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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 NOTIFICATIONS

The 15th August 1945

No. 2288-C.—The following notification by the Government of India is republished for general information.

By order of the Governor

R. A. E. WILLIAMS

Chief Secretary to Government

New Delhi, 21st July 1945

No. 5-DC(13)/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 amendments shall be made in the Defence of India Rules, namely:—

In rule 119 of the said Rules—

(1) in sub-rule (1) the words "and thereupon the persons, corporation, firm or person concerned shall be deemed to have been duly informed of the order" shall be omitted;

(2) in sub-rule (1A) the words "and all persons whom the order concerns shall, upon its notification, be deemed to have been duly informed of it" shall be omitted;

(3) after sub-rule (1A) the following sub-rule shall be inserted, namely:—

"(1B) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of these Rules, compliance with sub-rule (1) or, in a case to which sub-rule (1A) applies, the notification of the order, shall be conclusive proof that he was so informed; but a failure to comply with sub-rule (1)—

(i) shall not preclude proof by other means that he was so informed; and

(ii) shall not affect the validity of the order".

S. R. KAIWAR

Dy. Secy. to the Govt. of India

The 15th August 1945

No. 2289-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

DEFENCE DEPARTMENT

New Delhi, 14th July 1945

No. 5-DC(23)/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:—

For rule 128 the following rule shall be substituted, namely:—

"128. General powers to arrest without warrant—Any Police officer may arrest without warrant any person who is reasonably suspected of having committed or of committing or of being about to commit a contravention of rule 12, 17, 27, 49, 51, 51A, 51B, 52, 53, 57, 59A, 76A, 78, 87A, 80, 81E, 89, 118, 119 or 120 or of any order or direction made or given under any of the said rules.

New Delhi, 14th July 1945

No. 5-DC(25)/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:—

For clause (c) of sub-rule (1) of rule 54 of the said Rules, the following clause shall be substituted, namely:—

"(c) substances which are, or are declared to be, explosives within the meaning of the Indian Explosives Act, 1884, or which are declared in the Order to be

capable of being used in the manufacture of explosives; all of which substances are hereinafter referred to as explosive substances."

S. R. KAIWAR

Dy. Secy. to the Govt. of India

FINANCE DEPARTMENT

NOTIFICATION

The 3rd August 1945

No. 4683-F.—The following notification, issued by the Government of India in the Finance Department, is republished for general information.

By order of the Governor

B. MUKERJI

Deputy Secretary to Government

Simla, 1st June 1945

No. F.20(2)-Ex.II/45—In exercise of the powers conferred by clause (a) of sub-section (2) of section 241 of the Government of India Act, 1935, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Fundamental Rules, namely:—

In rule 45-A of the said Rules, to clause IV (c) (ii), the following shall be added, namely:—

"or

(5) who sublets without permission the residence supplied to him".

K. R. P. AIYANGAR

Dy. Secy. to the Govt. of India

COMMERCE AND LABOUR DEPARTMENT

NOTIFICATION

The 14th August 1945

No. 3779-Com.—The following Resolution 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

INDIAN SEAMEN

New Delhi, 7th July 1945

No. 17-M. III(8)/45-War—The Central Government has decided that the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1942, and the Compensation to Indian Seamen (War Damage to Effects) Scheme, 1942, published with the Resolution of the Government of India in the Department of Commerce No. 275-M. II (20)/41-War, dated the 14th February 1942, shall be revised as follows:—

1. THE WAR PENSIONS AND DETENTION ALLOWANCES (INDIAN SEAMEN) SCHEME, 1945

1. *Short title and commencement*—(1) This Scheme may be called the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1945.

(2) It shall be deemed to have come into force with effect from the 1st May 1944.

2. *Persons to whom the Scheme applies*—(1) This Scheme applies to any person [not being a member of His Majesty's naval forces or a person mentioned in sub-clause (2) of this clause] who is employed or engaged in sea-going service as the master or a member of the crew of a British Indian ship.

(2) This Scheme does not apply to any person who is employed or engaged as a member of the crew of a British Indian ship for no remuneration or nominal remuneration only.

3. *Interpretation*—(1) The General Clauses Act, 1897, shall apply to the interpretation of this Scheme as it applies to the interpretation of a Central Act.

(2) In this Scheme, unless there is anything repugnant in the subject or context,—

(a) "British Indian ship" means a ship registered under the Bombay Coasting Vessels Act, 1838, or the Indian Registration of Ships Act, 1841 :

Provided that a ship which is being used for the purposes of private amusement or pleasure shall not be deemed to be a British Indian ship for the purposes of this Scheme ;

(b) "dependant", in relation to a seaman, means any of the following relatives of the seaman, that is to say, a parent, a brother who has not attained the age of fourt en years, an unmarried or widowed sister, a grand-child who has not attained the age of fourteen years and who is a child of a deceased son or, where no parent of the child is alive, a child of a deceased daughter, a paternal grand-parent where no parent of the seaman is alive, and such other relative of the seaman as the Central Government may in any special case or class of case direct, being in each case a relative who was in receipt of genuine, regular and substantial support or benefit from the seaman during the relevant period ;

(c) "detention", in relation to a seaman, means detention which is consequent on the capture, seizure, arrest or other restraint of the seaman or of his ship effected by reason of the existence of a state of war while he is in the service of a British Indian ship ;

(d) "eligible child", in relation to a seaman, means a child of the seaman who has not attained the age of fourteen years and who was born at any time not later than nine months after the relevant date and who is—

(i) a legitimate son or an unmarried legitimate daughter ;

or
(ii) an illegitimate son, and unmarried illegitimate daughter, or a daughter whether legitimate or illegitimate who is married or widowed being a son or daughter who, if born before the relevant date, was at that date being wholly or substantially maintained by the seaman ;

(e) "pre-war rate of pay", in relation to the capacity in which a seaman is employed or engaged at the relevant date, means the rate of pay on the 31st day of August 1939, of a seaman employed or engaged in that capacity in service of a type and for a period which is the same as, or similar to, the type and period of service in which the seaman is employed or engaged at the relevant date :

(f) "relevant date" means, in relation to a seaman whose death or disablement is directly attributable to a qualifying injury or to detention, the date on which that qualifying injury was sustained or on which that detention commenced, as the case may be, and, in relation to a seaman who suffers detention the date on which the detention commenced ;

(g) "relevant period" means—

(i) in relation to a seaman whose death is directly attributable to a qualifying injury or to detention, the period commencing twenty-six weeks before the date on which he sustained that qualifying injury or on which that detention commenced, as the case may be, and ending on the date of his death (but excluding any period during which the seaman suffered detention), or such lesser period as the Central Government may direct in any special case or class of case ; and

(ii) in relation to a seaman who suffers detention, the period of twenty-six weeks (or such lesser period as the Central Government may direct in any special case or class of case) ending on the date on which that detention commenced ;

(h) "seaman" means a person to whom this Scheme applies ;

(i) "qualifying injury" in relation to a seaman, means a war injury or a war risk injury ;

(j) "war injury and war risk injury" have the meanings respectively assigned thereto in the First Schedule to this Scheme.

(k) "wife", in relation to a seaman, means a wife married to the seaman at the relevant date, and "widow" shall be construed accordingly ;

(3) Where a seaman suffers detention, that detention may for the purposes of this Scheme be treated as continuing until whichever is the earlier of the two following dates, that is to say,—

(a) the date of his death ;

(b) the date on which it is first practicable for him to arrive back in India ;

or until such other date as the Central Government may direct in relation to that seaman or to any class of such seaman.

4. *Classification of Seaman*—For the purposes of this Scheme a seaman shall belong to the class which is specified in the second column of the Second Schedule to this Scheme in relation to the pre-war rate of pay appropriate to the capacity in which at the relevant date the seaman was employed or engaged.

5. *Ascertainment of Degree of Disablement*—(1) Where a seaman suffers disablement which is directly attributable to a qualifying injury or to detention, the degree of that disablement shall be assessed and certified in accordance with the following provisions of this clause by a Civil Surgeon or a medical officer of the status of Civil Surgeon or a medical board appointed or recognised by the Central Government for the purpose.

(2) In the case of an injury which is specified in the first column of the Sixth Schedule to this Scheme the degree of disablement shall be assessed and certified at the percentage which is specified in the second column of that Schedule in relation to that injury, and, in the case of two or more such injuries, the degree of disablement shall be assessed and certified at the sum of the percentages so specified in relation to those injuries or at one hundred per cent, whichever is the less.

(3) Subject to the provisions of sub-clause (2) of this clause, the degree of disablement shall be assessed by making a comparison between the condition of disablement of the seaman and the condition of a normal healthy male of the same age, without taking into account his earning capacity in his own or any other specific trade or occupation and so that the extent to which that condition has been aggravated by individual factors or extraneous circumstances shall not be included in the degree at which that disablement is assessed :

Provided that, in a case of disablement directly attributable to two or more qualifying injuries or to two or more detentions, or to both a qualifying injury and a detention, the degree of disablement shall be assessed in accordance with this paragraph by reference to the combined effect of each such qualifying injury or detention.

(4) The degree of disablement assessed under sub-clause (3) shall be certified by way of percentage, total disablement being represented by one hundred per cent and a lesser degree of disablement being represented by such percentage (being a multiple of ten) as bears to 100 per cent the same proportion as the lesser degree of disablement bears to total disablement.

6. *Award of gratuities for disablement*—(1) Where a seaman suffers disablement which is directly attributable to a qualifying injury or to detention, there may be awarded to him under this clause in respect of that disablement a gratuity of an amount which bears to the sum specified in the second column of the Third Schedule to this Scheme in relation to the class to which he belongs for the purposes of this Scheme the same proportion as the degree at which that disablement has been assessed and certified under clause 5 bears to one hundred per cent :

Provided that an award under this clause shall only be made in respect of disablement which—

(a) is assessed and certified under sub-clause (2) of clause 5 ; or

(b) is of a permanent or prolonged character and is certified under sub-clause (4) of clause 5 to be of a degree which is not less than twenty per cent.

(2) Where any sum has been paid in respect of the disablement of a seaman by way of a special allowance under clause 7 or by way of a wife's allowance under clause 8, no reduction on account of that sum shall be made in the amount of a gratuity under this clause in respect of that disablement.

7. *Awards of special allowances in certain cases*—(1) Where a seaman suffers disablement which is directly attributable to a qualifying injury or to detention and it has not been determined whether an award in respect of that disablement is to be made under clause 6 or what the amount of that award should be, there may be awarded to him under this clause in respect of that disablement a special allowance in accordance with the following provisions of this clause.

(2) A special allowance may only be awarded if the seaman—

(a) is unable by reason of the disablement to provide his earnings for his own support and that of his family; and

(b) is in need of treatment for the disablement.

(3) A special allowance shall be at the monthly rate of sixteen rupees.

(4) A special allowance shall not, unless the Central Government in the circumstances of any particular case otherwise determines, be paid after the expiration of the period of twelve months from the date of the qualifying injury or of the end of the detention of which the disablement of the seaman is directly attributable.

8. *Awards of wives' allowances in certain cases—*

(1) Where the conditions laid down in sub-clauses (1) and (2) of clause 7 are fulfilled in the case of a seaman who has a wife, there may be awarded under this clause in respect of the disablement of the seaman a wife's allowance in accordance with the following provisions of this clause.

(2) A wife's allowance shall be at such rate as the Central Government may from time to time determine having regard to all the circumstances of the case, being a rate which does not exceed the rate specified in the second column of the Fourth Schedule to this Scheme in relation to the class to which the seaman belongs for the purposes of this Scheme.

(3) A wife's allowance may be paid to the wife of a seaman or may, where there is more than one wife of the seaman, be paid to such one of them or divided between them in such shares as the Central Government may think fit, or may, in any case where the Central Government so directs, be paid to the seaman.

(4) A wife's allowance shall not, unless the Central Government in the circumstances of any particular case otherwise determines, be paid after the expiration of the period of twelve months from the date of the qualifying injury or of the end of the detention to which the disablement of the seaman is directly attributable.

9. *Awards of widows' pensions—*(1) Where the death of a seaman is directly attributable to a qualifying injury or to detention, and there is a widow of the seaman, there may be awarded under this clause in respect of the death of the seaman a widow's pension in accordance with the following provisions of this clause.

(2) A widow's pension shall be at the rate specified in the second column of the Fifth Schedule to this Scheme in relation to the class to which the seaman belongs for the purposes of this scheme.

(3) A widow's pension may be paid to the widow of the seaman or, where there is more than one widow of the seaman, may be paid to such one of them or divided between them in such shares as the Central Government may think fit.

(4) A widow's pension or a share of a widow's pension shall cease to be payable on the date on which the widow to whom that pension or share is being paid dies or remarries or begins to live with any person as his wife.

10. *Awards of children's allowances—*(1) Where the death of a seaman is directly attributable to a qualifying injury or to detention, and there is an eligible child of the seaman, there may be awarded under this clause in respect of the death of the seaman a child's allowance for that child in accordance with the following provisions of this clause.

(2) A child's allowance shall, in a case where the child's mother is dead and the child is neither living with nor under the control of a widow of the seaman, be at the monthly rate of six rupees and shall in any other case be at the monthly rate of three rupees.

(3) A child's allowance may be paid to the widow of the seaman if the child is living with her or under her control and may, in any case where the Central Government so directs, be applied for the benefit of the child in accordance with the provisions of this Scheme.

11. *Awards of dependant's pension—*(1) Where the death of a seaman is directly attributable to a qualifying injury or to detention, and there is a dependant of the seaman who is in pecuniary need arising from age or from some infirmity or other adverse condition which is not of a temporary character (hereinafter referred to as an "eligible dependant"), there may be awarded under this clause in respect of the death of the seaman a dependant's pension in accordance with the following provisions of this clause.

(2) A dependant's pension shall be at such rate as the Central Government may from time to time determine

having regard to the number of eligible dependants, their relationship to the seaman, the extent of their need and the other circumstances of the case:

Provided that the rate of a dependant's pension shall not exceed whichever of the following rates is applicable, that is to say,—

(a) in a case where the only eligible dependant has not attained the age of fourteen years, the monthly rate of six rupees;

(b) in a case where the only eligible dependant has attained the age of fourteen years, the monthly rate of twelve rupees;

(c) in any other case, the rate at which a widow's pension could be awarded under this Scheme in respect of the death of the seaman:

Provided also that in any case where a child's allowance is being paid under this Scheme in respect of the death of the seaman at the rate appropriate in a case where the child's mother is dead and the child is neither living with nor under the control of a widow of the seaman, the maximum rate of dependant's pension shall not exceed the rate which is arrived at by deducting the rate of that child's allowance or where there is more than one such child's allowance, the aggregate rate of those children's allowances, from the aggregate rate which would have been awarded under this Scheme by way of widow's pension and child's allowance or children's allowances if there had been a widow of the seaman and the child or children had been living with her or under her control.

(3) A dependant's pension may be paid to the eligible dependant or, where there are two or more such dependants, may be paid to any one of them or divided between any two or more of them in such shares as the Central Government may think fit.

(4) Where a widow's pension is being paid under this Scheme in respect of the death of a seaman, an award under this clause in respect of the death of the seaman shall not be made to any dependant of the seaman other than a parent.

(5) A dependant's pension or a share of a dependant's pension payable to a female dependant who is unmarried or a widow shall cease to be payable on the date on which she marries or remarries or begins to live with any person as his wife.

12. *Special provision for awards in respect of death—* No award shall be made under this Scheme in respect of the death of a seaman—

(a) if his death occurs more than seven years, after the date of the qualifying injury or of the end of the detention to which his death is claimed to be directly attributable; or

(b) if a gratuity has been awarded under this Scheme in respect of the disablement of the seaman on the basis that the disablement was directly attributable to the qualifying injury or the detention to which his death is claimed to be directly attributable:

Provided that, where the Central Government in the exceptional circumstances of any particular case so directs, an award in respect of the death of a seaman may, notwithstanding the provisions of sub-clause (b) of this clause, be made if—

(i) his death was attributable solely to the qualifying injury or detention to which his disablement was directly attributable; and

(ii) his death occurred not later than two years after the date on which that qualifying injury was sustained or that detention came to an end; and

(iii) the degree of that disablement was assessed and certified at not more than twenty per cent.

13. *Awards of detention allowances—*(1) Where a seaman suffers detention, there may be awarded under this clause in respect of that detention a detention allowance for the whole or any part of the period of that detention in accordance with the following provisions of this clause:

Provided that, unless the Central Government in the special circumstances of any particular case otherwise directs, a detention allowance shall not be awarded in respect of the detention of a seaman where a claim to that detention allowance is first made more than six months after that detention came to an end.

(2) A detention allowance shall consist of an allowance (hereinafter called the "reserved allowance") which may be paid to the seaman after his detention has come to an end, and which shall not exceed 20 per cent of the pay drawn by the seaman at the time of his detention.

(3) A detention allowance shall, in addition to the reserved allowance, consist of an allowance (hereinafter

called the "available allowance") which may, either during the detention of the seaman or after his detention has come to an end, be paid to or applied for the benefit of his wife, his eligible child or his dependant or any two or more of them or to his own benefit if not paid to his wife, eligible child or dependant.

(4) The available allowance shall be at such rate as the Central Government may, from time to time, determine having regard to all the circumstances of the case, being a rate which does not exceed 70 per cent of the pay drawn by the seaman at the time of his detention.

(5) The remaining 10 per cent of the pay of the seaman drawn by him at the time of his detention shall be set off against payments of pocket money during the detention of the seaman and any outstanding balance in his favour shall be paid at the time the detention has come to an end.

14. *Time limits for claims*—Unless the Central Government in the special circumstances of any particular case otherwise directs, no award shall be made under this Scheme where a claim to that award is first made more than two years after whichever of the following dates is applicable, that is to say—

(a) in the case of an award in respect of disablement which is claimed to have been directly attributable to a qualifying injury or to detention, the date on which the qualifying injury was sustained or the detention came to an end; and

(b) in the case of an award in respect of death, the date of the death.

15. *Provision as to certain allowances where wages are paid*—An allowance under clause 7 or under clause 8 or under clause 13 of this Scheme may in respect of any period be withheld or reduced by such amount as the Central Government may determine where, in respect of that period, a payment has been or will be made to the seaman, or to the wife or an eligible child or a dependant of the seaman, by way of or in lieu of his wages or by way of compensation for the loss of his wages or in fulfilment of a contract of service entered into by him.

16. *Provision as to negligence or misconduct*—Where a qualifying injury or detention, or where disablement or death arising from a qualifying injury or detention, is attributable to the serious negligence or misconduct of the seaman sustaining the qualifying injury or suffering the detention, the Central Government may withhold or cancel any award which may be or has been made under this Scheme in respect of the disablement, death or detention of the seaman or may reduce the amount thereof.

17. *Determination of medical question*—Where in connection with an application for an award under this Scheme any medical question arises, that question shall not be determined except upon the certificate of a Civil Surgeon or a medical officer of the status of Civil Surgeon or a medical board appointed or recognised by the Central Government for the purpose.

18. *Provision as to making and payment of awards*—

(1) Notwithstanding anything contained in this Scheme, awards under the Scheme may be made provisionally or upon any other basis and of such amount and, in the case of awards of allowances or pensions, for such period and at such rate as the Central Government may think fit, so, however, that no award shall be made of an amount or for a period or at a rate exceeding the amount, period or rate authorised by this Scheme in the case of that award.

(2) Any gratuity, allowance or pension awarded under this Scheme shall be paid in such manner as the Central Government may direct and any allowance or pension awarded under this Scheme may be paid in advance or in arrear and at such intervals of time as the Central Government may think fit.

19. *Administration of awards*—(1) Any gratuity, allowance or pension which may be paid to a person may, in lieu of being paid to that person, be applied for his benefit if the Central Government considers that it is in the interests of that person that it should be so applied.

(2) Any gratuity, allowance or pension which may be applied for the benefit of any person may be so applied by the Central Government or may be paid by it for the purpose of being so applied to any other person whom it considers to be a fit and proper person so to apply that gratuity, pension or allowance.

20. *Provision as to conditions on which awards are made*—Any award under this Scheme of a pension or allowance which may only be awarded if a condition is fulfilled shall cease to have effect if and when that condition is found not to be fulfilled.

21. *Review of awards*—(1) Notwithstanding anything contained in this Scheme, the Central Government may at any time review an award of an allowance or a pension under this Scheme and, if there has been any mistake of fact, or any change in the condition or circumstances of the person to or for the benefit of whom payment under the award is being made, or if that person is in the opinion of the Central Government unworthy to receive a payment out of Crown Revenues or is being supported in whole or in part out of Crown Revenues, or if there is any other reason whatsoever which in the opinion of the Central Government is a good and sufficient reason for so doing, the Central Government may cancel or suspend the award or reduce the rate thereof.

(2) The Central Government may, upon such terms and as from such date (including any past date) as it thinks fit, restore in whole or in part any award which has been cancelled or suspended under sub-clause (1) of this clause and amend the rate of any award which has been reduced under that sub-clause.

22. *Administration of Scheme*—(1) The Central Government shall be the sole administrator and interpreter of this Scheme and all questions with respect to the effect or operation of this Scheme shall be determined by that Government and its decision thereon shall be final and conclusive.

(2) The Central Government may make regulations for giving effect to the purposes of this Scheme.

(3) The Central Government may by order direct that any power or duty which is conferred or imposed on the Central Government by any of the preceding clauses shall be exercised or discharged by such officer or authority as may be specified in the Order.

FIRST SCHEDULE

War Injuries and War Risk Injuries

1. A War injury is a physical injury—

(a) caused by—

(i) the discharge of any missile (including liquids and gas); or

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act; either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft.

2. A War Risk injury is a physical injury sustained on or after the third day of September, 1939, at sea or in any other tidal water or in the waters of any harbour and attributable to—

(a) the taking of measures with a view to avoiding, preventing or hindering enemy action against ships, or as a precaution in anticipation of enemy action against ships, or for rescue or salvage purposes in consequence of enemy action against ships; or

(b) the absence, by reason of circumstances connected with any war in which His Majesty may be engaged, of any aid to navigation for ships, or of any warning of danger to ships, being an aid or warning which would be normal in time of peace; or,

(c) the carriage, by reason of circumstances connected with any such war as aforesaid, of any cargo in a manner which would be abnormal in time of peace and involves danger to the ship in which the cargo is carried or to her crew; or,

(d) the existence on board ship of any other conditions arising out of any such war as aforesaid which would be abnormal in time of peace;

Provided that—

(i) in relation to injuries sustained in the waters of a harbour, the measures specified in sub-paragraph (a) of this paragraph do not include the prohibition or restriction of lights other than navigational lights; and

(ii) in relation to a salvago worker, or the master or a member of the crew of a salvago vessel, the reference in sub-paragraph (a) of this paragraph to measures taken for salvago purposes shall not apply.

3. For the purposes of paragraph 2 of this Schedule, an injury shall be treated as being attributable to the matters specified in sub-paragraph (a), sub-paragraph (b), sub-paragraph (c), or sub-paragraph (d), of that paragraph if but only if, they substantially increased the risk of the peril occurring which caused the injury.

4. In this Schedule the following expressions have, except where the context otherwise requires, the meanings hereby assigned to them respectively, that is to say—

(a) "harbour" means any harbour, whether natural or artificial, and any port, dock, haven, estuary, tidal or other river, canal or inland navigation to which sea-going ships have access;

(b) "navigational light" means a light displayed whether on a ship or otherwise, as an aid to navigation for ships or as a warning of danger to ships;

(c) "physical injury" includes tuberculosis and any other organic disease, and the aggravation thereof.

(d) "salvage" means the preservation or recovery of vessels wrecked, stranded or in distress, or their cargo or apparel, or the recovery of any other property from the water and includes the removal of wrecks, and "salvage operations" and "salvage purposes" shall be construed accordingly;

(e) "salvage vessel" means a ship regularly employed, or chartered for the purpose of being employed, in salvage operations;

(f) "salvage worker" means a naval auxiliary member who, not being the master or a member of the crew of a ship, is regularly employed in salvage operations;

(g) "tidal water" means any part of the sea, and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour.

Classification of Seamen for the purpose of this Scheme

SECOND SCHEDULE

Pre-war rate of pay of the capacity of the Seamen in rupees per month	Class of Seamen
No less than 60	Class I
Less than 60, but not less than 40	Class II
Less than 40, but not less than 30	Class III
Less than 30, but not less than 20	Class IV
Less than 20	Class V

THIRD SCHEDULE

Rates of Compensation for Total Disablement

Class of Seamen	Rate of compensation in rupees
Class I	6000
Class II	5000
Class III	4500
Class IV	4000
Class V	3000

FOURTH SCHEDULE

Rates of Wives' Allowances under clause 8

Class of seamen	Maximum rate of wife's allowances in rupees per month
Class I	48
Class II	40
Class III	32
Class IV	24
Class V	16

FIFTH SCHEDULE

Rates of Widows' Pensions

Class of seamen	Rate of widows' pension in rupees per month
Class I	30
Class II	24
Class III	20
Class IV	16
Class V	12

SIXTH SCHEDULE

Degree of Disablement in the case of certain injuries

Injury	Degree of disablement.
	per cent
Loss of sight	100
Loss of right arm above or at the elbow	70
Loss of left arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger	5

Note—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

II. THE COMPENSATION TO INDIAN SEAMAN (WAR DAMAGE TO EFFECTS) SCHEME, 1945.

1. *Short title and commencement*—(1) This Scheme may be called the Compensation to Indian Seaman (War Damage to Effects) Scheme, 1945.

(2) It shall be deemed to have come into force with effect from the 1st May 1944.

2. *Persons to whom the Scheme applies*—(1) This Scheme applies to any person [not being a member of His Majesty's Naval forces or a person mentioned in sub-clause (2) of this clause] who is employed or engaged in sea going service as the master or a member of the crew of a British Indian ship.

(2) This Scheme does not apply to any person who is employed or engaged as a member of the crew of a British Indian ship for no remuneration or nominal remuneration only.

3. *Interpretation*—(1) The General Clauses Act, 1897, shall apply to the interpretation of this Scheme as it applies to the interpretation of a Central Act.

(2) In this Scheme, unless there is anything repugnant in the subject or context—

(a) "British Indian Ship" means a ship registered under the Bombay Coasting Vessels Act, 1838, or the Indian Registration of Ships Act, 1841;

Provided that a ship which is being used for the purposes of private amusement or pleasure shall not be deemed to be a British Indian ship for the purposes of this Scheme;

(b) "effects" in relation to a seaman, means any property carried on his person or in the ship in which he is serving at the time when the war damage in question occurs;

(c) "seaman" means a person to whom this Scheme applies;

(d) "War damage", in relation to the effects of a seaman, means loss or damage to his effects sustained while he is in the service of a British Indian ship and—

(a) caused by—
(i) the discharge of any missile (including liquids and gas), or
(ii) the use of any weapon explosive or other noxious thing, or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft; or

(c) caused by or in consequence of his capture or the capture of his effect.

4. *Award of compensation*—(1) Where a seaman sustains any war damage to his effects, the Central Government may award him such compensation for the damage as it thinks fit but not exceeding—

(a) in case of a seaman of rank lower than a tinal, sixty rupees, and

(b) in any other case, seventy-five rupees or one month's wages at the rate to which the seaman was entitled when the war damage occurred, whichever is more.

(2) In the event of the death of a seaman, the Central Government may award any compensation that would have been payable to him under sub-clause (1) if he had survived, to any persons who prove themselves

satisfaction of the Central Government to be entitled to the effects, if any, of the deceased seaman.

5. **Time limit for claims**—No compensation shall be payable under this Scheme, unless the Central Government otherwise directs, in respect of any war damage to effects unless the claim to such compensation has been made before the expiry of one year from the time the war damage occurred.

6. **Administration of Scheme**—(1) The Central Government shall be the sole administrator and interpreter of this Scheme and all questions with respect to the effect or operation of the Scheme shall be determined by that Government and its decision thereon shall be final and conclusive.

(2) The Central Government may make regulations for giving effect to the purposes of this Scheme.

(3) The Central Government may by order direct that any power or duty which is conferred or imposed on the Central Government by any of the preceding clauses shall be exercised or discharged by such officer or authority as may be specified in the order.

ORDER—Ordered that this Resolution be communicated to all Provincial Governments, all Chief Commissioners, the several Departments of the Government of India (including the Financial Adviser, Military Finance and Finance Officer, Communications), the Political Department, the Private and Military Secretaries to His Excellency the Viceroy, all Heads of Departments and officers concerned subordinate to the Department of Commerce, the Auditor General, all Accountants General and Comptrollers, and the High Commissioner for India.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

S. R. ZAMAN

Joint Secy. to the Govt. of India

LAW DEPARTMENT NOTIFICATION

The 15th August 1945

No. 3808-L.R.—The following ordinance promulgated by the Governor General is hereby republished for general information.

By order of the Governor
J. E. MAHER

Secretary to Government

New Delhi, 4th August 1945

ORDINANCE No. XXVII OF 1945

AN ORDINANCE

Further to amend the *Civil Pioneer Force Ordinance, 1942*.

WHEREAS an emergency has arisen which makes it necessary further to amend the *Civil Pioneer Force Ordinance, 1942* (X 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. **Shore title and commencement**—(1) This Ordinance may be called the *Civil Pioneer Force (Amendment) Ordinance, 1945*.

(2) It shall come into force at once.

2. **Amendment of long title and preamble, Ordinance X of 1942**—In the long title and preamble of the *Civil Pioneer Force Ordinance, 1942* (hereinafter referred to as the said Ordinance), the words "for service in India" shall be omitted.

3. **Amendment of section 1, Ordinance X of 1942**—In sub-section (2) of section 1 of the said Ordinance, after the words "Civil Pioneer Force" the words "who are British or, and to other members of the said Force," shall be inserted.

4. **Amendment of section 3, Ordinance X of 1942**—In section 3 of the said Ordinance,—

(a) in sub-section (1) the words "in India" shall be omitted;

(b) in sub-section (2), for the words "in any part of India," the word "elsewhere," shall be substituted.

5. **Amendment of section 4, Ordinance X of 1942**—(1) In sub-section (2) of section 4 of the said Ordinance, the words "in any part of India" shall be omitted.

(2) To the said sub-section the following proviso shall be added, namely:—

"Provided that a member of the Civil Pioneer Force who is a British subject domiciled in any part of India shall not be liable, without his own consent given in the prescribed form, to service outside India, and any other member of the said Force shall not be liable in any circumstances to such service."

WAVELL

Viceroy and Governor General

DEPARTMENT OF SUPPLY AND TRANSPORT NOTIFICATIONS

The 8th August 1945

No. 19339-S.T.—The following notification, issued by the Government of India in the Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 21st April 1945

No. 91-M(9)-45—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 amendments shall be made in the *Aluminium Utensil (Control) Order, 1945*, namely:—

For clause 5 of the said Order, the following clause shall be substituted, namely:—

5. (1) No dealer shall sell any aluminium utensil at a price higher than the maximum retail price as determined by the provisions of Schedule I, or if the utensil is not covered by that Schedule, at a price higher than Rs. 3 per lb.

2. No dealer shall sell any aluminium utensil on which the maximum retail price permissible under such clause (1) and the brand of the manufacturer have not been stamped.

J. D. KAPADIA

Dy. Secy. to the Govt. of India

The 11th August 1945

No. 19640-S.T.—The following Press Note, issued by the Government of India in the Department of Industries and Civil Supplies, is hereby republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

PAPER CONTROL (ECONOMY) ORDER, 1944

CONCESSION REGARDING CALENDARS AND TABLE DIARIES

The Government of India in the Department of Industries and Civil Supplies have by a notification published in the *Gazette of India Extraordinary*, dated the 30th July 1945, amended the Paper Control (Economy) Order, 1944, so as to permit the printing of—

(1) Calendars covering a period of 12 months containing a weight of paper not exceeding 4 ounces per calendar as against 2 ounces permitted at present; and

(2) desk or table diaries not exceeding 8 $\frac{1}{4}$ "—5 $\frac{1}{2}$ " with not less than two dates on one page.

The 11th August 1945

No. 19652-S.T.—The following notification, issued by the Government of India in the Department of Industries and Civil Supplies, is hereby republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

New Delhi, 30th July 1945

No. 338-PB(227)/45—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 amendments shall be made in the *Paper Control (Economy) Order, 1944*, namely:—

In clause 38 of the said Order:—

(1) in sub-clause (b), for the figure and word "2 ounces" and the words "two ounces" the figure and word "4 ounces" shall be substituted; and

(2) in sub-clause (g) (ii), for the words "one week on one page" the words "two dates on one page" shall be substituted.

B. N. KAUL

Dy. Secy. to the Govt. of India

The 7th August 1945

No. 1002-T.—The following notifications of the Government of India in the Department of War Transport is republished for general information.

By order of the Governor
S. V. SOHONI

Deputy Secretary to Government

New Delhi, 7th July 1945

No. 7-LV(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 direct that the following amendments shall be made in the Civil Motor Cycles Control Order, 1945, namely:—

In the Schedules annexed to the said Order:—

(1) In the Second Schedule:—

(a) Against "Madras" for the entry "Messrs. Union Motor Company, Mount Road, Madras", the entry "Messrs. Union Company, Mount Road, Madras" shall be substituted.

(b) Against "Assam (for Assam Valley)" for the entry "Messrs. Jorhat Motor Works, Jorhat" the entry "Messrs. Jorhat Motor Car Company, Limited, Jorhat" shall be substituted.

(c) After the entry "Baluchistan.....Messrs. Mengh Raj & Co., Quetta" the entry "Ajmer-Merwara.....Messrs. Rajputana Automobiles, Station Road, Ajmer" shall be inserted.

(2) In the Third Schedule for the words, figure and letter "see clause 3(g)" the words, figure and letter "See clause 2(g)" shall be substituted.

The 30th June 1945

No. 7-LV (15)/45—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 Civil Motor Cycles Control Order, 1945, namely:—

In the said order, for sub-clause (e) of clause 2 the following shall be substituted, namely:—

(e) The Provincial Motor Transport Controller in relation to a Province means the officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and includes any other officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order."

D. R. RUTNAM

Joint Secretary to the Government of India

The 7th August 1945

No. 1004-T.—The following notifications, issued by the Government of India in the War Transport Department, are republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 7th July 1945

No. 15-LV(7)/45—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 Civil Motor Transport Vehicles Control Order, 1944, namely:—

In the Second Schedule annexed to the said Order, under the sub-heading "Ford Vehicles" for the entry "34. Messrs. Surma Valley Stock, Ltd., Silchar (Assam)" the following entry shall be substituted, namely:—

"34. Messrs. Eastern Motors, Ltd., Shillong."

New Delhi, 30th June 1945

No. 7-LV (15)/45—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 Civil Motor Transport Vehicles Control Order, 1944, namely:—

In the said Order, for sub-clause (e) of clause 3, the following shall be substituted, namely:—

(e) The 'Provincial Motor Transport Controller' in relation to a Province means the Officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and includes any other officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order."

D. R. RUTNAM

Joint Secy. to the Govt. of India

The 10th August 1945

No. 1104-T.—The following notifications, issued by the Government of India, War Transport Department, are republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 14th July 1945

No. 15-LV(11)/45—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 Civil Motor Transport Vehicles Control Order, 1944, namely:—

In the Second Schedule annexed to the said Order, under the sub-heading "Chevrolet Vehicles":—

(i) for the entry "5. Messrs. Bombay Garage, Commercial Road, Nagpur" the entry "5. Messrs. Bombay Garage (C.P.) Ltd., Commercial Road, Nagpur" shall be substituted.

(ii) for the entry "6. Messrs. Bombay Garage, Chowpatty, Bombay" the entry "6. Messrs. The Bombay Garage Ltd., Chowpatty, Bombay" shall be substituted.

(iii) for the entry "7. Messrs. Bombay Garage, Nerbudda Road, Jubbulpore" the entry "7. Messrs. Bombay Garage (C.P.) Ltd., Nerbudda Road, Jubbulpore" shall be substituted.

New Delhi, 11th July 1945

No. 20-IPC(24)/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 direct that the following further amendments shall be made in the Motor Vehicle Spare Parts Control Order, 1944, namely:—

In the Third Schedule annexed to the said Order:—

(1) against "United Provinces" in column 1,—

(a) for the entry "22 Motor Cycle House Lucknow", the following entry shall be substituted, namely,—

"23. Motor Cycle House, Lucknow"

(b) after the entry "23. Motor Cycle House, Lucknow", the following entry shall be inserted, namely:—

"24. Sanghi Brothers Lucknow";

(2) against "Bihar" in column 1,—

In the entry in column 1 against item 3, after the word "Patna", the words "and Calcutta" shall be inserted;

(3) against "Assam" in column 1,—

for the entry "7. Surma Valley Stock Ltd., Silchar Gauhati, Shillong and Sylhet", the following entry shall be substituted, namely,—

"7. Eastern Motors Ltd., Shillong, Silchar, Gauhati and Sylhet";

(4) against "Baluchistan" in column 1,—

for the existing words in column 4, the following shall be substituted, namely,—

"Quetta and Loralai"

D. R. RUTNAM

Joint Secretary to Govt. of India

The 11th August 1945

No. 1124-T.—The following notification, issued by the Government of India in the War Transport Department, is republished for general information.

By order of the Governor
S. V. SOHONI

Deputy Secretary to Government

New Delhi, 30th June 1945

No. 7-LV(15)/45—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 Civil Motor Cycles Control Order, 1945, namely:—

In the said Order, for sub-clause (e) of clause 2, the following shall be substituted, namely:—

"(e) The 'Provincial Motor Transport Controller' in relation to a Province means the Officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and includes any other Officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order."

D. R. RUTNAM

Joint Secy. to the Govt. of India

The 11th August 1945

No. 1126-T.—The following notification, issued by the Government of India in the War Transport Department, is republished for general information.

By order of the Governor
S. V. SOHONI

Deputy Secretary to Government

New Delhi, 30th June 1945

No. 7-LV (15)/45—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 Disposal of Used Government Motor Vehicles Control Order, 1944, namely:—

In the said Order, for sub-clause (b) of clause 2, the following shall be substituted, namely:—

“(b) The ‘Provincial Motor Transport Controller’ in relation to a Province means the Officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and includes any other Officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order”.

D. R. RUTNAM

Joint Secy. to Govt. of India

The 13th August 1945

No. 1137-T.—The following notification, issued by the Government of India, in the War Transport Department, is republished for general information.

By order of the Governor
S. V. SOHONI

Deputy Secretary to Government

New Delhi, 28th July 1945

No. 7-LV(2)/45—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, namely:—

1. (1) This order may be called the Commercially Imported Motor Cycles Control Order, 1945.

(2) It shall come into force at once.

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

2. In this Order,

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

(b) “Commercially Imported Motor cycle” means any motor cycle of the description given in the First Schedule to this Order, which has been imported into India commercially after the coming into force of this Order;

(c) “dealer” means any person appointed as such under clause 3 or clause 4 of this Order;

(d) “Importer” means any person whose name is for the time being specified in the Second Schedule to this Order;

(e) “Offer to sell” shall be deemed to include a reference to an intimation by a person of the price proposed by him for a sale of a motor cycle made by the publication of a price list, by exposing the motor cycle for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise howsoever;

(f) “Provincial Motor Transport Controller” in relation to a Province means the officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and include any other officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order;

(g) “registering authority” means the authority empowered to register motor vehicles under Chapter III of the Act;

(h) “sale order” means an order in the forms set out in the Third Schedule to this Order issued by a Provincial Motor Transport Controller;

(i) “sub-dealer” means a person appointed as such under clause 3 or clause 4 of this Order;

(j) “transfer order” means an order in the form set out in the Fourth Schedule to this Order issued by a Provincial Motor Transport Controller.

3. An importer may, by order in writing, in the form shown in the Fifth Schedule to this Order, appoint a dealer or a sub-dealer for commercially imported motor cycles of any make or makes dealt in by him in respect of such area as may be specified in the order. The importer may at any time, by order in writing, revoke or modify any appointment of a dealer or sub-dealer. Copies of all orders made under this clause shall be forwarded to the War Transport Department of the Government of

India and to the Provincial Motor Transport Controller having jurisdiction in the area in respect of which the orders are made.

4. The Central Government may, by an order in writing appoint dealers and sub-dealers in addition to those appointed under clause 3 of this Order and may, by an order in writing, revoke or modify appointments made under this clause.

5. Every importer shall submit a return, in the form set out in the Sixth Schedule to this Order, to the Central Government in the War Transport Department and to the Provincial Motor Transport Controller having jurisdiction over the area in which his main business premises are situated, furnishing details as to the number and type of commercially imported motor cycles obtained by him from outside India, within a week of the date of receipt of a consignment.

6. The Central Government may by notification in the Official Gazette specify the maximum retail price of any class of commercially imported motor cycles, and may by general or special order regulate the prices at which and the conditions subject to which, commercially imported motor cycles may be sold by an importer to a dealer or by a dealer to a sub-dealer.

7. Every dealer or sub-dealer shall, by notice in the form set out in the Seventh Schedule to this Order, prominently exhibited on his business premises, indicate the maximum retail prices specified under clause 6 in respect of each type and make of commercially imported motor cycles kept by him for sale.

8. (1) No person shall sell or transfer, or offer to sell or transfer any commercially imported motor cycle at a price exceeding the maximum retail price specified by the Central Government under clause 6, nor shall he demand or receive any other consideration in excess of that price:

Provided that a dealer or sub-dealer may, in the case of a new motor cycle sold in accordance with a sale order charge, in addition to the maximum retail price, such items of delivery charges from the premises of the importer to the premises of the dealer, as may be sanctioned by the Central Government from time to time.

(2) No person shall, as a consideration for the sale, transfer or disposal by him of a commercially imported motor cycle, take, or make allowance for, any other motor cycle save in accordance with the written orders of the Provincial Motor Transport Controller.

9. (1) Save as provided in sub-clauses (2) and (3) no person shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, any commercially imported motor cycle.

(2) The Central Government may by special order require any importer, dealer or sub-dealer to sell or otherwise dispose of any commercially imported motor cycle in his possession in such manner as may be specified in the order, and the importer, dealer or sub-dealer as the case may be, shall comply with the order.

(3) Subject to any order made under sub-clause (2) a commercially imported motor cycle may be sold or otherwise disposed of—

(a) by an importer to a dealer to the extent authorised by the Central Government; or

(b) by a dealer to a sub-dealer within the dealer's area of supply; or

(c) by a dealer or sub-dealer in accordance with a sale order; or

(d) the owner of the motor cycle in accordance with a transfer order.

(4) No dealer or sub-dealer shall without good and sufficient cause fail to comply with any sale order issued upon him and presented by the person named therein.

10. (1) No person shall purchase, or otherwise acquire, or attempt to purchase or otherwise acquire, a commercially imported motor cycle save in accordance with a sale order or a transfer order issued in his favour.

(2) No person shall have in his possession or under his control any commercially imported motor cycle that has not come into his hands in accordance with the provisions of this Order or of a similar Order for the time being in force in an administered area or an Indian State.

(3) Save with the permission in writing of the Central Government, no commercially imported motor cycle shall be pledged or offered or accepted as security for any loan or other financial transaction, or be made the subject of a hire purchase agreement.

11. (1) Part I of every sale order or transfer order shall be retained by the Provincial Motor Transport Controller.

The entries in Parts II and III of the sale order shall be appropriately filled in by the Provincial Motor Transport Controller, the dealer or the sub-dealer and the person in whose favour the order is made. Parts II and III of the transfer order shall be appropriately filled in by the Provincial Motor Transport Controller the transferer and the transferee named in the transfer order.

(2) Part II of the sale order shall be retained by the dealer or sub-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 with his application for registration.

(3) Parts II and III of the transfer order shall be made over by the transferer to the transferee, who shall deliver both the documents to the registering authority with his report of transfer of ownership in accordance with sub-section (1) of section 31 of the Act.

12. Notwithstanding anything to the contrary in Chapter III of the Act, the following provisions shall apply in regard to the registration, or the entry of transfer of ownership in the registration certificate, of a commercially imported motor cycle :—

(1) The applicant for registration shall attach to his application Parts III and IV of the sale order duly completed. The applicant for entry of transfer of ownership in the registration certificate shall attach to his report of transfer of ownership Parts II and III of the transfer order duly completed.

(2) The registering authority shall not register, or make an entry of transfer of ownership in the registration certificate in respect of, any motor cycle which he knows or has reason to believe to be a commercially imported motor cycle, unless Parts III and IV of the sale order or Parts II and III of the transfer order, as the case may be, are duly produced before him.

(3) A commercially imported motor cycle shall not be registered in the name of any person other than the person in whose favour the sale order is made. The transfer of ownership of a commercially imported motor cycle shall not be entered in the name of any person other than the transferee named in the transfer 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 commercially imported motor cycle may properly be registered, or an entry may properly be made of transfer of ownership in the registration certificate, he shall, subject to the provisions of this Order, proceed to register it or to make an entry of transfer of ownership in the registration certificate, as the case may be, in accordance with the provision of the Act, duly completing Parts III and IV of the sale order or Parts II and III of the transfer order respectively and shall—

(a) firmly attach Part III of the sale order, or Part II of the transfer order, as the case may be, to the certificate of registration ;

(b) endorse the certificate of registration with the warning set out in the Eighth Schedule to this Order ; and

(c) return Part IV of the sale order or Part III of the transfer order, as the case may be, to the authority which issued it.

13. No person shall transfer or attempt to transfer to any other person any sale order or transfer order issued in his favour.

14. No registered owner of a commercially imported motor cycle registered in British India shall remove it, or cause or allow it to be removed, outside British India otherwise than in accordance with the general or special permission in writing of the Provincial Motor Transport Controller.

15. (1) Every importer or dealer shall keep such records and furnish such returns in relation to commercially imported motor cycles as the Central Government may from time to time by general or special order require.

(2) Every sub-dealer shall keep such records and furnish such returns in relation to commercially imported motor cycles as the Provincial Motor Transport Controller may from time to time by general or special order require.

16. Every importer, dealer or sub-dealer shall produce for inspection by any person authorised in writing in this behalf by the Central Government or the Provincial Motor Transport Controller at any reasonable time any commercially imported motor cycle in his possession, and any accounts, books and such other records that are maintained or are required to be maintained under clause 15.

17. An officer empowered in this behalf by the Central Government or by the Provincial Government may, with a view to securing compliance with this order—

(a) require any importer, dealer or sub-dealer to furnish any information the officer may require as to the business in motor cycles carried on by such importer, dealer or sub-dealer ;

(b) inspect or cause to be inspected any books or other documents belonging to such importer, dealer or sub-dealer ;

(c) enter and search, or authorise any person to enter and search, the business premises of such importer, dealer or sub-dealer ; and

(d) seize, or authorise any person to seize, any article in respect of which the officer has reason to believe that a contravention of this Order has been committed and any books or other documents which are in his opinion relevant to prove the contravention, and thereafter take or authorise the taking of all measures necessary for securing the production of the article and documents in a Court.

18. A motor cycle which has been released for civil use in an administered area or an Indian State in accordance with a law in force in that administered area or State of like purport to this Order shall, when it is in British India, be deemed to be a commercially imported motor cycle for the purposes of this Order :

Provided that nothing in the clause shall prevent the removal of such a motor cycle from British India in the course of its lawful employment.

19. Where any commercially imported motor cycle is sold, offered for sale or otherwise disposed of in contravention of any of the foregoing clauses, by an importer, dealer or sub-dealer, through any person employed by him or acting on his behalf such person and also, unless they prove that they exercised due diligence to prevent such contravention, the importer, dealer or sub-dealer, as the case may be, and any person having charge, on behalf of the importer, dealer or sub-dealer, of the place where the contravention occurred, shall be deemed to have contravened the said provision or provisions of this Order.

20. If in the opinion of the Central Government any importer has—

(a) contravened any of the provisions of this Order or of the Civil Motor Cycles Control Order, 1945, 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 cycle or any motor vehicle spare parts ; or

(b) made any false declaration or statement in relation to any transaction in respect of commercially imported motor cycles, controlled motor cycles or controlled spare parts ; or

(c) committed any breach of the terms of any contract with the Central Government or a Provincial Government relating to the operation or maintenance of transport vehicles ; or

(d) been declared an insolvent ; or

(e) otherwise shown himself unfit to continue as an importer, the Central Government may, without prejudice to any other action that may be taken against any such importer direct the removal of his name from the Second Schedule to this Order whereupon such person shall cease to be an importer for purposes of this Order.

21. 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.

22. 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

[Clause 2(b)]

Descriptions of motor cycles to which this Order applies

Serial No.	Make	Type
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SECOND SCHEDULE

[Clause 2(d)]

List of Importers

1	2	3	4	5
S. No.	Name of Importer	Place at which business premises of the Importer are situated	Description of the territory in which the Importer has a trading area	Description of motor cycles in respect of which he has been appointed as Importer

THIRD SCHEDULE
[See Clause 2 (h)]

COMMERCIALY IMPORTED 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 commercially imported 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 commercially imported motor cycle as follows :—

Make.....

Type.....

at the following price..... plus delivery charges from the premises of the importer to the premises of the dealer as sanctioned by the Central Government, 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 mentioned above 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 commercially imported 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).

COMMERCIALY IMPORTED 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 commercially imported 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 commercially imported motor cycle as follows :—

Make.....

Type.....

at the following price..... plus delivery charges from the premises of the importer to the premises of the dealer as sanctioned by the Central Government 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 mentioned above 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 commercially imported 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 or sub-dealer who is to complete entries on reverse and obtain signature of purchaser).

COMMERCIALY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945

Sale Order, Part III

Office of the Provincial Motor Transport Controller.....

No.....

Date.....

To.....

An order bearing the above number and date has been issued by me upon.....

dealer..... directing him/them to sell a commercially imported motor cycle as follows :—

Make.....

Type.....

Engine No.....

To.....

for payment not exceeding Rs..... plus delivery charges as sanctioned by the Central Government.

Provincial Motor Transport Controller.....

Sold on.....

to.....

Make.....

Type.....

Engine No.....

Price Rs.....

Delivery charges by rail/sea from.....

recovered Rs.....

Dealer

Sub-dealer

The motor cycle has been registered by me as..... on.....

Registering Authority

Date.....

(To be pasted into the Registration Book.)

COMMERCIALY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945

Sale Order, Part IV

Office of the Provincial Motor Transport Controller.....

No.....

Date.....

To.....

An order bearing the above number and date has been issued by me upon.....

dealer..... directing him/them to sell a commercially imported motor cycle as follows :—

Make.....

Type.....

Engine No.....

To.....

for payment not exceeding Rs..... plus delivery charges as sanctioned by the Central Government.

Provincial Motor Transport Controller.....

In accordance with the said order I/we have on.....

sold to.....

a commercially imported motor cycle.....

Make.....

Type.....

Engine No.....

For Rs.....

plus delivery charges by rail/sea from.....

recovered Rs.....

Dealer

Sub-dealer

Date.....

The above is a true statement.....

Purchaser

Date.....

THIRD SCHEDULE—REVERSE

COMMERCIALLY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945

Sale Order Part IV Reverse

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

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. I have also caused the necessary endorsement required by clause 12 (5) (d) of the Commercially Imported Motor Cycles Control, Order, 1945 to be made in the registration book.

Returned to the Provincial Motor Transport Controller....

Registering Authority

Date.....

COMMERCIALLY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945.

Sale Order Part II Reverse.

In accordance with this Order I/we have on..... sold to..... commercially imported motor cycle Make..... Type..... Engine No..... For Rs..... plus delivery charges by rail/sea from..... Rs.....

Dealer

Sub-dealer

Date.....

The above statement is correct.

Purchaser.....

Date.....

FOURTH SCHEDULE

[See Clause 2 (j)]

COMMERCIALLY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945

Transfer Order, Part I

Office of the Provincial Motor Transport Controller.....

No..... Date..... is hereby authorised to transfer the commercially imported motor cycle.

Registered No..... Make..... Type.....

To..... Provincial Motor Transport Controller....

To be retained in the office of the Controller.....

COMMERCIALLY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945

Transfer Order, Part II

Office of the Provincial Motor Transport Controller.....

No..... Date..... is hereby authorised to transfer the commercially imported motor cycle.

Registered No..... Make..... Type.....

To..... Provincial Motor Transport Controller....

The transfer of ownership has been entered by me on..... Registering Authority..... Date.....

To be pasted in the Registration Book

COMMERCIALLY IMPORTED MOTOR CYCLES CONTROL ORDER, 1945

Transfer Order, Part III

Office of the Provincial Motor Transport Controller.....

No..... Date..... is hereby authorised to transfer the commercially imported motor cycle.

Registered No..... Make..... Type.....

To..... Provincial Motor Transport Controller....

The transfer of ownership has been entered by me on..... Part II of the Order has been pasted by me into the Registration Book issued in respect of the motor cycle described in this Part. I have also caused the necessary endorsement required by clause 12(5) (b) of the Commercially Imported Motor Cycles Control Order, 1945, to be made in the Registration Book.

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

Registering Authority

FIFTH SCHEDULE (Clause 3)

I.....being an importer under the Commercially Imported Motor Cycles Control Order, 1945, appoint you.....to be a dealer/sub-dealer for the distribution of.....motor cycles. Your place of business will be.....and the territory in which you have a trading area is.....

Distributor

COPY forwarded to the Provincial Motor Transport Controller War Transport Department, New Delhi.

Distributor

SIXTH SCHEDULE (Clause 5)

Return of Commercially Imported Motor Cycles Received

Table with 6 columns: Description of motor cycle (Make, Type), Quantity ordered, Quantity reported as received in the last return, Now reported as received (Quantity, Date of receipt), Balance on order, Remarks.

Forwarded to the Secretary to the Government of India, War Transport Department.

Date.....

Importer

SEVENTH SCHEDULE (Clause 7)

Maximum Retail Prices of Commercially Imported Motor Cycles

Table with 4 columns: Make, Type, Maximum Retail Price, Note. Note text: The Government of India have authorised dealers and sub-dealers to charge in the case of new commercially imported motor cycle to be sold in accordance with a sale order, in addition to the retail price, delivery charges from the premises of the importer to the premises of the dealer (but not from the premises of the dealer to the premises of the sub-dealer) consisting of such items as sanctioned by the Government from time to time. The items at present sanctioned are.....

Date.....

Dealer Sub-dealer

EIGHTH SCHEDULE [Clause 12(5)(b)]

Endorsement to be made on Certificates of Registration of Commercially Imported Motor Cycles

WARNING

The motor cycle herein described is a "Commercially Imported Motor Cycle" under the provisions of the Commercially Imported Motor Cycles Control Order, 1945. The Order is made under rule 81 of the Defence of India Rules. Contravention of any provision of this Order is punishable with imprisonment for a term which may extend to three years or with fine or both.

2. In particular the registered owner for the time being shall not sell or otherwise dispose of the motor cycle

herein described except in accordance with a transfer order granted by the Provincial Motor Transport Controller.

3. The Court trying a contravention of the provisions of the said Order may direct that any motor cycle in respect of which the Court is satisfied that any such provision has been contravened shall be forfeited to His Majesty.

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