation, Pombav		3
J. Bombay Piece-goods Native Merchants' Association		1
BJIII bay,		1
6. The Bombay Country Fancy and Grey Piece-good	n _	
Merchants' Association Bombay.	18	1
7. The Hindustani Native Merchan's' Association, Bombay		_
S. The Indian Merchants' Chamber Bombay,	• • •	1
9. The Coamber of Commerce, Bombay	•••	1
10. Pengal Charakas of Commerce, Bombay	• • •	1
10. Bengal Chamber of Commerce, Calcutta		1
11. Bengal Millowners' Association, Calcutta		1
12. Indian Chamber of Commerce Calcutta		1
13. Ind.an Jute Mills Association, Calcutta		1
14. Marwari t hamber of Commerce, Calentia	• • •	2.
15. The Jute Balers' Association, Calcuita		1.
16. Upper India Chamber of Comparece, Cawapore		ĩ
If The Southern India Millorge and A and in T. Chink	· · · ·	ĩ
18. The Karachi Indian Merchants' Association, Karachi		1
19. The Piece-goods Merchants' A sociation, Karachi	•••	Ī
20. The Ruyers and Shipper: Chamber Reset:	•••	
1. The Karnehi Chamber of Commerce, Karachi	•••	1
99 The Namus Chamber of Commerce, Karachi	•••	1
22. The Nagpur Chamber of Commerce, Ltd., Nagpur	•••	1
23. Funjab Champer of Commerce, New Dorhi		1
24. The Macras Chamber of Commerce, Madras	•••	L
25. The Southern India Chamber of Commerce, Madras	•••	Ì
16. The Mairas Piece-goods Merchants' Association Madras		1
£7. The Andhra Chamber of Commarce, Ltd., Madras		1

S. N. RAY Joint Secy. to the Govt. of India

LAW DEPARTMENT NOTIFICATION

The 9th June 1943

No. 11892—Misc.(G).-25/42-L.(G).—The following Ordinance promulgated by the Governor-General is republished for general information

By order of the Governor W. W. DALZIEL Secretary to Government

New Delhi, 31st May 1943 ORDINANCE No. XVIII of 1943

AN

ORDINANCE

to indemnify servants of the Crown and other persons in respect of acts done under martial law, and to provide for certain other matters in connection with the administration of marrial law

WHEREAS an emergency has arisen which makes it necessary to indemnify servants of the Crown and other persons in respect of acts done under martial law, and to provide for certain other matters in connection with the administration of martial law;

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 Martial Law (Indemnity)

Ordinance, 1943.

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

(3) It shall come into force at once.

2. Definitions-In this Ordinance-(1) "matrial law area" means-

(a) with reference to the matrial law period beginning on the 1st day of June, 1942, and ending on the 31st day of May, 1943, the area bounded—

(i) on the east by the eastern boundary of the Province of Sind and of the Khairpur State from the river Indus at Kashmor to the Jodhpur-Bikaner Railway and including that Railway;

(ii) on the south by the Jodhpur-Bikaner Railway and the North-Western Railway, and including those Railways, from the eastern boundary of the Province of

Sind to the river Indus at Kotri;

(iii) on the west by the river Indus from Kotri to

Kashmor, including that river; and

(b) with reference to the martial law period beginning on the 20th day of July, 1942, and ending on the 31st day of May, 1943, the aforesaid area together with the area bounded-

(i) on the east by the river Indus from Rohri to

Kotri;

(ii) on the south by a line running due west from the Indus at Kotri so as to include the municipal area of Kotri,

to a point five miles therefrom;

(iii) on the west by a line running from the westernmost point of the aforesaid southern boundary parallel to and five miles distant from the North-Western Railway line passing from Kotri through Larkhana and Sukkur to Habibkhot;

(iv) on the north by a line running from Habibkhot to Rohri

(2) " martial law period" means with reference to the area described in sub-clause (a) of the foregoing definition the period beginning on the 1st day of June, 1942, and nding on the 31st day of May, 1943, and with reference to he area described in sub-clause (b) of the foregoing definition the period beginning on the 29th day of July, 1942,

and ending on the 31st day of May, 1943.

3. Indemnity of servants of the Crown and other persons for certain acts—(1) No suit, prosecution or other legal proceeding shall lie in any court against any servant of the Crown for or on account of or in respect of any act ordered or done by him or purporting to have been ordered or done by him in the martial law area during the martial law period for the purpose of maintaining or restoring order or of carrying into effect any regulation, order or direction issued by any authority responsible for the administration of martial law in the said area to which he was subordinate; and no suit, prosecution or other legal proceeding shall lie in any court against any other person for or on account of or in respect of any act done or purpoting to have been done by him under any order of a servant of the Crown given for any such purpose as aforesaid:

Provided that the act was done in good faith and in a reasonable belief that it was necessary for the purpose

intended to be served thereby.

(2) For the purposes of this section it shall be conclusive proof that an act was done under an order of a servant of the Crown given for one of the aforesaid purposes if the Central Government, in the case of an officer employed in connection with the affairs of the Central Government, or the Provincial Government, in the case of an officer employed in connection with the affairs of a Provincial Government, so certifies; and an act shall be deemed to have been done in good faith and in a reasonable belief

that it was necessary for the purpose intended to be sentrary is proved. thereby unless the contrary is proved.

4. Sanction necessary for institution of certain proceedings—Without prejudice to the operation of the operation of the provision of law for the time being in force requirements of the institution of legal proceedings. any sanction for the institution of legal proceedings suit, prosecution or other legal proceeding such referred to in section 3 shall be instituted in any count an allegation that the act complained of was not done good faith or was not done in a reasonable belief that was necessary for the purpose intended to be thereby except with the previous sanction-

(a) where the act complained of was ordered or done a servant of the Crown employed in connection with affairs of the Central Government, of the Central

Government and

(b) where the act complained of was ordered or de by a servant of the Crown employed in connection with affairs of the Provincial Government, of the Provincial

- 5. Confirmation of orders for seizure or destruction property—Where in the course of operations conducted the martial law area during the martial law per property whether movable or immovable has been sein confiscated, destroyed or damaged by or under directions of a servant of the Crown acting under man law, such seizure, confiscation, destruction or damage be deemed to have been lawfully ordered and author sed, and no claim shall be maintainable in any coun respect of any such property for the restoration then or for compensation for any loss sustained in conge ence of the seizure, confiscation, destruction or dame thereof.
- 6. Validity of sentences passed by martial law counts All sontences pussed during the martial law period a court or other authority constituted or appointed und martial law and acting in a judicial capacity shall deemed to have been lawfully passed, and all senten executed according to the tenor thereof shall be deemed have been lawfully executed.

7. Confirmation and continuance of martial law senten of confinement -(1) Every person confined under and virtue of a sentence passed by a court or other author constituted or appointed under martial law and acting a judicial capacity shall continue liable to confineme until the sentence, reduced by remissions, if any, earn under the rules applicable to the serving of such senior is served, or until he is released by order of the Center Government.

(2) The provisions of Chapter XXIX of the Code Criminal Procedure, 1898 (V of 1898), shall not apply any sentence or confinement referred to in this section.

8. Application of sections 6 and 7 to certain trials uni martial law-The provisions of sections 6 and 7 apply sentences passed during the martial law period by a co or other authority constituted or appointed under martial notwithstanding that such court or authority held the will or a part of its sittings outside the martial law area, notwithstanding that the offence or a part of the offen for which the accused person was tried and convicted committed before the beginning of the martial law period

9. Saving-Nothing in this Ordinance shall prevent institution of proceedings by or on behalf of Government against any person in respect of any matter whatsoever

LINLITHGOW Viceroy and Governor-General

CUTTACK: Printed and Published by S. H. Khan, Superintendent Govt. Press, O. G. 11-341-11-6-1943