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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 9th June 1943

No. 1756-C.—The following notifications issued by the Government of India, Defence Department, are republished for 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 by section 2 of the Defence of India Act, 1939 (XXV of 1939), the Central Government 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 this rule—

(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 cinematograph 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 cinema theatre under his control one or more approved films the total length of which is not less than two hundred and fifty feet.

(3) Every exhibitor shall comply with any directions which the Central Government may by general or special order give as to the manner in which approved films shall be exhibited in the course 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, namely:—

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 otherwise.

(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. OGILVIE
Secy. to the Govt. 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 recognised 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, namely:—

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

54. Mr. Jamsked Nussorwanji Mehta, J. P., ‘The Buyers’ and Shippers’ Chamber, Bellasis Street, Karachi.”

RESOLUTION

New Delhi, 8th May 1943

No. 43-W.R.I.(66)/43—In pursuance of the Government 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, C/o Anglo-Thai Corporation Limited, Karachi.

Mr. L. H. Johnson, C/o Ralli Brothers, Limited, Karachi.

Mr. G. Gow, C/o Grahams Trading Company, Karachi.

Mr. Jamsheed Nusserwanjee Mehta, C/o 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 Govt. of India

The 5th June 1943

No. 11627-Gom.(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. LS27—In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 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 Govt. of India

The 5th June 1943

11692-Gom.(C).—The following notification of the 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 (1) of section 84 of the Trade Marks Act, 1940 (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—

(1) 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 substituted, namely:—

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

(6) rules 99, 106, 107, 110 and 111 and sub-rule (2) of rule 128 shall be omitted,

(7) in rule 103,

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

(b) the word "relevant" shall be omitted;

(8) in rule 104, in the heading, for the word "List" and the word "List" shall be substituted;

(9) in rule 108,

(a) the words "either in the Patent Office or in Bombay Registry" shall be omitted;

(b) the word "Bombay" wherever it occurs shall be omitted;

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

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

"109. *Application for registration, additional representation*—Every application for the registration of a mark (other than a mark consisting of a word, words or letters or numerals or any combination thereof) relating to textile goods shall be made on Form TM-2 and shall be accompanied by four additional representations of the mark. The representations of the mark on the application and its duplicate and the additional representations shall correspond exactly with one another. The additional representations shall in all cases be noted with all particulars as may from time to time be required by the Registrar. Such particulars shall, if required, be signed by the applicant."

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

(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 Registry" shall be omitted;

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

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

(16) in sub-rule (3) of rule 138, sub-rule (2) of rule 139 and sub-rule (2) of rule 140, for the words "The Trade Marks Journal", the word "Journal" shall be substituted;

II. In the Schedules annexed to the said Rules—

(A) in the First Schedule—

(1) against entry No. 1, the word, figures and letter "or 63A" in the second column shall be omitted;

(2) against entries Nos. 33, 34, 35 and 36, the words "or Bombay Registrar" in the second column shall be omitted;

(3) against entry No. 67, in the second column, the words "Textile Marks Records" and "or copy of entries supplied under rule 107" shall be omitted and for the words "Lists", the word "List" shall be substituted.

(B) in the Second Schedule—

(1) in the entries relating to Form Nos. TM-17, TM-18 and TM-46, the words "or Bombay Registrar" in the second column shall be omitted;

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

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

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

(ii) in Form TM-2, the word, figures and letter "or 63A" and the brackets and words "(To be accompanied by a duplicate of this Form and by six additional representations)" shall be omitted;

(iii) in Forms TM-2 to TM-7, TM-11 to TM-17, TM-18 to TM-21, TM-23 to TM-41, TM-44 to TM-48 and TM-50 to TM-53—

(a) for the word "Calcutta", the word "Bombay" shall be substituted;

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

(c) the footnote "Strike out whichever address is not applicable" and the letter reference thereto shall be omitted;

(iv) in Forms TM-7 and TM-10, for the words "Patent Office/Bombay Registry", the words "Trade Marks Registry" shall be substituted;

(v) in Forms TM-8, TM-9 and TM-10, the word "either" and 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;

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

(viii) 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 Registrar'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 Bombay, as the case may be", the word "Bombay" shall be substituted;

(xiv) in Form TM-46, the words "or Bombay Registrar" shall be omitted;

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

(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 "OR THE 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 Form O-1, the heading "THE TRADE MARKS 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 Form O-4, for the word "Secretary", the words "Under-Secretary" 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).

Names of Associations	Number of persons to be recommended
1. The Ahmedabad Millowners' Association, Ahmedabad	3
2. The Maskati Cloth Market Association, Ahmedabad	1
3. The Panchkuya Cloth Merchants' Association, Ahmedabad	1

Names of Associations.	Number of persons to be recommended.
4. The Millowners' Association, Bombay	3
5. Bombay Piece-goods Native Merchants' Association, Bombay.	1
6. The Bombay Country Fancy and Grey Piece-goods Merchants' Association Bombay.	1
7. The Hindustani Native Merchants' Association, Bombay	1
8. The Indian Merchants' Chamber Bombay,	1
9. The Chamber 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. Indian Jute Mills Association, Calcutta	1
14. Marwari Chamber of Commerce, Calcutta	2
15. The Jute Balers' Association, Calcutta	1
16. Upper India Chamber of Commerce, Calcutta	1
17. The Southern India Millowners' Association, Coimbatore	1
18. The Karachi Indian Merchants' Association, Karachi	1
19. The Piece-goods Merchants' Association, Karachi	1
20. The Buyers and Shippers Chamber, Karachi...	1
21. The Karachi Chamber of Commerce, Karachi	1
22. The Nagpur Chamber of Commerce, Ltd., Nagpur	1
23. Punjab Chamber of Commerce, New Delhi	1
24. The Madras Chamber of Commerce, Madras	1
25. The Southern India Chamber of Commerce, Madras	1
26. The Madras Piece-goods Merchants' Association Madras	1
27. The Andhra Chamber of Commerce, Ltd., Madras	1

22

S. N. RAY

Joint Secy. to the Govt. of India

LAW DEPARTMENT

NOTIFICATION

The 9th June 1943

No. 11832—Misc.(G)-25/42-L.(C).—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 martial 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 (23 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.

