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PART IV

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court.
Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps

HOME DEPARTMENT
NOTIFICATION*The 2nd October 1945*

No. 2827-C.—The following notification of 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, 22nd September 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 amendment shall be made in the Defence of India Rules, namely:—

In clause (i) of sub-rule (IB) of rule 119 of the said rules, for the words "he was so informed", the words "he had information of the Order" shall be substituted.

RAM CHANDRA

*Secy. to the Govt. of India*COMMERCE AND LABOUR DEPARTMENT
NOTIFICATION*The 29th September 1945*

No. 4755-Com.—The following notification, issued by the Government of India in the Department of Labour, is republished for general information.

By order of the Governor

C. G. NAIR

*Secretary to Government**Simla, 18th September 1945*

No. L-3038(2)—In exercise of the powers conferred by sub-section (3) of section 5 of the Tea Districts Emigrant Labour Act, 1932 (XXII of 1932), the Central Government is pleased to fix two rupees as the rate of the Emigrant Labour cess to be levied in respect of the entry into Assam of each assisted emigrant for the year commencing on the 1st October 1945 and ending on the 30th September 1946.

S. LALL

*Secy. to the Govt. of India*LAW DEPARTMENT
NOTIFICATION*The 28th September 1945*

No. 4746-L.R.—The following Ordinances, promulgated by the Governor-General, are hereby republished for general information.

By order of the Governor

J. E. MAHER

*Secretary to Government**New Delhi, 8th September 1945*

ORDINANCE No. XXXIII of 1945

AN

ORDINANCE

to exclude periods spent in enemy territory in computing limitation

WHEREAS an emergency has arisen which makes it necessary to provide that the period of limitation prescribed by law for suits shall not run in the period during which persons instituting suits have been detained in enemy territory by circumstances attributable to war;

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 Limitation (War Conditions) Ordinance, 1945.

(2) It extends to the whole of British India

(3) It shall come into force at once.

2. Interpretation—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "enemy subject" means any individual who possesses the nationality of a State which is, or at any time since the 3rd day of September, 1939, has been, at war with His Majesty; or who, having possessed such nationality at any time has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(b) "enemy territory" means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State which is, or at any time since the 3rd day of September 1939, has been, at war with His Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and includes any area which the Central Government may, by notification in the official Gazette, declare either generally or in respect of any particular period to be enemy territory for the purposes of this Ordinance.

3. Suspension of limitation for suits in certain circumstances—If at any time before the expiration of the period of limitation prescribed for any suit by the Indian Limitation Act, 1908 (IX of 1908), or by any other law for the time being in force, any person who could have instituted the suit has been detained in enemy territory by circumstances attributable to war, the said period of limitation, as regards the institution of the suit by such person, shall be deemed not to have run in the period during which it is shown to the satisfaction of the Court that such person was so detained, and shall, notwithstanding anything contained in the said Act or in any other law, in no case expire before the end of six months from the date, as determined by the Court, when such person ceased to be so detained or from the date of the commencement of this Ordinance, whichever is later:

Provided that where two or more periods have occurred in which a person was so detained, those periods shall be treated for the purposes of this section as one continuous period beginning with the beginning of the first period and ending with the end of the last period:

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits of any description which may be instituted by enemy subjects.

JOHN COLVILLE

*Viceroy and Acting Governor-General**New Delhi, 14th September 1945*

ORDINANCE No. XXXIV of 1945

AN

ORDINANCE

to terminate the War Risks (Goods) Insurance Scheme

WHEREAS an emergency has arisen which makes it necessary to make provision for the early termination of the War Risks (Goods) Insurance Scheme, and to amend

the War Risks (Factories) Insurance (Termination) Ordinance, 1945 (XXIX of 1945) for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement—(1) This Ordinance may be called the War Risks (Goods) Insurance (Termination) Ordinance, 1945.

(2) It shall come into force at once.

2. Repeal of certain provisions of Ordinance IX of 1940—With effect at and after midnight between the 30th day of September and the 1st day of October 1945, sections 5, 5A, 7, 8 and 15 of the War Risks (Goods) Insurance Ordinance, 1940, shall be repealed.

3. Amendment of Ordinance XXIX of 1945—In the War Risks (Factories) Insurance (Termination) Ordinance, 1945, before the word "Scheme" wherever it appears, the word "Insurance" shall be inserted, and shall be deemed always to have been inserted.

JOHN COLVILLE

Viceroy and Acting Governor-General

ORDINANCE No. XXXV OF 1945

AN

ORDINANCE

further to amend the Defence of India Act, 1939

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement—(1) This Ordinance may be called the Defence of India (Third Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXV of 1939—In sub-section (3) of section 2 of the Defence of India Act, 1939, to clause (iii) the following shall be added, namely:—

"and for the adjudication of such forfeiture whether by a Court or by any other authority".

JOHN COLVILLE

Viceroy and Acting Governor-General

DEPARTMENT OF SUPPLY AND TRANSPORT
NOTIFICATION

The 29th September 1945

No. 2126-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
C. S. JHA

Secretary to Government

New Delhi, 24th August 1945

No. 20-LPC(8)/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 order that the following further amendments shall be made in the Motor Vehicle Spare Parts Control Order, 1944, and to direct with reference to sub-rule (1) of rule 119 of the said Rules, that notice of this Order shall be given by publication of the same in the official Gazettes of the Government of India and of the Provincial Governments:—

In the Third Schedule annexed to the said Order—

(1) Against "Madras" in column 1, after the entry "42. Webbs' Sales and Service, Bangalore", the following entries shall be inserted in columns 2, 3 and 4, namely:—

"43. Shri Krishna Motor & Engineering Works, Vizagapatam.

44. Messrs. Asquith & Co., Bellary

45. Messrs. Sundaram Motors Ltd., Madras"

(2) Against "United Provinces" in column 1, after the entry "24. Sanghi Brothers, Lucknow", the following entries shall be inserted in columns 2, 3 and 4, namely:—

"25. New Motor Agency, Allahabad

26. U. P. Motor Service Station, Benares

27. Niranjantal Ramchandra, Agra

28. Balwant Motor Works, Bareilly

29. Bhargava Motor Works, Cawnpore".

(3) Against "Punjab" in column 1, after the entry "31. Butt Brothers, Lahore", the following entries shall be inserted in columns 2, 3 and 4, namely:—

"32. Metro Motors, Ambala"

(4) Against "Bihar" in column 1, after the entry "13. Liberty & Co., Patna", the following entries shall be inserted in columns 2, 3 and 4, namely:—

"14. Fairweather's, Muzaffarpur

15. Tewary Bechar & Co., Jamshedpur"

(5) Against "Orissa" in column 1, after the entry "12. Howrah Motor Accessories Agency, Ltd., Calcutta", the following entries shall be inserted in columns 2, 3 and 4, namely:—

"13. Dalsukhram Joshi & Sons, Sambalpur

14. Sri Krishna Motor & Engineering Works' Vizagapatam."

K. G. MITCHELL

Addl. Secy. to the Govt. of India

FINANCE DEPARTMENT
NOTIFICATION

The 3rd October 1945

No. 5811-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, 13th September 1945

No. F. 22(25) RII/44—The following amendment by the Secretary of State for India is published for general information:—

"The Secretary of State's Services (General Provident Fund), Rules, 1943.

I. Frederick William, Baron Pethick-Lawrence, one of His Majesty's Principal Secretaries of States, in virtue of the powers conferred by section 247(1) and section 250(1) of the Government of India Act, 1935, hereby make, with the concurrence of my Adviser, the following amendment to the Secretary of State's Services (General Provident Fund) Rules, 1943, namely:—

In sub-clause (1) of rule 4 after the word "Anglo-Indians" the following shall be inserted:—

"except in the case of officers of the Bengal Pilot Service" and the said Rules shall have effect and be deemed always to have had effect as though they had been made as so amended.

GIVEN under my hand this 28th day of August 1945.

(SD.) PETHICK-LAWRENCE

One of His Majesty's Principal Secretaries of States"

K. R. P. AIYANGAR

Dy. Secy. to the Govt. of India

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

The 29th September/1st October 1945

No. 26—IX-17-45-R.—The following additional rule having been made by the High Court of Judicature at Patna in exercise of the powers vested in them by section 50 of the Guardians and Wards Act, 1890 (Act VIII of 1890), is published for general information. The rule will come into force with effect from the date of their publication.

"When the audit is made by a ministerial officer of the Court the District Judge may, in exceptional cases of special difficulty, and provided it has been necessary to do the work outside office hours, sanction a small remuneration to the ministerial officer concerned, out of the funds of the estate."

By order of the High Court

A. D. CHATTARJI

Registrar