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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

PUBLISHED UNDER THE AUTHORITY OF THE HIGH COURT OF JUDICATURE AT PATNA

NOTIFICATION

*The 10th September 1943*

**No. 24-S.**—As Italy has surrendered, the Court, in exercise of the power vested in it by section 15 of Act XII of 1887, is pleased to declare Saturday, the 11th September 1943, as a closed holiday for all subordinate Civil Courts in Orissa.

By order of the High Court  
A. CHATTARJI  
*Registrar*

### HOME DEPARTMENT NOTIFICATIONS

*The 14th September 1943*

**No. 2971-C.**—The following notification by the Government of India is republished for general information.

By order of the Governor  
W. W. DALZIEL

*Chief Secretary to Government  
New Delhi, 20th July 1943*

**No. 10/29/42-II-Poll. (E.W.)**—In exercise of the powers conferred by sections 3 and 10 of the Foreigners Act, 1940 (II of 1940) the Central Government is pleased to direct that the following further amendment shall be made in the Enemy Foreigners Order, 1939, namely:—

Paragraph 13 of the said Order shall be omitted.

H. J. FRAMPTON  
*Joint Secretary*

*The 14th September 1943*

**No. 2980-C.**—The following notification by the Government of United Provinces is republished for general information.

By order of the Governor  
W. W. DALZIEL

*Chief Secretary to Government*

HOME DEPARTMENT (POLICE)  
*Lucknow, 6th September 1943*

**No. 1358-Z/VIII.**—In exercise of the powers conferred by clauses (d) and (e) of sub-rule (1) of rule 40 of the Defence of India Rules the Governor is pleased to declare the booklet in English entitled "The Revolt of 1857" (pages 52), purporting to have been written by "A man of 9th August 1942" and to have been printed and published by C. Ramakant at Suryakant Printing Press, Rahapur, Baroda, every copy thereof and all other documents containing copies, reprints and translations of or extracts from the said document, forfeited to His Majesty on the ground that the said booklet contains matter the publication of which is punishable under clauses (e), (k) and (p) of sub-rule (6) of rule 34 of the Defence of India Rules.

By order  
D. S. BARRON  
*Secretary*

*The 14th September 1943*

**No. 2984-C.**—The following notification by the Government of India is republished for general information.

By order of the Governor  
W. W. DALZIEL

*Chief Secretary to Government*

HOME DEPARTMENT

*New Delhi, 3rd September 1943*

**No. 33/19/43-Poll. (I)**—In exercise of the powers conferred by rule 41 of the Defence of India Rules, and in supersession of Home Department notification

No. 33/19/43-Poll. (I), dated the 3rd June 1943, which is hereby cancelled the Central Government is pleased to direct—

(a) that all matter relating to India, written or spoken, by Mr. Louis Fischer, the American journalist and author, other than matter contained in inward foreign terminal press telegrams shall, before, being published in British India, whether in the original or in a translation, in any book, pamphlet, newspaper or other document, be submitted by the printer, publisher or editor of the document to the Chief Press Adviser, New Delhi, for scrutiny and

(b) that no such matter as aforesaid shall be published by any printer, publisher or editor in British India except with the written permission of the Chief Press Adviser, New Delhi.

R. TOTTENHAM

*Add. Secy. to the Govt. of India*

*The 15th September 1943*

**No. 2990-C.**—The following notification by the Government of India is republished for general information.

By order of the Governor  
W. W. DALZIEL

*Chief Secretary to Government*

Notification No. 1012, dated the 31st July 1943, of the Government of India, War Department, as amended by corrigendum, dated the 28th August 1943

*The 31st July 1943*

**No. 1012**—In exercise of the powers conferred by sub-rule (2a) of rule 66 of the Defence of India Rules, the Central Government is pleased to order—

(a) that every person owning or having the management of any power-propelled vessel which is of less than 15 tons (net) shall furnish to the Flag Officer Commanding, Royal Indian Navy, Naval Headquarters, New Delhi, on or before the 1st day of October 1943, a statement showing in respect of each such vessel the particulars set out below ;

(b) that in the event of any change of ownership of any such vessel, the transferor and transferee shall be jointly and severally liable to inform the said officer within seven days of any such change the name and address of the transferee.

*Particulars referred to in clause (a) above*

Name of Vessel  
Name of Owner  
Address of Owner  
Type of Vessel (Motor Boat, Steam, Diesel Launch, etc.)  
Length  
Beam  
Draft  
Freeboard  
Weight (for lifting purposes)  
Particulars of Engine (including No. of Engines, H.P., Make, Type).  
If decked in or not  
Particulars of Crew  
Type of fuel  
Fuel capacity  
Fuel consumption per hour  
Freshwater capacity—Drinking/Boiler  
Speed  
Passenger capacity  
Tonnage capacity  
Is vessel suitable for open sea in fine weather  
Particulars of any Navigational Gear fitted (sidelights, compasses, etc.)  
Is W/T fitted (If so state typo)  
Is Electric light fitted



Details of Electric Supply—Whether dynamo or battery.  
Output of dynamo (K. W.) Voltage.  
Particulars of cooking facilities  
Particulars of any boats carried  
Type and weight of anchors  
Size and length of cable  
Service on which at present engaged

NOTE—A separate statement shall be sent in respect of each vessel and shall be signed and dated by the person furnishing it.

The 15th September 1943

No. 2991-C.—The following notification by the Government of Bombay is republished for general information.

By order of the Governor  
W. W. DALZIEL

Chief Secretary to Government

HOME DEPARTMENT (POLITICAL)

Bombay Castle, 19th August 1943

No. S. D. III/1098—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931, the Government of Bombay is pleased to declare all copies, wherever found, of the pamphlet in Marathi, entitled "Kayyur Hutatmyanchi Veerkatha" (i.e. "Heroic Story of Kayyur Martyrs"), published by the Lokprakashan Institution, 190-B, Khetwadi Main Road, Bombay 4, and all other documents containing copies, reprints or translations of, or extracts from, the said pamphlet to be forfeited to His Majesty, on the ground that it appears to the Government of Bombay that the said pamphlet contains words of the nature described in clauses (a), (b) and (d) of section 4 (I) of the said Act.

By order of the Governor of Bombay  
D. SYMINGTON  
Secretary

### DEPARTMENT OF SUPPLY AND TRANSPORT NOTIFICATIONS

The 10th September 1943

No. 7094-S.T.—The following notification issued by the Government of India, in the Department of Food, is republished for general information.

By order of the Governor  
C. S. JHA

Secretary to Government

New Delhi, 12th August 1943

No. CG.611/12—In exercise of the powers conferred by Rule 94-B of the Defence of India Rules, the Central Government is pleased to prohibit the making of advances of money to any person on the security of any foodgrain as defined in clause 2 of the Foodgrains Control Order, 1942, unless—

(a) that person is the holder of a license issued or deemed to be issued under the said Order, or

(b) the advance is to be made to that person on the security of foodgrain produced by himself or his tenant.

E. WOOD

Secy. to the Govt. of India

The 15th September 1943

No. 7222-S.T.—The following modifications, issued by the Government of India, Department of Industries and Civil Supplies, are republished for general information.

By order of the Governor  
C. S. JHA

Secretary to Government

Bombay, 26th August 1943

No. 34. Tex.(15)/43—In exercise of the powers conferred on me by clause 10(a) of the Cotton Cloth and Yarn (Control) Order, 1943, I hereby notify that the following items be exempted until further notice from the operation of sub-clause (c) of clause 10 and clauses 13 and 14 of the Order :—

(a) Pieces of any length up to a maximum of seventy-two inches which do not exceed nine inches in width at any point in the direction at right angles to the longest length.

(b) Any piece of cloth of an area not exceeding four square feet and not exceeding thirty-four inches at the widest point in any direction.

Explanation—The above amendment is intended to cover items such as small handkerchiefs small towels, napkins, jarans, rags of various sorts and including mill rags which are cut from the ends of full pieces after processing.

M. K. VELLODI

Textile Commissioner

New Delhi, 27th August 1943

No. 34-Tex.(1)/43—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 Cotton Cloth and Yarn (Control) Order, 1943, namely :—

In the said Order, in clauses 13 and 14, after the word " bales " wherever it occurs, the words " or cases " shall be inserted.

New Delhi, 23rd August 1943

No. 34-Tex.(1)/43—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 amendment shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely :—

For sub-clause (c) of clause 19 substitute the following, namely :—

" enter and search, or authorise, by general or special order, any officer of the Central or Provincial Government, to enter and search, any premises."

H. M. PATEL  
Deputy Secretary

### FINANCE DEPARTMENT NOTIFICATION

The 15th September 1943

No. 19715—103/43-F.(C).—The following notification, issued by the Government of India in the Finance Department, is republished for general information.

By order of the Governor  
V. RAMANATHAN

Deputy Secretary to Government

The 17th June 1943

No. F-5(6)-R.II/43—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 make the following amendment in the Civil Service Regulations, namely :—

For clause (b) of article 728, in Chapter XXXVIII, of the said regulations, the following clause shall be substituted, namely :—

(b) Pay for the purposes of this chapter means pay as defined in rule 9(21) of the Fundamental Rules, which a person was drawing on the date of his death or injury. Provided that in the case of a person remunerated by piecework rates, pay means the average earnings of the last six months ending with the date of his death or injury.

L. T. GHOLAP

Dy. Secy. to the Govt. of India

### HEALTH AND LOCAL SELF-GOVERNMENT DEPARTMENT NOTIFICATION

The 15th September 1943

No. 19719-L.S.-G. (C).—The following notification, issued by the Government of India, in the Department of Supply, is republished for general information.

By order of the Governor  
S. DAS

Secretary to Government

New Delhi, 11th August 1943

No. 937—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 Essential Drugs (Census) Order, 1941, namely :—

1. For clause 3 of the said Order the following clause shall be substituted, namely :—

" 3. Any person engaged in the business of manufacturing or importing drugs or of selling drugs whether wholesale or retail, shall submit to the authority specified in the entry in the second column of Schedule II annexed to this Order corresponding to the area specified in the first column of that Schedule in which he carries on such business, so as to reach that authority not later than the 27th day of each month, a return showing—

(i) the quantity of any essential drug in his possession or under his control within British India on the 27th day of such month ;

(ii) the quantity of any essential drug held by him jointly with any other person within British India on the 20th day of such month and exact location of godown or godowns where stored ;

(iii) full business address of the firm ;

(iv) exact location of all godowns held singly or jointly with any other person or firm irrespective of whether they are used to store essential drugs or not ;

(v) name and residential address of each partner ;

Provided that if the total quantity of an essential drug in the possession or under the control of any person whether held by him singly or jointly with any other



PART IV

person, is less than the specified quantity, that person shall not be required to submit a return in respect of that drug.

2. Clause 8 of the said Order shall be omitted.

M. IKRAMULLAH

Joint Secy. to the Govt. of India

## COMMERCE AND LABOUR DEPARTMENT NOTIFICATIONS

The 15th September 1943

**No. 19737-Com.(C).**—The following notification of the Government of India, Department of Commerce, is republished for general information.

By order of the Governor  
J. E. MAHER

Secretary to Government

New Delhi, 24th July 1943

No. 405-Ind.A.(1)/43—In exercise of the powers conferred by section 84 of the Trade Marks Act, 1940 (V of 1940), the Central Government is pleased to make the following amendments to the Trade Marks Rules, 1942, the same having been previously published as required by sub-section (1) thereof, namely—

In the said Rules—

(1) in rule 89, after the words "Part I", the words "and Part V" shall be inserted,

(2) in rule 96, for the words "and Part II", the words "Part II and Part V" shall be substituted;

(3) after rule 141, the following shall be inserted, namely:—

### "PART V

#### RULES RELATING TO THE CALCUTTA BRANCH

142. *Administration of the Branch*—An officer of Gazetted status shall, under the control and superintendence of the Registrar, be in charge of the administration of the Calcutta Branch.

143. *Applications, etc.*—All applications, notices, statements, or other documents, or any fees therefor, authorised or required by the Act or these Rules to be made, left or sent or paid to the Trade Marks Registry may be made, left or sent or paid to the Calcutta Branch and shall, thereupon, have effect as if they were duly made, left or sent or paid to the Trade Marks Registry.

144. *Inspection of copy of Register, etc.*—The copy of the Register, the copy of 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 days on which the Calcutta Branch is not closed to the public, as may be fixed by the Registrar.

145. *Hearings at the Calcutta Branch*—(1) Where an application for the registration of a trade mark has been made at Calcutta, the application shall in the event of a hearing becoming necessary, and if the applicant so desires, be heard at Calcutta, provided that in the event of the Registrar having to deal with more than one application at one hearing in respect of trade marks relating to textile goods, it shall be in the discretion of the Registrar to direct the hearing of the applications at Bombay or Calcutta.

(2) Where the hearing has taken place at Calcutta, the decision in respect thereof shall be pronounced at Calcutta."

K. G. AMBEGAOKAR

Joint Secy. to the Govt. of India

The 15th September 1943

**No. 19741-Com.(C).**—The following notification of the Government of India, Department of Commerce is republished for general of information.

By order of the Governor

J. E. MAHER

Secretary to Government

New Delhi, 31st July 1943

No. 308-Ind. (4)/41—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by sub-section (1A) of section 20 of the Indian Merchandise Marks Act, 1889 (IV of 1889), read with section 22 of the General Clauses Act, 1897 (X of 1897), is published as required by sub-section (6) of the said section 20 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 1st November 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 rules

1. (1) These Rules may be called the Cotton Yarn and Thread (Marking) Rules, 1943.

(2) They shall come into force on the.... (a date four months after their final publication).

2. The marking of bundles of cotton yarn and units of cotton thread with the particulars required by sub-section (2) of section 12 of the Indian Merchandise Marks Act, 1889 (IV of 1889), shall be made in accordance with these Rules.

3. All markings shall be in the English language provided that Roman numerals shall not be used.

4. Weight shall ordinarily be indicated in pounds and ounces only in accordance with the avoirdupois system. Where, however, the practice of the trade requires the indication of the weight according to the metric system, it shall be indicated in accordance with that system.

5. (1) The name of the manufacturer or of the wholesale purchaser in India shall be indicated in full or, provided that the said name is clearly and unambiguously indicated thereby, in an abbreviated form or as a trade description or part of a trade description, provided further that a trade description or part thereof shall not be used except in connection with particular yarns or threads which have by long use become so describable.

(2) Sub-rule (1) shall, in its application to sub-clause (i) of clauses (i) and (j) of section 18 of the Sea Customs Act, 1878 (VIII of 1878), be construed as including a reference to the exporter of the yarn or thread, as the case may be.

6. (1) Bundles of yarn shall be marked with the required particulars by one or more inscribed labels or cards applied, affixed, or stitched to each bundle, provided that the details of each required particular shall be complete on one exposed surface.

(2) Units of threads shall be marked with the required particulars—

(a) when made up in skeins, by an inscribed label applied round each skein or bundle of skeins or secured by twine thereto;

(b) when made up in balls, by an inscribed label attached to each ball, or inserted therein but remaining exposed;

(c) when wound on cards, by inscription on the exposed portion of the card;



(d) when wound on reels, by one or two inscribed labels applied to the end or ends of the reel, provided that the details of each required particular shall be complete on one surface;

(e) when wound on paper tubes, by an inscribed label applied round or otherwise affixed to the thread or to the exposed portion of the outer surface of the tube or, where the diameter of the tube is sufficient for the label to be clearly exposed to view, to the inner surface of the tube, or by inscription on the exposed portion of the outer surface of the tube;

(f) when made up in any other form, by an inscribed label or card applied, affixed or stitched to, or enclosed or inserted in, such make up.

(3) Labels or cards used in accordance with sub-rules (1) and (2) shall not be easily detachable or removable from a bundle of yarn or from each unit of thread in the ordinary course of handling before it reaches the normal consumer.

7. Where bundles of yarn or units of thread are enclosed in a cover, the cover shall also be marked with the required particulars.

8. All markings shall be made by printing, stamping or by any other manner provided that they shall be legible, distinct and in a colour, not likely to be easily obliterated, which shall be different from the colour of the surface marked.

9. (1) The counts of cotton yarn in a bundle shall be ordinary expressed by adding the letter "S" after the numeral or numerals. Where, however, a bundle is packed on the metric system, the counts shall be accompanied by the words 'metric counts' or by any other clear and definite indication conveying the fact.

(2) The grist number on each unit of thread shall be clearly indicated according to the manner recognised by the practice of the trade.

10. Nothing in these Rules shall operate to prohibit the indication in any manner of other particulars relating to the yarn or thread, so long as the conspicuousness of the required particulars is not affected thereby.

K. G. AMBEGAOKAR  
Joint Secy. to the Govt. of India

### LAW DEPARTMENT NOTIFICATION

The 14th September 1943

**No. 19641-L.(C).**—The following ordinance, promulgated by the Governor General, is republished for general information.

By order of the Governor  
J. E. MAHER

Secretary to Government

New Delhi, 4th September 1943

ORDINANCE No. XXVIII OF 1943

### AN ORDINANCE

*to exempt the members in British India of establishment and forces of certain foreign Powers allied with His Majesty and of certain foreign Authorities from payment of taxes imposed by local authorities*

WHEREAS an emergency has arisen which makes it necessary to exempt the members in British India of establishments and forces of certain foreign Powers allied with His Majesty and of certain foreign Authorities from payment of taxes imposed by local authorities;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the

Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent and commencement*—(1) This Ordinance may be called the Allied Forces (Exemption from Local Taxation) Ordinance, 1943.

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

(3) It shall come into force at once.

2. *Interpretation*—In this Ordinance—

(a) "Power to which this Ordinance applies" means a foreign Power allied with His Majesty to which the Allied Forces Ordinance, 1942 (LVI of 1942), is for the time being applicable;

(b) "Authority to which this Ordinance applies" means a foreign Authority recognised by His Majesty as competent to maintain naval, military or air forces for service in association with His Majesty's forces to which the Allied Forces Ordinance, 1942 (LVI of 1942), is for the time being applicable.

3. *Exemption from taxes imposed by local authorities*—

(1) Notwithstanding anything contained in any enactment for the time being in force, no tax imposed by a Municipal Committee, Cantonment Board or any other local authority whatever shall, except as provided in this Ordinance, be payable by any establishment or naval, military or air force maintained in British India by a Power or Authority to which this Ordinance applies in respect of—

(a) any immovable property in the possession or occupation of, or

(b) any goods the property of, or consigned or under transport for ultimate delivery to, or

(c) any animal, bicycle, motor bicycle, motor car, vessel, vehicle, aircraft or apparatus maintained by and for the purposes of, such establishment or force.

(2) Notwithstanding anything contained in any enactment for the time being in force, no such tax as aforesaid shall, except as provided in this Ordinance, be payable by any member of an establishment or force maintained in British India by a Power or Authority to which this Ordinance applies in respect of any building occupied by him, or in respect of any horse, bicycle, motor bicycle, motor car or other means of conveyance maintained by him in his capacity as a member of such establishment or force and under authority from a person exercising authority in such establishment or force, or by way of a tax on persons or a requirement to take out a licence for practising a profession, trade or calling.

(3) Nothing in this section shall be deemed to exempt any person from payment of any tax imposed or of that part of any tax which is imposed to cover the cost of specific services rendered to that person by the local authority imposing the tax.

4. *Decision of questions arising under this Ordinance*—If any question arises whether, or as to the extent to which, any tax is payable as having been imposed to cover the cost of specific services rendered by the local authority imposing the tax or whether in the particular circumstances of any case a particular tax is payable, the decision of the Central Government thereon shall be conclusive.

LINLITHGOW  
Viceroy and Governor General

G. H. SPENCE  
Secretary to Government of India