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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

REVENUE DEPARTMENT NOTIFICATION

The 3rd November 1943

No. 24421-R.(C).—The following notification, issued by the Government of India, Department of Indians Overseas, as amended by their Notification No. 149/43-O.S, dated the 20th October 1943, is republished for general information.

By order of the Governor
P. C. DAS

Secretary to Government

New Delhi, 7th September 1943

No. 149/43-O.S.—In exercise of the powers conferred by Rule 24-A of the Defence of India Rules, the Central Government is pleased to make the following Order, namely:—

THE ASIATIC BRITISH EVACUEES (CENSUS) ORDER, 1943

1. (1) This Order may be called the Asiatic British Evacuees (Census) Order, 1943.

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

2. In this Order—

(1) "Asiatic British subject" means any subject of His Majesty, not being a European British subject;

(1-A) "European British subject" means any subject of His Majesty of European descent in the male line, born, naturalised or domiciled in the United Kingdom or in any Dominion as defined in the Statute of Westminster, 1931, or, in any colony except Ceylon.

(2) "evacuee" means any Asiatic British subject who has arrived in India since the 8th December 1941, having left any territory to the east of India in consequence of military operations;

(3) "tahsil" includes a taluk, circle or other corresponding division of a district for purposes of revenue administration, and "Tahsildar" shall be construed accordingly.

3. Every evacuee who is the head of his family in India or has no family in India shall proceed in person between the hours of 10 A.M. and 5 P.M. on any working day in the month of November 1943, to the office of the tahsildar of the tahsil in which he is for the time being resident, and furnish to the census enumerator appointed in this behalf full and true answers to the questions set out in the questionnaire annexed to this order in respect of himself and of all other evacuees who are dependent on him:

Provided that (i) where such evacuee is a female or is prevented by serious illness or other disability from proceeding to the office of the tahsildar in person she or he may depute any other responsible member of her or his family for the purpose, and (ii) where such evacuee is an orphan child, the person who for the time being has the custody of the child shall similarly proceed to the office of the tahsildar and answer the questions on behalf of the child.

THE QUESTIONNAIRE

(See clause 3)

For head of family	For members of evacuee's families
1. Name.....	1. Name.....
2. Sex.....	2. Sex.....
3. Age.....	3. Age.....
4. State whether an Indian, Anglo-Indian, Burman, Anglo-Burman or a British subject of any other Asiatic country?	4. State whether he is an Indian, Anglo-Indian, Burman, Anglo-Burman or British subject belonging to any other Asiatic country?
5. Married, Unmarried, Widowed or divorced.....	5. Married, Unmarried, Widowed or divorced.....

For head of family	For members of evacuee's families
6. District and Province of birth.....	6. District and Province of birth.....
7. Where did you live in Burma/Malaya, etc.?	7. Where did he live in Burma/Malaya, etc.?
8. When did you leave Burma/Malaya, etc.?	8. When did he leave Burma/Malaya, etc.?
9. Which route did you come by?	9. Which route did he come by?
10. When did you arrive in India?	10. When did he arrive in India?
11. (If not born in Burma/Malaya, etc.) when did you first go to Burma/Malaya, etc.?	11. (If not born in Burma/Malaya, etc.) when did he first go to Burma/Malaya, etc.?
12. What was your means of livelihood in Burma/Malaya, etc.?	12. Means of livelihood, if any, in Burma/Malaya, etc.
13. Are you at present in a fit state of health to pursue the means of livelihood which you were following in Burma/Malaya, etc.?	13. Is he at present in a fit state of health to pursue the means of livelihood which he was following in Burma/Malaya, etc.?
14. District and Province where resident now.....	14. If dependent, what was the means of livelihood in Burma/Malaya, etc., of the person on whom he was dependent?
15. Do you own any property in Burma/Malaya etc.? If so is it house, or land or moveables?	15. District and province where resident now.
16. What is your present means of livelihood?	16. Present means of livelihood, if any.....
17. Is your present means of livelihood permanent or casual?	17. Is his means of livelihood permanent or casual?
18. How many evacuees are dependent on you?	18. If dependent, what is the means of livelihood of the person on whom he is now dependent?
19. Are you literate? If so, in which language or languages are you literate?	19. Is he literate? If so, in what language or languages?
20. How far have you read? Give any examination passed.....	20. Has he passed any examination? How far has he read?
21. Have you received any monetary assistance from Government? If so, how many times and how much each time?	21. Has he received any separate monetary assistance from Government? If so, how many times and how much each time?
	22. Does he possess any separate property in Burma/Malaya, etc. If so, is it house or land or movables?

[8—5—26-11-1943]

FINANCE DEPARTMENT NOTIFICATION

The 27th October 1943

No. 23606-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 Secy. to Government

Simla, 11th October 1943

No. F. 23 (8)-R. II/43—The Governor-General in Council is pleased to make the following amendments in the Forms of contingent notice of cancellation in the appendix to the procedural instructions issued in connection with the Indian Civil Service Provident Fund Rules and published with the notification of the Government of India in

the Finance Department No. D. 13-A.-S. D. 42, dated the 14th January 1943, namely:—

(1) In Form I of the said Forms, after the words "the said nomination", the words "so far as it relates to the person, predeceasing me" shall be inserted;

(2) In Form II of the said Forms, for the words and figure, "in the event of the person any of the persons nominated thereunder predeceasing me, or in the event of my hereafter acquiring a family as defined in rule 2 of the said rules the said nomination shall forthwith stand cancelled", the following shall be substituted namely:—

"the said nomination shall—

(a) in the event of the person/any of the persons nominated thereunder predeceasing me, forthwith stand cancelled so far as it relates to the person predeceasing me, or

(b) in the event of my hereafter acquiring a family as defined in rule 2 of the said rules forthwith stand cancelled in its entirety."

Simla, 14th October 1943

No. D.-36-S.D./43—The following resolution by the Secretary of State for India is published for general information:—

THE SECRETARY OF STATES SERVICES (GENERAL PROVIDENT FUND) RULES, DATED MARCH 26, 1943.

I, Leopold Charles Maurice Stennett Amery, One of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 247 (I) and section 250 (I) of the Government of India Act, 1935(a), hereby make, with the concurrence of my Advisers, the following rules:—

1.—(1) These Rules may be cited as the Secretary of State's Services (General Provident Fund) Rules.

(2) They shall come into force on 26th March, 1943.

2. In these Rules unless the context otherwise requires:—

(1) "Account Officer" means such officer as may be appointed in this behalf by the Auditor General of India.

(2) "Act" means the Government of India Act, 1935.

(3) "Anglo-Indian" has the meaning assigned to that expression in paragraph 26 of Part I of the First Schedule to the Act.

(4) "Child" means a legitimate child and, in cases where the Account Officer, or, if any doubt arises in the mind of the Account Officer, the Solicitor to the Government of India or the Legal Remembrancer (or other corresponding officer) to the Provincial Government as the case may be is satisfied that under the personal law of the subscriber adoption is legally recognised as conferring the status of a natural child, includes an adopted child.

(5) "Family" means the wife or wives and children of a subscriber and the widow or widows and children of a deceased son of a subscriber, but if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall be deemed to be no longer a member of the subscriber's family in matters to which these Rules relate, unless the subscriber indicates in writing to the Account Officer that she shall continue to be so regarded.

(6) "Fund" means the Secretary of State's Services General Provident Fund.

(7) "Government" means the Governor General in the case of a person employed in connection with the affairs of the Federation and the Governor of the Province in the case of a person employed in connection with the affairs of a Province.

(8) "Leave" means any variety of leave prescribed in the Fundamental Rules.

(9) "Pay" means the amount drawn monthly by a person as basic pay, overseas pay, special pay, personal pay, judicial pay and language pay and includes deputation or foreign service pay.

(10) "Year" means financial year.

3. Persons appointed by the Secretary of State in Council, or the Secretary of State, to a Civil Service or a civil post under the Crown in India, and persons who hold or have held a reserved post in a substantive capacity, shall be eligible to subscribe to the Fund:

Provided that—

(a) members of the Indian Civil Service, other than Non-European members recruited before August, 1914, who have not elected to subscribe to the Indian Civil Service Family Pension Fund,

(b) officers holding a commission in His Majesty's Land Forces or His Majesty's Indian Land Forces or officers of the Royal Indian Navy,

(c) members of the Railway Services other than those borne on the pension establishment of State Railways who do not subscribe to the State Railway Provident Fund, and

(d) persons who are eligible to subscribe to a Contributory Provident Fund shall not be eligible to subscribe to the Fund.

4.—(1) Subscription to the Fund shall be compulsory in the case of Europeans and Anglo-Indians and optional in the case of other persons.

(2) A person who exercises the option allowed by sub-rule (1) may discontinue subscribing to the Fund at any time, but his right of renewing the subscriptions shall lapse if he discontinues subscribing, except when on leave, more than three times, but notwithstanding such lapse he shall retain his other rights and liabilities as a subscriber to the Fund and no final withdrawal of his deposits shall be allowed except as provided in Rules 21 and 22.

5.—(1) Each subscriber shall as soon as may be after joining the Fund send to the Account Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer:

Provided that the subscriber shall along with such notice send a fresh nomination in accordance with the provisions of sub-rules (1) and (2).

(4) Without prejudice to the provisions of sub-rule (3), a subscriber shall along with every nomination made by him under this Rule send to the Account Officer—

(a) a notice to the effect that in the event of any of the nominees predeceasing him, the nomination in respect of the deceased nominee shall forthwith stand cancelled, and

(b) if the nomination is made at a time when the subscriber has no family, a notice to the effect that in the event of his thereafter acquiring a family the nomination shall forthwith stand cancelled.

(5) Immediately on the occurrence of any event by reason of which the notice of cancellation referred to in sub-rule (4) becomes operative and the nomination to which that notice relates consequently stands cancelled, the subscriber shall send to the Account Officer a fresh nomination made in accordance with the provisions of sub-rules (1) and (2).

(6) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid and operative, take effect on the date on which it is received by the Account Officer.

6.—(1) Except as provided in sub-rule (2) of Rule 4 and except during a period of suspension, each subscriber shall subscribe monthly to the Fund an amount (being a sum of whole rupees) fixed by himself for each year:

Provided that—

(a) subscription shall be optional during leave;

(b) if a subscriber is on duty for a part of a month and on leave for the remainder of that month and has not elected to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty during the month.

(c) a subscriber on reinstatement after a period of suspension shall have the option of paying in one or some instalments any sum not exceeding the maximum amount of arrear subscriptions permissible for that period.

(2) The amount of monthly subscription fixed under sub-rule (1) for any year shall be, in the case of a member of the Indian Civil Service not more than 3½ per cent., and in any other case not less than 6¼ per cent., and not more than 15.58 per cent., of the subscriber's pay on the last day of the preceding year if he is then a subscriber, or, if he commences or recommences subscribing to the Fund during the year, of his pay at the time of such commencement or recommencement:

Provided that—

(a) if the subscriber was on leave on the last day of the preceding year and elected not to subscribe during such leave or was under suspension on the said date, the fixation of the monthly subscription shall be based on the pay to which he was entitled on the first day after his return to duty; and

(b) if the subscriber was on deputation out of India on the last day of the preceding year or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, the fixation of the monthly subscription shall be based on the pay to which he would have been entitled had he been on duty in India;

Provided further that, in the case of a member permitted to serve in the armed forces of the Crown during an emergency, the amount of his subscription to the Fund shall be calculated on the emoluments he would have drawn if he had remained in civil employment, and that subscription to the Fund shall be optional while he is serving out of India.

7.—(1) Except as provided in sub-rule (4), interest at the rate determined for each year according to the method of calculation prescribed by the Secretary of State shall be credited to the account of each subscriber as from the 31st March of each year:

Provided that if the rate of interest so determined is less than 4 per cent, persons who were subscribers to the Fund on or before the 31st March 1938, shall be allowed interest at 4 per cent.

(2) Interest shall be credited in the following manner:—

(a) On the amount at the credit of the subscriber on the last day of the preceding year, less any sums withdrawn during the current year—interest for twelve months;

(b) On sums withdrawn during the current year—interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;

(c) On all sums credited to the subscriber's account after the last day of the preceding year—interest from the date of deposit up to the end of the current year.

(d) The total amount of interest shall be rounded to the nearest whole rupee (8 annas and more counting as the next higher rupee);

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing at the credit of the subscriber became payable.

(3) Before the amount at the credit of a subscriber in the Fund is finally paid, his account shall be credited with interest up to the month preceding that in which the payment is made or tendered or up to the end of the sixth month after the end of the month in which he quitted the service or died, whichever of these periods is less.

(4) Interest shall not be credited to the account of a Muhammadan subscriber if he informs the Account Officer that he does not wish to receive it, but if he subsequently asks for interest it shall be credited with effect from the first day of the year in which he asks for it.

8. A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the authority specified in this behalf by Government, subject to the following conditions:—

(a) no advance will be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it and that it will be expended on one or more of the following objects and not otherwise:—

(i) to pay expenses incurred in connection with the prolonged illness of the applicant or of any person actually dependent on him,

(ii) to pay for the overseas passage undertaken for reasons of health or education of the applicant or of any person actually dependent on him,

(iii) to pay obligatory expenses on a scale appropriate to the applicant's status in connection with marriages, funerals or ceremonies which by his religion it is incumbent on him to perform.

(b) the authority shall record in writing its reasons for granting the advance,

(c) an advance shall not, except with the previous sanction of the Government,—

(i) exceed three month's pay or half the amount at the credit of the subscriber in the Fund, whichever is less, or

(ii) unless the amount already advanced does not exceed two-thirds of the amount admissible under sub-clause (i), be granted until at least twelve months after the final repayment of all previous advances together with interest thereon.

9.—(1) An advance shall be recovered in such number of equal monthly instalments, each being a sum of whole rupees, not less than twelve nor more than twenty-four as the sanctioning authority may prescribe:

Provided that—

(a) no recovery shall, except with the consent of the subscriber, be made while he is on leave or while under suspension during which reduced remuneration is drawn;

(b) recovery may be postponed by Government during the recovery of an advance granted to the subscriber—otherwise than from the Fund:

(c) a subscriber may if he so desires repay more than one instalment in a month.

(2) If at any time under the provisions of Rule 8 an advance has been made to a subscriber before one previously made has been completely repaid, each advance shall be treated separately for purposes of recovery.

(3) After repayment of the advance, interest thereon equivalent to one-fifth per cent of the advance for each month or part of a month of the period between drawal and complete repayment of the advance and rounded to the nearest whole rupee (8 annas and more counting as the next higher rupee) shall be payable in one instalment or, if the period of repayment exceeds twenty months and if the subscriber so desires, in two equal instalments:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advance granted to them from the Fund.

10.—Subject to the conditions hereinafter stated:

(a) Subscriptions to a family pension fund approved in this behalf by the Secretary of State or payments towards a policy of life insurance may, at the option of the subscriber, be substituted in whole or in part for subscriptions to the Fund:

(b) Out of the amount standing to the credit of a subscriber in the Fund, any amount (being sum of whole rupees) may be withdrawn to meet—

(i) payment towards a policy of life insurance:

(ii) the purchase of a single payment insurance policy;

(iii) the payment of a single premium or subscriptions to a family pension fund approved in this behalf by the Secretary of State:

Provided that no amount shall be withdrawn—

(1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable;

(2) to meet any payment or purchase made or effected more than twelve months before the withdrawal:

(3) in excess of the amount required to meet a premium or subscription actually due for payment within six months of the withdrawal.

11.—(1) If the total amount of any subscriptions or payments substituted under clause (a) of Rule 10 is less than the amount of the minimum subscription payable to the Fund under Rule 6, the difference shall be rounded to the nearest whole rupee (8 annas and more counting as the next higher rupee), and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (b) of Rule 10, he shall, subject to his option under clause (a) of that Rule, continue to pay to the Fund the subscriptions payable under Rule 6.

12.—(1) Government will not make any payments on behalf of subscribers to insurance companies nor take steps to keep the policy alive.

(2) The policy shall be on the life of the subscriber himself or on the joint lives of the subscriber and of his wife and shall, unless it is a policy expressed on the face of it to be for the benefit of his wife and/or his children or any of them, be such as may be legally assigned by the subscriber himself to Government:

Provided that a policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first reassigned to the subscriber or the subscriber and his wife both join in an appropriate assignment:

Provided further that subscribers who have taken out policies under Note 1 to Rule 21 (II) or under clause (b) or

clause (c) of Rule 21-A of the Rules in force on 31st March, 1936, shall remain subject to the provisions of these Rules in so far as policies so taken out are concerned.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife and/or children of the subscriber or any of them and may not be an educational endowment policy, if such policy is due for payment in whole or in part before the subscriber attains the age for superannuations.

13. (1) The policy shall be delivered to the Account Officer within three months or, in the case of an insurance company whose headquarters are outside India, within such longer period as the Account Officer, if he is satisfied by the production of the completion certificate (interim receipt), may fix, after the first withholding of a subscription or withdrawal from the Fund in respect of the policy. If it is not a policy expressed on the face of it to be for the benefit of the wife and/or children of the subscriber or any of them, it shall, before delivery, be assigned to Government.

(2) The terms of a policy which has been accepted by an Account Officer for the purpose of being financed from the Fund shall not be altered nor shall it be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.

(3) If the policy is not delivered in accordance with the provisions of sub-rule (1), any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in Rule 7, forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or, in default, be ordered by Government to be recovered by deduction from the pay or leave salary of the subscriber by instalments or otherwise, as it may direct.

(4) Notice of assignment of a policy shall be given by the subscriber to the insurance company and the acknowledgment of the notice by the insurance company shall be sent to the Account Officer within three months of the date of assignment.

14. A subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default recovered by deduction from his pay or leave salary by instalments or otherwise as may be directed by Government.

15. (1) Save as provided by Rule 19, when the subscriber—

(a) quits the service, or

(b) has proceeded on leave preparatory to retirement and applies to the Account Officer for re-assignment or return of the policy, or

(c) while on leave has been permitted to retire or is required to retire on grounds of ill-health and applies to the Account Officer for re-assignment or return of the policy, or

(d) pays or repays to the Fund the whole of any amount withheld or withdrawn therefrom under Rule 10 on account of an insurance policy, together with interest thereon at the rate provided in Rule 7, the Account Officer shall,—

(i) if the policy has been assigned to Government, re-assign it to the subscriber or, as the case may be, to the subscriber and the joint assured, and make it over to the subscriber together with a signed notice of re-assignment addressed to the insurance company, and

(ii) if the policy has been delivered to the Account Officer, make it over to the subscriber :

Provided that if a subscriber to whom clause (b) or clause (c) applies returns to the duty any policy so re-assigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to Government and delivered to the Account Officer in the manner provided in Rule 13, and thereupon the provisions of these Rules shall, so far as may be, again apply in respect of the policy :

Provided further that if the policy has matured or been assigned or charged or encumbered in any way the provisions of sub-rule (3) of Rule 13 shall apply.

(2) Save as provided by Rule 19, when the subscriber dies before quitting the service, the Account Officer shall,—

(i) if the policy has been assigned to Government, re-assign it to the person legally entitled to receive it, and make it over to him together with a signed notice of re-assignment addressed to the insurance company, and

(ii) if the policy has been delivered to the Account Officer, make it over to the beneficiary, or if there is no beneficiary, to the person legally entitled to receive it.

16. (1) If a policy assigned to Government matures before the subscriber quits the service, or being a policy or the joint lives of the subscriber and his wife, also assigned to Government, falls due for payment by reason of the death of the subscriber's wife, the Account Officer shall, save as provided by Rule 19, proceed as follows:—

(a) If the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 7, the Account Officer shall re-assign the policy to the subscriber or to the subscriber and to the joint assured, as the case may be, and make it over to the subscriber, who shall immediately on receipt of the policy monies from the insurance company pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and, in default, the provisions of sub-rule (3) of Rule 13 shall apply :

(b) If the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realise the amount assured together with any accrued bonuses and shall place the amount so realised to the credit of the subscriber in the Fund.

(2) Save as provided by Rule 19, if a policy delivered to the Account Officer under Rule 13 matures before the subscriber quits the service, the Account Officer shall make over the policy to the subscriber :

Provided that if the interest in the policy of the wife and/or children of a subscriber, or any of them, as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy monies are paid to him by the insurance company, shall immediately on receipt thereof pay or repay to the Fund either—

(a) the whole of any amount withheld or withdrawn from the Fund in respect of the policy, together with interest thereon at the rate provided in Rule 7, or

(b) an amount equal to the amount assured together with any accrued bonuses, whichever is less, and in default the provisions of sub-rule (3) of Rule 13 shall apply.

17. If the interest of the subscriber in the family pension fund ceases, in whole or in part, from any cause whatsoever, the Account of the subscriber in the Fund shall forthwith be reimbursed by the amount of the refund secured by the subscriber from the family pension fund, which amount shall, in default of reimbursement, be deducted from the subscriber's pay or leave salary by instalments or otherwise as may be directed by Government.

18. If the policy lapses or is assigned otherwise than to Government under Rule 13, charged or encumbered, the provisions of sub-rule (3) of the said Rule shall apply.

19. If the Account Officer receives notice of—

(a) an assignment (otherwise than an assignment to Government under Rule 13), or

(b) a charge or encumbrance on, or

(c) an order of a Court restraining dealings with the policy or any amount realised thereon, he shall not make over or re-assign the policy as provided in Rule 15 or realise the amount assured by the policy or re-assign or make over the policy as provided in Rule 16, but shall refer the matter to Government.

20. If the authority competent to sanction an advance under Rule 8 is satisfied that money drawn from the Fund under that Rule, or withheld or withdrawn from the Fund under Rule 10, has been utilised for a purpose other than that for which the money was allowed to be drawn, withheld or withdrawn, the amount in question shall, with interest at the rate provided in Rule 7, forthwith be repaid or paid as the case may be by the subscriber to the Fund or in default be ordered by Government to be recovered from the subscriber's pay or leave salary in one or more instalments as it thinks fit.

21. Except as provided in Rule 10, the amount standing to the credit of a subscriber in the Fund shall not be withdrawn until he quits the service or dies :

Provided that a subscriber who has been granted leave preparatory to retirement or, in the case of one serving in a vacation department, has been allowed to combine vacation with such leave, or who, while on leave, is either permitted to retire voluntarily or is required to retire on ground of ill-health may withdraw the amount standing to his credit at any time between the commencement of the leave or vacation as the case may be or the date of such permission or requirement as the case may be and the date of actual retirement, but if he returns to duty he shall, if required to do so by Government, pay to the Fund the whole or part of the amount withdrawn by him together with interest thereon at the rate provided in Rule 7. A subscriber who exercises the option allowed by this proviso shall not subscribe to the Fund after such withdrawal unless and until he returns to duty.

22. On the death of a subscriber before the amount standing to his credit has become payable, or, where the amount has become payable, before payment has been made:—

(1) When the subscriber leaves a family—

(a) If a nomination in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall be paid to his nominee or nominees in the proportion specified in the nomination.

(b) If no such nomination subsists, or, if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family be paid to the members of his family in equal share;

Provided that no shares shall be payable to—

(1) sons who have attained legal majority,

(2) sons of a deceased son who have attained legal majority,

(3) married daughters whose husbands are alive,

(4) married daughters of a deceased son whose husbands are alive; if there is any member of the family, other than those specified in clauses (1), (2), (3) and (4) of the proviso;

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempt from the provisions of clause (1) of the first proviso.

(2) When the subscriber leaves no family, if a nomination in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall be paid to his nominee or nominees in the proportion specified in the nomination, and, if no nomination subsists it shall be paid to the person legally entitled to receive it.

23. All payments from the Fund shall be made in India in rupees.

24. If a person who is a subscriber to any other Government Provident Fund which is a non-contributory Provident Fund is permanently transferred to pensionable service under the rule-making control of the Secretary of State, the amount of subscriptions together with interest thereon standing to his credit in such other fund at the date of transfer shall be transferred to his credit in the Fund.

25. As soon as possible after the close of each year each subscriber shall be supplied with a statement of his account in the Fund which shall show the opening balance as on 1st April of the year the total amount credited or debited during the year, the amount of interest credited as on the 31st March of the year, and the closing balance as on that date.

26. (1) Until the commencement of Part II of the Act references in these Rules to the Governor General shall be construed as reference to the Governor General in Council.

(2) In the discharge of his functions under these Rules the Governor shall exercise his individual judgement.

27. The General Provident Fund (Superior Civil Services) Rules are hereby repealed.

Given under my hand this 26th day of March, 1943.

L. S. AMERY,

One of His Majesty's Principal Secretaries of State

SCHEDULE

List of approved Family Pension Funds (Rule 10).

1. Superior Services (India) Family Pension Fund
2. Bombay Government Service Family Pension Fund
3. Bengal and Madras Service Family Pension Fund.
4. General Family Pension Fund
5. Hindu Family Annuity Fund
5. Bengal Christian Family Pension Fund

No. D. 36-A.S.D/43—With reference to the Secretary of State's Service (General Provident Fund) Rules, made by the Secretary of State on the 26th day of March, 1943, the following instructions are issued by the Government of India for the guidance of subscribers to the Fund and of Account Officers:—

1. *Nominations (Rule 5)*—Nominations under sub-rule (1), and notices of cancellation under sub-rule (4), should be in such one of the forms set forth in Appendix A to these instructions as is appropriate in the circumstances.

2. *(Subscriptions Rule 6)*—(1) (i) Where the subscriber draws pay from a Government Treasury in India, the amount of subscription will be such as may be deducted by him from the bill on which he draws his pay for the last month of the preceding year.

(ii) If a subscriber commences or recommences subscription to the Fund during the year the amount of the subscription will be such as may be deducted by him from his pay bill for the month in which he commences or recommences his subscription.

(2) (i) In the case of a subscriber on leave on the last day of the preceding year, who elected not to subscribe during such leave or in the case of a subscriber who was under suspension on that day, the amount of subscription will be such as may be deducted by him from his first pay bill after return to duty,

(ii) In the case of a subscriber on leave on the last day of the preceding year, who elected to subscribe during such leave the amount of subscription will be such as may be deducted by him from his pay bill for the month of March.

(iii) Before proceeding on leave the subscriber should intimate to the Account Officer in India whether he wishes to subscribe during leave. No alteration will be permissible in the option so exercised for the period of the leave. If the subscriber fails to intimate before proceeding on leave he will be deemed to have exercised his option in favour of subscribing during leave and deductions should be made accordingly.

(iv) The instructions in sub-paragraph 2(iii) will apply *mutatis mutandis* to a subscriber serving out of India in the armed forces of the Crown.

(3) If the subscriber was on foreign service on the 31st March of the preceding year, the amount of the subscription will be based on the pay in foreign service.

(4) Subscriptions to the Fund will be recovered—

(i) in respect of pay drawn from a Government Treasury in India or a Colonial or Home Treasury, by deduction from the pay;

(ii) in respect of sterling overseas pay by deduction in India from the pay; and

(iii) in respect of pay drawn from any other source, in cash, the subscriber remitting the amount direct to the Account Officer.

(5) All subscriptions made by a member together with interest on such subscriptions calculated under rule 7 should be credited to his account in the Fund.

3. *Interest (Rule 7)*—For the purposes of Rule 7, recoveries will be treated as having been credited to the Fund on the first day of the month in which they are made but if in cases falling under paragraph 2(4) (iii) above the amount is not received by the Account Officer before the fifth day of the month, the recoveries will be treated as having been credited on the first day of the next succeeding month.

4. *Advances (Rules 8 and 9)*—(1) The following authorities are empowered to grant advances from the Fund—

(i) A Department of the Government of India.

(ii) A Chief Commissioner.

(iii) Heads of departments whose names appear in Appendix No. 14 to the Supplementary Rules, not including any authority which a Chief Commissioner may declare to be a head of a Department.

(2) Recoveries on account of advances will begin on the first occasion on which, after the advance is made, the subscriber draws pay for a full month, and will be affected in the manner provided in paragraph 2 above for realisation of subscriptions.

(3) If an advance drawn by a subscriber is subsequently disallowed before repayment is completed, the whole or the balance of the amount shall, with interest at the rate provided in rule 7, forthwith be repaid or in default be ordered by Government to be recovered from the subscriber's pay or leave salary in one or more instalments as it thinks fit.

5. *Payments towards policies of insurance or subscriptions to a family pension fund (Rule 10)*—

(1) When a subscriber desires to divert or withdraw money from the Fund to pay subscriptions to an approved Family Pension Fund or a premium towards a policy of Life Insurance under Rule 10, he shall intimate to his Account Officer on his pay bill or by letter the fact of, and reason for, the reduction or withdrawal of money as the case may be. In the latter case he may also make necessary arrangements with the Accounts Officer for the withdrawal of money from the Fund.

(2) The Account Officer shall demand periodically to see the receipts or certified copies thereof showing that the amount so withheld or withdrawn has been duly applied. Failing the production of such receipts the matter shall be reported to Government which shall order the recovery of any amount by which subscriptions have been reduced or any amount withdrawn, with interest thereon at the rate prescribed in Rule 7 from the subscriber's pay or leave salary in one or more instalments as it thinks fit.

6. *Assignments and Reassignments (Rules 13, 15 and 16)*—Assignments under rule 13 and reassignments under rule 15 or 16, as the case may be, should be in such one of the forms set forth in Appendix B to these instructions as is appropriate in the circumstances.

7. *Recovery of the amount withdrawn under the proviso to rule 21*—

Where a subscriber has to repay to the Fund under the proviso to rule 21, the whole or part of the amount withdrawn by him, Government will determine whether the amount should be repaid in one or more instalments and in cash or securities or both.

8. *Final Payments (Rules 21 and 22)*—

(1) The Account Officer will be responsible for making final payments under rules 21 or 22. If payment is to be made under rule 22 any person claiming payment should send a written application to that officer. In a case where there is doubt or dispute, but only with regard to a portion of the amount standing to the credit of the subscriber, the Account Officer should authorise prompt payment of that portion in regard to which there is no doubt or dispute. The persons to whom any amount is payable from the Fund should make their own arrangements to receive payment in India.

(2) If the person to whom any payment is to be made from the Fund is a lunatic, payment should be made to the authority entitled under the law to receive payment on his behalf.

(3) Sums not claimed for a period of six months after they have become payable will, at the end of the year, be transferred from the account head "General Provident Fund" to the account head "Deposits" and treated under the ordinary rules relating to deposits. Such transfer does not however affect the fiduciary capacity in which the sums are held by Government.

9. *Statement of Account (Rule 25)*—

(1) The Account Officer will assign a number to the account of each subscriber, and when paying subscriptions in India, the subscriber, should quote this number.

(2) Subscribers are required to satisfy themselves as to the accuracy of annual statements. Errors, if any, should be brought to the notice of the Account Officer within six months of receipt of a statement. If no statement is received by the 1st of October, the subscriber should communicate with the Account Officer.

(3) The Account Officer shall, if required by a subscriber, once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

APPENDIX A

Forms of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Secretary of State's Services (General Provident Fund) Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount

has become payable, or having become payable has not been paid :—

Name and address of nominee	Relationship with subscriber	Age
Dated this.....day of.....19 , at.....		
Signature of subscriber.....		

Two witnesses to signature.

- 1.....
- 2.....

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the Secretary of State's Services (General Provident Fund) Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominee	Relationship with subscriber	Age	*Amount or share of accumulation to be paid to each
Dated this.....day of.....19 , at.....			
Signature of subscriber.....			

Two witnesses to signature.

- 1.....
- 2.....

*NOTE—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in rule 2 of the Secretary of State's Services (General Provident Fund) Rules, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of nominee	Relationship with subscriber	Age
Dated this.....day of.....19 , at.....		
Signature of subscriber.....		

Two witnesses to signature.

- 1.....
- 2.....

IV. When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in rule 2 of the Secretary of State's Services (General Provident Fund) Rules, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each
Dated this.....day of.....19 , at.....			
Signature of subscriber.....			

Two witnesses to signature.

- 1.....
- 2.....

*NOTE—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

Forms of contingent notice of cancellation.

I. Where nomination is in favour of one or more members of the subscribers family.

Without prejudice to my right under sub-rule (3) of rule 5 of the Secretary of State's Services (General Provident Fund) Rules, to cancel the nomination made by me on....., whenever I think fit, I hereby give notice that in the event of the person/any of the persons nominated thereunder predeceasing me, the said nomination shall forthwith stand cancelled.

Dated this.....day of.....19 , at.....		
Signature of subscriber.....		

Two witnesses to signature.

- 1.....
- 2.....

II. Where a nomination is in favour of one or more persons not being members of the subscriber's family.

Without prejudice to my right under sub-rule (3) of rule 5 of the Secretary of State's Services (General Provident Fund) Rules, to cancel the nomination made by me on....., whenever I think fit, I hereby give notice, that in the event of the person/any of the persons nominated thereunder predeceasing me, or in the event of my hereafter acquiring a family as defined in rule 2 of the said rules, the said nominations shall forthwith stand cancelled.

Dated this.....day of.....19 , at.....
Signature of subscriber.....

Two witnesses to signature.

1.....
2.....

APPENDIX B Forms of Assignment

(1)

I, A. B., of.....hereby assign unto the Governor-General in Council the within policy of assurance as security for payment of all sums which under Rule 18 of the Secretary of State's Services (General Provident Fund) Rules I may hereafter become liable to pay to that Fund.

I hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19 , at.....
Signature of subscriber.....

One witness to signature.

(2)

We, A. B. (the subscribers), of.....and C. D. (the joint assured), of.....in consideration of the Governor-General in Council agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A. B. to the General Provident Fund (or, as the case may be, to accept the withdrawal of the sum of Rs., from the sum to the credit of the said A. B. in the General Provident Fund for payment of the premium of the within policy of assurance), hereby jointly and severally assign unto the said Governor General in Council the within policy of assurance as security for payment of all sums which under rule 18 of the Secretary of State's Services (General Provident Fund) Rules the said A. B. may hereafter become liable to pay to that Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19 , at.....
Signature of subscriber
and the joint Assured.....

One witness to signature.

(3)

I, C. D., wife of A. B., and the assignee of the within policy, having at the request of A. B., the assured, agreed to release my interest in the policy in favour of A. B. in order that A. B. may assign the policy to the Governor-General in Council who has agreed to accept payments towards the within policy of Assurance in substitution for the subscriptions payable by A. B. to the General Provident Fund hereby at the request and by the direction of A. B. assign and I the said A. B. assign and confirm unto the Governor-General in Council the within policy of Assurance as security for payment of all sums which (under Rule 18 of the Secretary of State's Services (General Provident Fund) Rules the said A. B. may hereafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19 , at.....
Signature of the assignee
and the subscriber.....

One witness to signature.

OR

(i) Cancellation of any assignment in favour of wife ;
(ii) Execution of an assignment in favour of the subscriber and his wife as joint tenants in the following form :—

I (here state name and description of the assured) do hereby assign and transfer the benefit of the within Policy and all moneys receivable thereunder on in respect thereof to myself and my.....(here state relationship and name) to hold the same unto myself and the said.....

or survivor as joint tenants and I declare that on the death of either, the receipt of the survivor shall be a sufficient discharge to the Insurance Company within named.

Dated this.....day of.....19 , at.....

Witnesses :—

(1).....
(2).....

(Signature)

and

(iii) Execution of an assignment by the subscriber and his wife in form No. 2 in favour of Government.

NOTE—The assignment may be executed on the policy itself either in the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly assigned and if pasted on the policy it must be initialled across all four margins.

Forms of Re-assignment

All sums which have become payable by the above-named A. B. under Rule 18 of the Secretary of State's Services (General Provident Fund) Rules having been paid and all liability for payment by him of any such sums in the future having ceased the Governor-General in Council doth hereby re-assign the within policy of assurance to the said A. B. and C. D./A. B.

Dated this.....day of.....19 ,

Executed by.....Account } X Y
Officer of the Fund for and on behalf of the Governor-General in } (Signature of the
Council in the presence of } Account Officer)
Y Z

(one witness who should add his designation and address).

(2)

The above-named A. B. having died on the.....day of.....19 , the Governor-General in Council doth hereby re-assign the within policy of assurance to C. D. (Full particulars of persons legally entitled to receive the policy).

Dated this.....day of.....19

Executed by.....Account } X Y
Officer of the Fund for and on behalf of the Governor-General in } (Signature of the
Council in the presence of } Account Officer)
Y Z

(one witness who should add his designation and address).

(3)

The Governor-General in Council doth hereby re-assign the within policy to the said A. B./A. B. and C. D.

Dated this.....day of.....19

Executed by.....Account } X Y
Officer of the Fund for and on behalf of the Governor-General in } (Signature of the
Council in the presence of } Account Officer)
Y Z

(one witness who should add his designation and address).

Simla, 14th October 1943

No. D. 38-S. D/43—The following resolution by the Secretary of State for India is published for general information :—

INDIAN CIVIL SERVICE (NON-EUROPEAN MEMBERS), PROVIDENT FUND RULES, DATED THE 29TH MARCH 1943

1. Leopold Charles Maurice Stennett Amery, one of His Majesty's Principal Secretaries of State, 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 Advisers, the following rules :—

(1) These Rules may be cited as the Indian Civil Service (Non-European Members) Provident Fund Rules.

(2) They shall come into force on 29th March 1943

2. In these Rules unless the context otherwise requires—

(1) " Account Officer " means the Audit Officer so designated by the Auditor-General of India.

(2) " Child " means a legitimate child and, in cases where the Account Officer, or if any doubt arises in the mind of the Account Officer, the Solicitor to the Government of India or the Legal Remembrancer (or other corresponding officer) to the Provincial Government as the case may be, is satisfied that under the personal law of the subscriber adoption is legally recognised as conferring the status of a natural child, includes an adopted child.

(3) "Emoluments" means pay as defined in the Fundamental Rules (sterling overseas pay being converted at such rate of exchange as the Secretary of State may prescribe), leave salary and remuneration during suspension.

(4) "Family" means the wife or wives and children of a subscriber and the widow or widows and children of a deceased son of a subscriber.

(5) "Fund" means the Indian Civil Service (Non-European Members) Provident Fund.

(6) "Government" means the Governor-General in the case of a person employed in connection with the affairs of the Federation and the Governor of the Province in the case of a person employed in connection with the affairs of a Province.

(7) "Leave" means any variety of leave prescribed in Fundamental Rules.

(8) "Year" means financial year.

3. Every non-European member of the Indian Civil Service who is not a subscriber under the Indian Civil Service Family Pension Rules or under the Indian Civil Service (Non-European Members) Family Pension Rules shall subscribe monthly to the Fund an amount which shall be a sum of whole rupees (eight annas and more counting as the next higher rupee) equal to 6 per cent of the emoluments due for the preceding month:

Provided that subscription shall be optional during any period of extraordinary leave without leave salary or leave with leave salary under Rule 88 of the Fundamental Rules or while the subscriber is under suspension during which reduced remuneration is drawn.

Provided further in the case of a member permitted to serve in the armed forces of the Crown during an emergency, that the amount of his subscription to the Fund shall be calculated on the emoluments he would have drawn if he had remained on duty in civil employment.

4. Except as provided in sub-rule (6) interest at the rate determined for each year according to the method of calculation prescribed by the Secretary of State shall be credited to each subscriber as from the 31st March of each year subject to the following conditions:—

(1) Interest for 12 months shall be credited on the amount at the credit of the subscriber on the 31st March of the preceding year, less any sums withdrawn under Rule 7 during the year;

(2) Interest shall be credited for each month of the year upon the sum by which the minimum amount standing to the credit of the subscriber between the close of the fourth day and the end of the month exceeded the amount on which interest is credited under sub-rule (1), subscriptions paid by deductions from emoluments being treated for the purposes of this sub-rule as having been deposited in the Fund on the first day of the month in which payment is actually made;

(3) If the total amount of interest allowed under sub-rules (1) and (2) contains a fraction of a rupee it shall be rounded off to the nearest whole rupee, eight annas and more counting as the next higher rupee;

(4) Before the amount at the credit of a subscriber is finally paid, his account shall be credited with interest up to the month preceding that in which the payment is made or tendered, or up to the end of the six months after the end of the month in which he quitted the service or died, whichever of these periods is less;

(5) The rate of interest is liable to revision on the 1st April of each year without notice;

(6) Interest shall not be credited to the account of a Muhammadan subscriber if he informs the Account Officer that he does not wish to receive it, but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

5. (1) Each subscriber shall as soon as may be after joining the Fund send to the Account Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination the subscriber has a family the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer:

Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of sub-rules (1) and (2).

(4) Without prejudice to the provisions of sub-rule (3) a subscriber shall along with every nomination made by him under this Rule send to the Account Officer—

(a) a notice to the effect that in the event of any of the nominees predeceasing him, the nomination in respect of the deceased nominee shall forthwith stand cancelled, and

(b) if the nomination is made at a time when the subscriber has no family, a notice to the effect that in the event of his thereafter acquiring a family the nomination shall forthwith stand cancelled.

(5) Immediately on the occurrence of any event by reason of which the notice of cancellation referred to in sub-rule (4) becomes operative and the nomination to which that notice relates consequently stands cancelled, the subscriber shall send to the Account Officer a fresh nomination made in accordance with the provisions of sub-rules (1) and (2).

(6) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid and operative take effect on the date on which it is received by the Account Officer.

6. (1) The account of each subscriber who either joined the Indian Civil Service after 4th January 1923, and has elected to join the Fund under the option allowed by the Rules previously in force, or has joined the Indian Civil Service after the institution of the Fund shall, subject to the provisions of sub-rule (2), be credited on retirement or previous death with the sum of Rs. 6,000 and the accounts of other subscribers shall be credited with the amounts specified in the schedule to these Rules.

(2) This contribution shall not be paid to any subscriber who is dismissed or removed from the service or who resigns without being entitled to a gratuity or annuity.

(3) If a subscriber retires under the Premature Retirement Rules the amount of the contribution shall be determined by the Secretary of State.

7. Subject to the conditions hereinafter stated—

(a) subscriptions to a family pension fund approved in this behalf by the Secretary of State, or payments towards an insurance-policy may, at the option of a subscriber, be substituted for the whole or part of the subscriptions to the Fund;

(b) any amount standing to the credit of a subscriber in the Fund may be withdrawn to meet:—

(i) payments towards an insurance policy;

(ii) purchase of a single payment insurance policy;

(iii) payment of a single premium or subscriptions to a family pension fund approved in this behalf by the Secretary of State:

Provided that no amount shall be withdrawn to meet any demand or purchase made or effected more than 12 months before the withdrawal.

8. (1) If the total amount of any subscriptions or payments substituted under clause (a) of rule 7 is less than the amount of the subscription payable to the Fund under Rule 3, the difference shall be rounded off to the nearest rupee in the manner provided in that rule and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (b) of Rule 7, he shall, subject to his option under clause (a) of that Rule, continue to pay to the Fund the subscriptions payable under Rule 3.

9. If the interest of the subscriber in the family pension fund ceases in whole or in part from any cause whatsoever, the account of the subscriber in the Fund shall forthwith be reimbursed by the amount of the refund secured by the subscriber from the family pension fund, which amount shall in default of reimbursement be deducted from the subscriber's emoluments by instalments or otherwise as may be directed by Government.

10. (1) Government will not make any payments on behalf of subscribers to insurance companies nor take steps to keep the policy alive.

(2) The policy shall be on the life of the subscriber himself and shall, unless it is a policy expressed on the face of it to be for the benefit of his wife and/or his children or any of them, be such as may be legally assigned by the subscriber himself to the Governor-General or the Governor of the Province under whose administrative control he is serving.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife and/or children of the subscriber or any of them.

11. (1) The policy shall within three months or, if the headquarters of the insurance company are outside India, within such longer period as the Account Officer, if he is satisfied by the production of the completion certificate (*interim* receipt), may fix, after the first withholding of a subscription or withdrawal from the Fund in respect of the policy be delivered to the Account Officer, but if it is not a policy expressed on the face of it to be for the benefit of the wife and/or children of the subscriber or any of them, it shall be assigned to the Governor-General or the Governor of the Province under whose administrative control he is serving, before such delivery.

(2) If the policy is not delivered within the period of three months or such longer period as the Account Officer may have fixed, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in Rule 4, forthwith be paid or repaid as the case may be by the subscriber to the Fund, or in default be ordered by Government to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise.

(3) Notice of assignment of the policy shall be given by the subscriber to the insurance company and the acknowledgment of the notice by the insurance company shall be sent to the Account Officer within three months of the date of assignment.

12. (1) Save as provided by sub-rule (2) of rule 14 when the subscriber—

(a) quits the service, or

(b) has proceeded on leave preparatory to retirement and applies to the Account Officer for reassignment or return of the policy, or

(c) while on leave has been permitted to retire or is required to retire on grounds of ill-health and applies to the Account Officer for reassignment or return of the policy, or

(d) pays or repays to the Fund the whole or any amount withheld or withdrawn from the Fund for any of the purposes, other than in respect of a family pension fund mentioned in rule 7 with interest thereon at the rate provided in Rule 4,

the Account Officer shall make over the policy to the subscriber, having first re-assigned to him any policy assigned to the Governor-General or the Governor :

Provided that if a subscriber to whom clause (b) or clause (c) applies, returns to duty any policy so re-assigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the Governor-General or Governor as the case may be, and again be delivered to the Account Officer as the case may be in the manner provided in Rule 11 and thereupon the provisions of these Rules shall so far as may be, again apply in respect of the policy ;

Provided further that if the policy has matured or been assigned or charged or encumbered in any way the provisions of sub-rule (2) of Rule 11 shall apply.

(2) Save as provided by sub-rule (2) of Rule 14, when a subscriber dies before quitting the service, the Account Officer shall make over the policy to the beneficiary if any, or if there is no beneficiary, to such person as may be legally entitled to receive it, having first re-assigned any policy assigned to the Governor-General or the Governor to such person as may be legally entitled to receive it.

13. Save as provided in sub-rule (2) of Rule 14, if a policy delivered to the Account Officer matures before the subscriber quits the service and before his death the Account Officer shall make over the policy to the subscriber, who shall pay or repay to the Fund the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 4 and in default the provisions of sub-rule (2) of Rule 11 shall apply, but if the policy has been assigned to the Governor-General or the Governor the Account Officer shall realise the amount assured and shall deduct therefrom the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 4, and shall place the amount so deducted to the credit of the subscriber in the Fund, the balance if any being, at the option of the subscriber, paid direct to him or placed to his credit in the Fund.

14. (1) If the policy lapses or becomes assigned otherwise than to the Governor-General or Governor, charged or encumbered, the provisions of sub-rule (2) of Rule 11 shall apply.

(2) If the Account Officer receives notice of an assignment or otherwise than an assignment to the Governor-General or the Governor, of, or a charge or encumbrance on, or an order of a Court restraining dealings with, the policy or any amount thereon, the Account Officer shall not make over or reassign the policy or realise the amount assured by the policy or dispose of any part thereof, but shall refer the matter to the Governor-General or Governor as the case may be.

15. Except as provided in Rule 7, the amount standing to the credit of a subscriber in the Fund shall not be withdrawn until he quits the service or dies :

Provided that a subscriber who has been granted leave preparatory to retirement or, in the case of one serving in a vacation department, has been allowed to combine vacation with such leave or who while on leave, is either permitted to retire voluntarily or is required to retire on grounds of ill-health, may withdraw the amount standing to his credit at any time between the commencement of the leave or vacation as the case may be, or the date of such permission or requirement as the case may be, and the date of actual retirement, but if he returns to duty at the end of his leave he shall if required to do so by Government pay to the Fund the whole amount withdrawn by him with interest thereon. A subscriber who exercises the option allowed by this proviso shall not subscribe to the Fund after such withdrawal unless and until he returns to duty.

16. On the death of a subscriber before the amount standing to his credit has become payable or, where the amount has become payable, before payment has been made.

(1) When the subscriber leaves a family—

(a) If a nomination in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall be paid to his nominee or nominees in the proportion specified in the nomination ;

(b) If no such nomination subsists or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate as the case may be shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family be paid to the members of his family in equal shares :

Provided that no share shall be payable to—

(i) sons who have attained legal majority ;

(ii) sons of a deceased son who have attained legal majority ;

(iii) married daughters whose husbands are alive ;

(iv) married daughters of a deceased son whose husbands are alive, if there is any member of the family other than those specified in clauses (i), (ii), (iii) and (iv) of the proviso ;

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempt from the provisions of clause (i) of the first proviso.

(2) When the subscriber leaves no family, if a nomination in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall be paid to his nominee or nominees in the proportion specified in the nomination, and if no nomination subsists it shall be paid to the person legally entitled to receive it.

17. All payments from the Fund shall be made in India in rupees.

18. As soon as possible after the close of each year each subscriber shall be supplied with a statement of his account in the Fund which shall show the opening balance as on 1st April of the year, the total amount credited or debited during the year, the amount of interest credited as on 31st March of the year and the closing balance as on that date.

19. (1) Until the commencement of Part II of the Government of India Act, 1935, reference in these Rules to the Governor-General shall be construed as references to the Governor-General in Council.

(2) In the discharge of his functions under these Rules the Governor shall exercise his individual judgment.

20. The Indian Civil Service (Non-European Members) Provident Fund Rules, dated 2nd December 1930, are hereby repealed.

Given under my hand this 29th day of March 1943.

L. S. AMERY

One of His Majesty's Principal Secretaries of State

SCHEDULE [RULE 6 (1)]

Contribution to be credited by Government to the account of non-European members of the Indian Civil Service appointed to the Service on or before the 4th January 1923, who elect to join the Fund, according to the age of the subscriber at the date of joining the Fund.

Age of subscriber	Contribution Rs.
Not exceeding 24	6,000
Exceeding 24 but not exceeding 25	5,933
" 25	5,680
" 26	5,427
" 27	5,173
" 28	4,920
" 29	4,667
" 30	4,413
" 31	4,160
" 32	3,907
" 33	3,667
" 34	3,427
" 35	3,187
" 36	2,960
" 37	2,733
" 38	2,507
" 39	2,280
" 40	2,067
" 41	1,853
" 42	1,640
" 43	1,440
" 44	1,240
" 45	1,053
" 46	867
" 47	693
" 48	547
" 49	440
" 50	373
" 51	320
" 52	280
" 53	240
" 54	213

Simla, 14th October 1943

No. D. 38-A.S.D/43—With reference to the Indian Civil Service (Non-European Members) Provident Fund Rules, made by the Secretary of State on the 29th March 1943, the following instructions are issued by the Government of India for the guidance of subscribers to the Fund and of Account Officers:—

1. *Subscriptions (Rule 3)*—(1) Before proceeding on extraordinary leave without leave salary or on leave with leave salary under Fundamental Rule 88, the subscriber should intimate to the Account Officer in India whether he wishes to subscribe during such leave. No alteration will be permissible in the option so exercised for the period of the leave. If the subscriber fails to intimate before proceeding on leave he will be deemed to have exercised his option in favour of subscribing during leave and deductions should be made accordingly.

(2) The instructions in sub-para. (1) will apply *mutatis mutandis* to a subscriber under suspension during which reduced remuneration is drawn.

(3) A subscriber transferred to foreign service or sent on deputation out of India shall, before proceeding to join his new duties, intimate to the Account Officer in India the amount of his emoluments while on foreign service or deputation out of India and any change therein in order to enable the Account Officer to verify whether the rate of subscription is in accordance with Rule 3.

(4) Subscriptions to the Fund will be recovered—

(i) In respect of emoluments drawn from a Government Treasury in India or a Colonial or Home Treasury, by deduction from the emoluments;

(ii) in respect of sterling overseas pay by deduction in India from pay; and

(iii) in respect of emoluments drawn from any other source, in cash, the subscriber remitting the amount direct to the Account Officer.

(5) All subscriptions made by a member together with interest on such subscriptions calculated under rule 4 and

Government contribution under rule 6 should be credited to his account in the Fund.

2. *Nominations (Rule 5)*—Nominations under sub-rule (1), and notices of cancellation under sub-rule (4), should be in such one of the forms appended to these instructions as is appropriate in the circumstances.

3. *Contribution by Government (Rule 6)*—In the case of a subscriber on foreign service, a contribution of Rs. 15 a month should be recovered from the foreign employer towards Government's liability under rule 6. Such contribution is payable during duty only.

4. *Payments towards policies of insurance or subscriptions to a Family Pension Fund (Rule 7)*—(1) When a subscriber desires to divert or withdraw money from the Fund to pay subscriptions to an approved Family Pension Fund or a premium towards a policy of life insurance under rule 7, he shall intimate to his Account Officer on his pay bill or by letter the fact of, and reason for, the reduction or withdrawal of money as the case may be. In the latter case he may also make necessary arrangements with the Account Officer for the withdrawal of money from the Fund.

(2) The Account Officer shall demand periodically to see the receipts or certified copies thereof showing that the amount so withheld or withdrawn has been duly applied. Failing the production of such receipts he shall order the recovery of any amount by which subscriptions have been reduced or any amount withdrawn, with interest thereon at the rate prescribed in rule 4 from the subscriber's pay or leave salary in one or more instalments as it thinks fit.

5. *Assignments and re-assignments (Rules 11, 12 and 13)*—Assignments under rule 11 and re-assignments under rule 12 or 13, as the case may be, should be in such one of the forms appended to these instructions as is appropriate in the circumstances.

6. *Recovery of the amount withdrawn under the proviso to rule 15*—When a subscriber has to repay to the Fund under the proviso to rule 15, the whole amount withdrawn by him, Government will determine whether the amount should be repaid in one or more instalments and in cash or securities or both.

7. *Final payments (Rules 15 and 16)*—(1) The Account Officer will be responsible for making final payments under rule 15 or 16. If payment is made under rule 16 any person claiming payment should send a written application to that Officer. In a case where there is doubt or dispute, but only with regard to a portion of the amount standing to the credit of a subscriber, the Account Officer should authorise prompt payment of that portion in regard to which there is no dispute. The persons to whom any amount is payable from the Fund should make their own arrangements to receive payment in India.

(2) If the person to whom any payment is to be made from the Fund is a lunatic, payment should be made to the authority entitled under the law to receive payment on his behalf.

(3) Sums not claimed for a period of six months after they have become payable will, at the end of the year, be transferred from the account head "Indian Civil Service (Non-European Members) Provident Fund" to the account head "Deposits" and treated under the ordinary rules relating to deposits. Such transfer does not however affect the fiduciary capacity in which the sums are held by Government.

8. *Statement of account (Rule 18)*—(1) The Account Officer will assign a number to the account of each subscriber, and when paying subscriptions in India, the subscriber should quote this number.

(2) Subscribers are required to satisfy themselves as to the correctness of the annual statements. Errors, if any, should be brought to the notice of the Account Officer within six months of receiving a statement. If no statement of account is received by the 1st of October, the subscriber should communicate with the Account Officer.

(3) The Account Officer shall, if required by a subscriber once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

APPENDIX A

Forms of Nomination

1. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Indian Civil Service (Non-European Members) Provident Fund

Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of nominee.	Relationship with subscriber	Age
Dated this.....day of.....19 , at.....		
Signature of subscriber.....		
<i>Two witnesses to signature</i>		
1.....		
2.....		

II. When subscriber has a family and wishes to nominate more than one member thereof

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the Indian Civil Service (Non-European Members) Provident Fund Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each
Dated this.....day of.....19 , at.....			
Signature of subscriber.....			
<i>Two witnesses to signature</i>			
1.....			
2.....			

*NOTE—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person

I, having no family as defined in rule 2 of the Indian Civil Service (Non-European Members) Provident Fund Rules, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of nominee	Relationship with subscriber	Age
Dated this.....day of.....19 , at.....		
Signature of subscriber.....		
<i>Two witnesses to signature</i>		
1.....		
2.....		

IV. When the subscriber has no family and wishes to nominate more than one person

I, having no family as defined in rule 2 of the Indian Civil Service (Non-European Members) Provident Fund Rules, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each
Dated this.....day of.....19 , at.....			
Signature of subscriber.....			
<i>Two witnesses to signature</i>			
1.....			
2.....			

*NOTE—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

Forms of contingent notice of cancellation

I. Where nomination is in favour of one or more members of the subscriber's family

Without prejudice to my right under sub-rule (3) of rule 5 of the Indian Civil Service (Non-European Members) Provident Fund Rules to cancel the nomination made by me on..... whenever I think fit, I hereby give notice that in the event of the person/any of the

persons nominated thereunder predeceasing me, the said nomination shall forthwith stand cancelled.

Dated this.....day of.....19 , at.....

Signature of subscriber.....

Two witnesses to signature

1.....

2.....

II. Where nomination is in favour of one or more persons not being members of the subscriber's family

Without prejudice to my right under sub-rule (3) of rule 5 of the Indian Civil Service (Non-European Members) Provident Fund Rules to cancel the nomination made by me on..... whenever I think fit, I hereby give notice that in the event of the person/any of the persons nominated thereunder predeceasing me, or in the event of my hereafter acquiring a family as defined in rule 2 of the said Rules, the said nomination shall forthwith stand cancelled.

Dated this.....day of.....19 , at.....

Signature of subscriber.....

Two witnesses to signature

1.....

2.....

APPENDIX B

Forms of Assignment

(1)

I, A. B., of..... hereby assign unto the Governor-General in Council the within policy of assurance as security for payment of all sums which under rule 14 of the Indian Civil Service (Non-European Members) Provident Fund Rules I may hereafter become liable to pay to that Fund.

I hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19 , at.....

Signature of subscriber

One witness to signature

(2)

We, A. B. (the subscriber), of and C. D. (the joint assured), of in consideration of the Governor-General in Council agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A. B. to the Indian Civil Service (Non-European Members) Provident Fund [or, as the case may be, to accept the withdrawal of the sum of Rs. from the sum to the credit of the said A. B. in the Indian Civil Service (Non-European Members) Provident Fund for payment of the premium of the within policy of assurance], hereby jointly and severally assigned unto the said Governor-General in Council the within policy of assurance as security for payment, of all sums which under rule 14 of the Indian Civil Service (Non-European Members) Provident Fund Rules the said A. B. may hereafter become liable to pay to that Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19 , at.....

Signature of subscriber

and the joint assured

One witness to signature

(3)

I, C. D., wife of a A. B., and the assignee of the within policy, having at the request of A. B., the assured, agreed to release my interest in the policy in favour of A. B. in order that A. B. may assign the policy to the Governor-General in Council who has agreed to accept payments towards the within policy of assurance in substitution for the subscriptions payable by A. B. to the Indian Civil Service (Non-European Members) Provident Fund hereby at the request and by the direction of A. B. assign and I the said A. B. assign and confirm unto the Governor-General in Council the within policy of assurance as security for payment of all sums which under rule 14 of the Indian Civil Service (Non-European Members) Provident Fund Rules the said A. B. may hereafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19 , at.....

Signature of the assignee and

the subscriber

One witness to signature

OR

(i) Cancellation of the assignment in Form 1 in favour of Government if one is already in existence ;

(ii) Execution of an assignment in favour of the subscriber and his wife as joint tenants in the following form :-

I (here state name and description of the assured) do hereby assign and transfer the benefit of the within Policy and all moneys receivable thereunder or in respect thereof to myself and my..... (here state relationship and name) to hold the same unto myself and the said.....or survivor as joint tenants and I declare that on the death of either, the receipt of the survivor shall be a sufficient discharge to the Insurance Company within named.

Dated the day of 19

Witnesses :-

- (1)
(2)

(Signature)

and

(iii) Execution of an assignment by the subscriber and his wife in Form No. 2 in favour of Government.

NOTE-The assignment may be executed on the policy itself either in the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly assigned and if pasted in the policy it must be initialled across all four margins.

Forms of Re-assignment

(1)

All sums which have become payable by the above-named A. B. under Rule 14 of the Indian Civil Service (Non-European Members) Provident Fund Rules having been paid and all liability for payment by him of any such sums in the future having ceased the Governor General in Council doth hereby reassign the within policy of assurance to the said A. B. and C. D./A. B.

Dated this.....day of.....19

Executed by.....

Account Officer of the Fund for and on behalf of the Governor General in Council in the presence of X Y (Signature of the Account Officer.)

(one witness who should add his designation and address).

(2)

The above-named A. B. having died on the day of 19, the Governor General in Council doth hereby reassign the within policy of assurance to C. D. (Full particulars of person legally entitled to receive the policy.)

Dated this.....day of.....19

Y Z

Executed by.....

Account Officer of the Fund for and on behalf of the Governor General in Council in the presence of X Y (Signature of the Account Officer.)

(one witness who should add his designation and address).

(3)

The Governor General in Council doth hereby reassign the within policy to the said A. B./A. B. and C. D.

Dated this.....day of.....19

Executed by.....

Account Officer of the Fund for and on behalf of the Governor General in Council in the presence of X Y (Signature of the Account Officer.)

(one witness who should add his designation and address).

L. T. GHOLAP Deputy Secretary

COMMERCE AND LABOUR DEPARTMENT NOTIFICATIONS

The 3rd November 1943

No. 24369-L.(C).-The following Ordinances promulgated by the Governor-General are published for general information.

By order of the Governor J. E. MAHER

Secretary to Government

New Delhi, 23rd October 1943

ORDINANCE No. XXXVIII of 1943

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. Short title and commencement-(1) This Ordinance may be called the Civil Pioneer Force (Third Amendment) Ordinance, 1943.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance X of 1942-In section 2 of the Civil Pioneer Force Ordinance, 1942 (X of 1942) hereinafter referred to as the said Ordinance),-

(a) clauses (a), (b) and (c) shall be relettered as clauses (c), (d) and (e) respectively; and

(b) the following shall be inserted as clauses (a) and (b), namely :-

(a) "Commanding Officer" means the commissioned officer appointed to command a unit of the Civil Pioneer Force, or, in the absence from duty of such officer, the senior commissioned officer of the unit present with the unit;

(b) "detachment" means any portion of a unit of the Civil Pioneer Force serving away from the headquarters of the unit;

3. Amendment of section 3, Ordinance X of 1942-To section 3 of the said Ordinance, the following sub-section shall be added, namely :-

"(3) The strength and composition of a unit shall be such as may be prescribed."

4. Amendment of section 5, Ordinance X of 1942-In section 5 of the said Ordinance, sub-sections (3), (4) and (5) shall be omitted.

5. Amendment of section 6, Ordinance X of 1942-In sub-section (3) of section 6 of the said Ordinance,-

(a) after the word "shall", the words "subject to the prescribed conditions" shall be inserted; and

(b) for the word "commandant", the words "Commanding Officer" shall be substituted.

6. Insertion of new section 6A to Ordinance X of 1942-After section 6 of the said Ordinance, the following section shall be inserted, namely :-

"6A. Appointment of Commanding Officers and officers in superior command-(1) The Provincial Government shall appoint substantively a commissioned officer of the prescribed rank to command each unit of the Civil Pioneer Force constituted for the Province:

Provided that if an officer of the prescribed rank is not readily available, the Provincial Government may appoint temporarily any commissioned officer not below the rank of Captain as the Commanding Officer of the unit.

(2) Subject to any rules made in this behalf, the Central Government, or, in respect of units of the Civil Pioneer Force constituted for a Province the Provincial Government, may appoint any commissioned officer to exercise command over a number of units or detachments of units, and such officer shall be deemed to be in superior command of all the units or detachments placed under him, and the Commanding Officers thereof shall be subject to his control and orders in all matters respecting their units.

(3) The Provincial Government may, with the previous approval of the Central Government, delegate to a Controller any of the powers vested in the Provincial Government except the power in respect of commissioned officers to order discharge, dismissal, reduction in rank or grade or forfeiture of service."

7. Amendment of section 8, Ordinance X of 1942-For the proviso to section 8 of the said Ordinance, the following proviso shall be substituted, namely :-

"Provided that an enrolled person shall not without his own consent be transferred to a unit constituted for a Province other than that in which he was enrolled."

8. Substitution of new section for section 14, Ordinance X of 1942-For section 14 of the said Ordinance, the following section shall be substituted, namely :-

"14. Non-judicial disposal of offences of enrolled persons other than officers-(1) When an enrolled person other than a commissioned, administrative or non-commissioned officer is charged with an offence punishable under sub-clause (i) or (ii) of clause (e) of section 11, or under section 12, or under section 13 read with sub-clause (i) or (ii) of clause (e) of section 11 or with section 12, the Commanding Officer, subject to any rules made in this behalf, may dispose of the charge without formal trial, and

may award one or more of the following punishments, namely:—

- (a) confinement in such place as may be considered suitable for a period not exceeding seven days;
- (b) punishment drill, extra work, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to quarters or lines;
- (c) forfeiture of pay and allowances for a period not exceeding one month.

(2) Any commissioned officer if so authorised by the Central Government, and the commissioned or administrative officer commanding a detachment if so authorised in writing by his Commanding Officer, may, without formal trial, dispose of a charge of an offence punishable under section 12 or under section 13 read with section 12 against any enrolled person other than an officer, and subject to any rules made in this behalf, may award to such person any one or more of the punishments specified in clauses (a) to (c) of sub-section (1)."

9. *Substitution of new section for section 15, Ordinance X of 1942*—For section 15 of the said Ordinance, the following section shall be substituted, namely:—

"15. *Non-judicial disposal of minor offences of non-commissioned officers*—(1) When a non-commissioned officer is charged with an offence punishable under section 12 or under section 13 read with section 12, the Commanding Officer may dispose of the case without formal trial, and, subject to any rules made in this behalf, may award to such non-commissioned officer any one or more of the following punishments, namely:—

- (a) reduction to a lower grade or a lower class or to the ranks;
- (b) forfeiture of pay and allowances for a period not exceeding one month;
- (c) reprimand or severe reprimand.

(2) Any commissioned officer if so authorised by the Central Government, and the commissioned officer, commanding a detachment if so authorised in writing by his Commanding Officer, may, without formal trial, dispose of a charge of an offence punishable under section 12 or under section 13 read with section 12 against a non-commissioned officer, and may award such person one or both of the following punishments, namely:—

- (a) forfeiture of pay and allowances for a period not exceeding seven days;
- (b) reprimand or severe reprimand."

10. *Amendment of section 16, Ordinance X of 1942*—In section 16 of the said Ordinance,—

(a) after the word and figures "section 12", the words and figures "or under section 13 read with section 12" shall be inserted;

(b) for the words "the commandant may", the words "the Commanding Officer, subject to any rules made in this behalf, may" shall be substituted.

11. *Insertion of new section 16A in Ordinance X of 1942*—After section 15 of the said Ordinance, the following section shall be inserted, namely:—

"16A. *Reduction in rank for inefficiency or lack of zeal*—Subject to any rules made in this behalf, the Commanding Officer may reduce to a lower grade or a lower class or to the ranks any non-commissioned officer in his unit on the ground of inefficiency or lack of zeal."

12. *Amendment of section 17, Ordinance X of 1942*—In section 17 of the said Ordinance,—

(a) in sub-section (1), after the word and figures "section 12", the words and figures "or under section 13 read with section 12" shall be inserted;

(b) in sub-section (2), for the word "commandant", the words "Commanding Officer" shall be substituted.

13. *Amendment of section 18, Ordinance X of 1942*—In section 18 of the said Ordinance,—

(a) for the word "Commandant" the words "Commanding Officer" shall be substituted.

(b) to clause (c), the following words shall be added, namely:—

"or, subject to any rules made in this behalf, for any day on which he is in hospital on account of venereal disease";

(c) clause (d) shall be relettered as clause (f), and the following shall be inserted as clauses (d) and (e), namely:—

"(d) all pay and allowances ordered to be forfeited under section 14 or section 15;

(e) any deduction from pay ordered under clause (b) of section 19;";

(d) in the proviso, after the words "any enrolled person", the following shall be inserted, namely:—

"made under clauses (d) to (f), both inclusive".

14. *Amendment of section 21, Ordinance X of 1942*—In sub-section (1) of section 21 of the said Ordinance, for the word "commandant", the words "Commanding Officer" shall be substituted.

15. *Amendment of section 23, Ordinance X of 1942*—In section 23 of the said Ordinance, for the word "commandant", the words "Commanding Officer" shall be substituted.

WAVELL

Viceroy and Governor-General

New Delhi, 23rd October 1943
ORDINANCE No. XXXIX OF 1943

AN
ORDINANCE

to amend the Criminal Law Amendment Ordinance 1943

WHEREAS an emergency has arisen which makes it necessary to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), 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 Criminal Law Amendment (Amending) Ordinance, 1943.

(2) It shall come into force at once.

2. *Amendment of section 6, Ordinance No. XXI X of 1943*—In sub-section (1) of section 6 of the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), in the second proviso, after the words "the said Code", the words "English shall be deemed to be the language of the Court and" shall be inserted.

WAVELL

Viceroy and Governor-General

The 3rd November 1943

No. 24358-J.(C).—The following notifications, issued by the Government of India, in the Legislative Department, are republished for general information.

J. E. MAHER

Secretary to Government

New Delhi, 27th August 1943

No. F. 238/43-I.C.&G.(Judl.)—In pursuance of rules 2 and 8, read with clause (a) of rule 8B, of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Legislative Department, No. F. 223/42-I.C.&G.(Judl.), dated the 17th February 1942, namely:—

For the words, brackets and letters "or (vi) the State Railways Coal Department", the following shall be substituted, namely:—

"(vi) the Oudh and Tirhut Railway, or

(vii) the State Railways Coal Department".

New Delhi, 27th August 1943

No. F. 233/43-C.&G.(Judl.)—In exercise of the powers conferred by clause (a) of Rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Legislative Department, No. F. 223/42-C.&G.(Judl.), dated the 17th February 1942, namely:—

For the words, brackets and letters, "or (vi) the State Railways Coal Department" the following shall be substituted, namely:—

"(vi) the Oudh and Tirhut Railway, or

(vii) the State Railways Coal Department".

G. H. SPENCE

Secretary to the Government of India

HOME DEPARTMENT
NOTIFICATION

The 3rd November 1943

No. 24325-Pol.(C).—The following notification, issued by the Government of India, in the War Department (Navy Branch), is republished for general information.

By order of the Governor

J. BOWSTEAD

Chief Secretary to Government

New Delhi, 25th September 1943

No. 1296—In exercise of the powers conferred by section 14 of the Indian Soldiers (Litigation) Act, 1922

(IV of 1925), the Central Government is pleased to direct that all the provisions of the said Act shall apply to persons who not being members of His Majesty's Forces, are attached to or employed by the Royal Indian Navy, in the same manner as they apply to Indian soldiers.

C. M. TRIVEDI

Secy. to the Govt. of India, War Department

DEPARTMENT OF SUPPLY AND TRANSPORT NOTIFICATIONS

The 30th October 1943

No. 8886 S.T.—The following notification, issued by the Government of Bombay in the Finance Department (Supply), is republished for general information.

By order of Governor
C. S. JHA

Secretary to Government

Bombay Castle, 12th August 1943.

ORDER

No. 383-II-A—In exercise of the powers conferred by rule 116 of the Defence of India Rules, and in supersession of the orders issued in Government Notification in the Finance Department (Supply), No. 383-II (b), dated the 6th March 1943, the Government of Bombay is pleased to order that every person shall, on every Monday, furnish to the Director of Civil Supplies (Statistics Section), Secretariat, Bombay, in the form in Schedule I hereto appended, a full and correct statement of the stocks of any of the articles specified in column 1 of Schedule II hereto appended, held by him in the City of Bombay and the Bombay Suburban District on his own account or on account of or in partnership with any other person on the Saturday immediately preceding such Monday, if such stocks amount to the quantities specified against them in column 2 of the said Schedule II.

SCHEDULE I

Form of Statement.

1. Full name and address of the person ..
2. Article ..
3. The exact location of the godown or godowns, or any other place or places where the stocks are kept.
4. (1) The quantity of stock held (stock of each variety of sugar or rice to be mentioned separately)—
 - (a) on his own account ..
 - (b) on account of other person ..
 - (c) in partnership with any other person.
- (2) Full names and addresses of persons on account of whom stocks are held and the quantity of stock held on account of each such person.
- (3) Full names and addresses of persons in partnership with whom stocks are held and the quantity of stock held in partnership with each such person.

SCHEDULE II

Article 1	Quantity 2
1. Wheat ..	5 maunds (of 82 2/7 lbs. each) or more.
2. Wheat flour (that is, maida or wholemeal flour).	5 maunds (of 82 2/7 lbs. each) or more.
3. Wheat atta ..	5 maunds (of 82 2/7 lbs. each) or more.
4. Wheat, Rava or Suji	5 maunds (of 82 2/7 lbs. each) or more.
5. Wheat Bran ..	5 maunds (of 82 2/7 lbs. each) or more.
6. Wheat Pollard ..	5 maunds (of 82 2/7 lbs. each) or more.
7. Rice* (including broken and Patni).	5 maunds (of 82 2/7 lbs. each) or more in aggregate.
8. Rice flour ..	5 maunds (of 82 2/7 lbs. each) or more.
9. Paddy ..	5 maunds (of 82 2/7 lbs. each) or more.
10. Jowar ..	5 maunds (of 82 2/7 lbs. each) or more.
11. Jowar flour ..	5 maunds (of 82 2/7 lbs. each) or more.
12. Bajri ..	5 maunds (of 82 2/7 lbs. each) or more.

Article 1	Quantity 2
13. Bajri flour ..	5 maunds (of 82 2/7 lbs. each) or more.
14. Maize ..	5 maunds (of 82 2/7 lbs. each) or more.
15. Ragi (Nagli) ..	5 maunds (of 82 2/7 lbs. each) or more.
16. Barley ..	5 maunds (of 82 2/7 lbs. each) or more.
17. Barley flour ..	5 maunds (of 82 2/7 lbs. each) or more.
18. Barley Bran ..	5 maunds (of 82 2/7 lbs. each) or more.
19. Barley products ..	5 maunds (of 82 2/7 lbs. each) or more.
20. Kodra ..	5 maunds (of 82 2/7 lbs. each) or more.
21. Gram ..	5 maunds (of 82 2/7 lbs. each) or more.
22. Gram-dal ..	5 maunds (of 28 2/7 lbs. each) or more.
23. Gram flour ..	5 maunds (of 82 2/7 lbs. each) or more.
24. Gram products (that is, kurma, chuni and chhalla).	5 maunds (of 82 2/7 lbs. each) or more in aggregate.
25. Tur whole ..	5 maunds (of 82 2/7 lbs. each) or more.
26. Tur-dal ..	5 maunds (of 82 2/7 lbs. each) or more.
27. Tur products (that is, tur kurma, tur chuni, tur husk).	5 maunds (of 82 2/7 lbs. each) or more in aggregate.
28. Other pulses (that is, mung, masur, udid, math, lang, chawla, peas, val, kulthi and gawar) whole and splits (that is dal); and their products (that is, kurma, chuni and chhalla.)	5 maunds (of 82 2/7 lbs. each) or more of each.
29. Sugar (that is, crystal sugar, crushed sugar, sugar candy, lissa sugar and burra sugar.)	25 maunds (of 82 2/7 lbs. each) or more in aggregate.
30. Cotton seed ..	100 bags (of 5 quarters each) or more.
31. Groundnuts (in shell).	25 maunds (of 82 2/7 lbs. each) or more.
32. Groundnut seed ..	25 maunds (of 82 2/7 lbs. each) or more.
33. Groundnut oil ..	10 maunds (of 82 2/7 lbs. each) or more.
34. Charcoal ..	100 bags of 3 quarters each) or more.
35. Kerosene ..	8 gallons or more
36. Ghee (butter fat) ..	5 maunds (of 82 2/7 lbs. each) or more.
37. Hydrogenated, vegetable oil or vegetable ghee or vanaspati	5 maunds (of 82 2/7 lbs. each) or more.

* In the case of stocks of rice and sugar the quantity of each variety should be specified separately.

Bombay Castle, 12th August 1943

No. 11/7-II-A.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend Government Notification, Finance Department (Supply), No. 11/7-II, dated the 3rd July 1943, as follows, namely:—
In Schedule II appended to the said Notification, after entry (8) the following new entries shall be inserted, namely:—

* (8-A) The village of Majas ;

* (8-B) The village of Oshivare ;"

Bombay Castle, 12th August 1943

No. 383-II-A—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend Government Notification, Finance Department (Supply), No. 383-II, dated the 3rd July 1943, as follows, namely:—

In Schedule I appended to the said Notification, after entry (8) the following new entries shall be inserted, namely:—

- * (8-A) The village of Majas ;
* (8-B) The village of Oshivare ;”

Bombay Castle, 12th August 1943

No. 383-II-A (a)—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend Government Notification, Finance Department (Supply), No. 383-II (a), dated the 3rd July 1943, as follows, namely:—

In clause (a) of the said Notification, for the words “villages of Chembur and Kapashe” the following shall be substituted, namely:—

- “Villages of Chembur, Kapashe, Majas and Oshivare.”

Bombay Castle, 12th August 1943

No. 476—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend Government Notification, Finance Department (Supply), No. 476, dated the 3rd July 1943, as follows, namely:—

In Schedule I appended to the said Notification, after entry (8) the following new entries shall be inserted, namely:—

- * (8-A) The village of Majas ;
* (8-B) The village of Oshivare ;”

By order of the Governor of Bombay

A. D. GORWALA

Secretary

The 3rd November 1943

No. 9016-S.T.—The following notification, issued by the Government of India, Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

Bombay, 7th July 1943

No. 34-Tex. (15)/43—Under the powers conferred on me by the Cotton Cloth and Yarn (Control) Order, 1943, clause 10(c), I hereby prescribe the following markings and the manner of marking which shall be observed by all manufacturers of cotton cloth and yarn in respect of goods packed after the 31st July 1943, excepting cotton cloth and yarn purchased under a direct contract by the Government of India.

Clause 1—Every manufacturer shall obtain a distinguishing number, for use as prescribed, by application to the Textile Commissioner, Hararwala Building, Ballard Estate, Bombay. The term “manufacturer” shall be deemed to include a Dyor, Bleacher, Printer or Finisher of Cotton Yarn and Cotton Cloth.

Clause 2—**Cotton Cloth marking**—(a) At a distance not exceeding 1 yard from each end of a piece or uncut unit, every manufacturer shall impress or stamp the mark illustrated below:—



(b) The overall diameter of the mark shall not be less than 1½”.

(c) The figures of the mark shall not be less than ¼” in height and the letters not less than ¼” in height.

(d) Within the mark and in the position shown at XXX in the above diagram, the manufacturer's distinguishing number shall be stamped.

(e) The month and year of packing shall also be stamped or impressed in letters or figures not less than ½” in height immediately below the mark.

Clause 3—**Cotton Yarn Marking**—(a) A paper label reproducing the mark described in clause (2), but having a diameter of not less than 4” shall be inserted by the manufacturer in the centre of every bundle of yarn packed by him.

(b) Letters and figures of the label shall not be less than ½” in height.

(c) Within the mark and in the position shown at XXX in the diagram in clause (2), the manufacturer's distinguishing number shall be reproduced.

(d) The month and year of packing shall be stamped or impressed on the label in letters and figures not less than ½” in length immediately below the mark illustrated in clause (2).

Clause 4—**Bale marking**—The month and year of packing and the manufacturer's distinguishing number shall be stamped or impressed on the outside of every bale or other package of cotton yarn and/or cotton cloth in letters and figures not less than 1½” in height.

Clause 5—It shall be an offence under the Cotton Cloth and Yarn (Control) Order, 1943—

(a) for any person other than a manufacturer to use or apply the markings prescribed in this Order to any cotton cloth or cotton yarn, or to any bale or other container in which it is packed ;

(b) for any manufacturer to use the markings prescribed in this Order in a manner other than that prescribed.

Clause 6—For purposes of marking cloth, yarn and bales or other containers under this Order, the following abbreviations only may be used for the month of packing:—

JANUARY ..	..	Abbreviation	JANY.
FEBRUARY ..	..	..	FEBY.
AUGUST ..	..	..	AUGT.
SEPTEMBER ..	..	..	SEPT.
OCTOBER ..	..	..	OCTR.
NOVEMBER ..	..	..	NOVR.
DECEMBER ..	..	..	DECR.

M. K. VELLODI

Textile Commissioner

The 3rd November 1943

No. 9027-S.T.—The following notification, issued by the Government of India, Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

New Delhi, 11th September 1943

No. 71-Tex. (3)/43—In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939) the Central Government is pleased to direct that the powers conferred upon the Central Government by clause (e) of sub-rule (2) of rule 81 of the Defence of India Rules shall in respect of any undertaking connected with cotton textiles or raw cotton, be exercisable also by—

- (1) the Chief Controller (Honorary), Raw Materials and Stores, Cotton Textile Industry, Bombay, and
- (2) the Secretary of the Cotton Movements Committee.

H. M. PATEL

Dy. Secy. to the Govt. of India

The 3rd November 1943

No. 9028-S.T.—The following notification, issued by the Government of India, Department of Industries and Civil Supplies is republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

New Delhi, 14th October 1943

No. 34-Tex (19)/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 amendment shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely:—

In clause 13 of the said Order,—

(i) for sub-clauses (2) and (3) the following sub-clause shall be substituted, namely:—

“(2) No cloth or yarn so marked shall be kept in unopened bales for more than three months after the date of packing.”

(ii) sub-clause (4) shall be re-numbered as sub-clause (3).

H. M. PATEL

Deputy Secretary to the Government of India

The 3rd November 1943

No. 9031-S.T.—The following notifications, 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

New Delhi, 23rd September 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 amendment shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely:—

In clause 19 of the said Order, the words "or such officer as may be specified in this behalf by the Central Government" and in sub-clause (c) thereof the words "by general or special order," shall be omitted.

New Delhi, 29th September 1943

No. 34-Tex. A(1)8 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 amendment shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely:—

For the existing clause 17 of the said Order, the following shall be substituted:—

17. (1) Without prejudice to any of the other provisions of this Order, no person shall at any time have in his possession cloth or yarn in excess of his normal requirements.

(2) Nothing contained in sub-clause (1) shall be deemed to apply in relation to the possession by any person carrying on the business of banking of cloth or yarn pledged with him by a dealer or manufacturer."

H. M. PATEL

Deputy Secy. to the Govt. of India
Bombay, 7th October 1943

No. 34-Tex. (15)-2 43—In exercise of the powers conferred on me under clause 10(b) of the Cotton Cloth and Yarn (Control) Order, 1942, I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No. 34-Tex. (15)-2 43, dated the 31st August 1943, namely:—

After paragraph 3 of the said notification the following shall be inserted as paragraph 4 and the existing paragraph 4 shall be re-numbered as paragraph 5:—

4. If any dealer has by reason of this notification obtained a reduction of price on any cotton cloth or yarn purchased by him whether before or after the date of this notification the price at which he may sell or agree to sell such cotton cloth or yarn shall not exceed his purchase price thereof by anything more than the usual margin of profit, and shall not in any case exceed the maximum retail price fixed therefor by this notification."

M. K. VELLODI
Textile Commissioner

The 3rd November 1943

No. 5837-S.T.—The following notifications, 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

New Delhi, 23rd October 1943

No. 265-Tex. 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 make the following Order:—

1. This Order may be called the Cotton Cloth Movements Control Order, 1943.

2. In this Order "cotton cloth" means any kind of cloth manufactured wholly or partly from cotton, but does not include cloth made up into garments; "Textile Commissioner" means the Textile Commissioner, Bombay, and includes any other officer appointed by him to perform the functions of the Textile Commissioner under this Order.

3. No person shall offer for transport by rail, or cause to be transported by rail, any consignment of cotton cloth except under and in accordance with the terms of—

(a) a general permit notified by the Central Government in this behalf; or

(b) a special permit issued by the Textile Commissioner, and countersigned by the Regional Controller of Railway Priorities, Bombay, in the form annexed to this Order;

Provided that this prohibition shall not apply to the transport by rail of cotton cloth not exceeding one and a half bales in weight by a railway passenger as part of his baggage.

4. Applications for special permits under clause 3 shall be made in quadruplicate in the form annexed to this Order.

FORM

(See clauses 3 and 4)

APPLICATION FOR SPECIAL PERMIT UNDER THE COTTON CLOTH MOVEMENTS CONTROL ORDER, 1943

INSTRUCTIONS TO APPLICANTS

1. Four copies of the application must be submitted.

2. No application should be made for transport of cotton cloth covered by a GENERAL PERMIT. A Special Permit authorises a movement of cloth which would not otherwise be permissible under the Control Order and the General Permit. A Special Permit does not give special priority which, if necessary, should be applied for on Form "A" as prescribed by the War Transport Department.

3. Only consignors should apply for Special Permits. Special Permits will be signed by an officer authorised to sign on his behalf by the Textile Commissioner and one copy marked "STATION MASTER'S COPY" and countersigned by the Regional Controller of Railway Priorities, Bombay (which is the only copy on which the Station Master is authorised to act) will be sent to the consignor who will present it to the Station Master at the station of despatch when making his request for wagons.

4. It is an offence under the Defence of India Rules to furnish false information.

5. Only Part I below should be filled in by applicant.

PART I

To
The Textile Commissioner
Cotton Cloth Movements Section
Sudama House, Wittet Road, Ballard Estate, Bombay

Sir,
Kindly issue a Special Permit under the Cotton Cloth Movements Control Order, 1943, for the transport by rail of cloth details of which are given below:—

- 1. Name and full address of consignor
- 2. Telegraphic address of consignor
- 3. Number of bales that applicant requires to move—
 - (a) On this specific occasion
 - (b) Monthly

Note—If the application is for a specific quantity for which only one journey is involved the figure should be placed against (a) above. If the applicant wishes to have a permit covering regular trade for which a monthly quantity can be stated the figure should be entered against (b) above.

- 4. Total weight in tons
- 5. Full name of despatching station and the railway on which it is situated.
- 6. Full name of receiving station and the railway on which it is situated. The name of the deficit zone or surplus area should also be stated.

7. Trade description of cloth including approximate counts and picks.

8. Reasons why Special Permit is required

9. If cotton cloth is for export, state—

- (a) Country
- (b) Export Licensing Number
- (c) Export Licence Authority

(d) If Import Recommendation received from the Government of the importing country, give details.

All details given above are true to the best of my knowledge and belief

Place.....

Date.....

Signature of applicant

PART II

(Not to be filled in by applicant)

SPECIAL PERMIT UNDER THE COTTON CLOTH MOVEMENTS CONTROL ORDER, 1943, is hereby granted to consignor named in the application on reverse to transport by rail _____ bales of cotton cloth of the qualities specified in the said application from _____ to _____

(Sd.) Regional Controller of Railway Priorities, Bombay

Textile Commissioner

New Delhi, 23rd October 1943

No. 265 (A)-Tex. 43—In pursuance of sub-clause (a) of clause 3 of the Cotton Cloth Movements Control Order, 1943, the Central Government is pleased to notify for public information the following general permit:—

GENERAL PERMIT No. I

Under the Cotton Cloth Movements Control Order, 1943 (1) For the purposes of this permit, India shall be divided into the following Surplus Areas and Deficit Zones: Surplus Areas

1. The Bombay Surplus Area—Comprising the Province of Bombay, the Western India States, Baroda State, Gujarat States, Kolhapur and the Deccan States.

2. The Delhi Surplus Area—Comprising the Province of Delhi

Deficit Zones

1. *The Sind Deficit Zone*—Comprising the Provinces of Sind and British Baluchistan and the States of Khairpur, Kalat and Las Bela.
2. *The Punjab Deficit Zone*—Comprising the Punjab, the North-West Frontier Province, all States to the north of the Punjab, and the Punjab States except Khairpur State.
3. *The United Provinces Deficit Zone*—Comprising the United Provinces and the States of Benares and Rampur.
4. *The Bihar Deficit Zone*—Comprising the Province of Bihar but excluding the districts of Santhal Parganas and that portion of Singhbhum district which lies to the east of Seraikela State.
5. *The Bengal Deficit Zone*—Comprising the Provinces of Bengal and Assam, the portion of the Province of Bihar excluded from the Bihar Deficit Zone, and the States of Sikkim, Bhutan, Cooch Behar, Tripura, Manipur and the Khasi Hill States.
6. *The Orissa Deficit Zone*—Comprising the Province of Orissa, and all States in the Eastern States Agency except those included in item 5 or item 7.
7. *The Central Provinces Deficit Zone*—Comprising the Central Provinces and Berar, all States of the Central

India States Agency lying to the north of the Central Provinces and east of Jhansi district, and the States of Kawardha Khairagarh, Nandgaon and Chhuikhadan.

8. *The South Deficit Zone*—Comprising the Provinces of Madras and Coorg, the Madras States, and the States of Hyderabad, Mysore, Banganapalle and Sandur.

9. *The Rajputana Deficit Zone*—Comprising Ajmer-Merwara, the Rajputana States, Gwalior, the Central India States except those included in item 7.

(2) Cotton cloth may be transported by rail under this permit:—

- (a) Within any Deficit Zone.
- (b) From Karachi to the Punjab and Rajputana Deficit Zone.
- (c) From the South Deficit Zone to the Bihar, Bengal and Orissa Deficit Zones.
- (d) From the Central Provinces Deficit Zone to the Bengal, Bihar and Orissa Deficit Zones and those parts of the United Provinces Deficit Zones lying on or to the east of the railway line Jhansi-Cawnpore-Lucknow-Gorakhpur.
- (e) From the United Provinces Deficit Zone to the Bihar and Bengal Deficit Zones.
- (f) From the Bihar and Orissa Deficit Zones to the Bengal Deficit Zone.

(g) From the Rajputana Deficit Zone to the Sind, Punjab and United Provinces Deficit Zones and the Delhi Surplus Area.

(h) Within the Delhi Surplus Area and from the Delhi Surplus Area to the Punjab, United Provinces, Bihar and Bengal Deficit Zones.

(i) Within the Bombay Surplus Area, and from the Bombay Surplus Area to the Delhi Surplus Area and any Deficit Zone :

Provided that no cotton cloth may be transported under this permit—

(i) on the G. I. P. Railway in the direction of Bombay City between Bhusaval and Bombay City, or between Dhond and Bombay City, or between junctions on these sections of railway line with the B., B. and C. I. Railway and beyond ;

(ii) by the all-rail route from Bombay City to Karachi ;

(iii) from Bombay City to any station in Kathiawar or to any station on the metre gauge section of B., B. and C. I. Railway between Mehsana and Wadhwan (excluding Mehsana but including Wadhwan).

H. M. PATEL

Deputy Secy. to the Govt. of India

REVENUE DEPARTMENT

NOTIFICATION

The 3rd November 1943

No. 24439-R.(C).—The following notification, issued by the Government of India, Department of Indians Overseas, is republished for general information.

By order of the Governor
P. C. DAS

Secretary to Government

New Delhi, 20th October 1943

No. 149/43-O.S.—In exercise of the powers conferred by rule 24-A of the Defence of India Rules, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Asiatic British Evacuees (Census) Order, 1943, namely :—

In clause 2 of the said Order for sub-clause (1) the following sub-clauses shall be substituted, namely :—

“(1) ‘Asiatic British subject’ means any subject of His Majesty not being a European British subject ;

(1-A) ‘European British subject’ means any subject of His Majesty of European descent in the male line, born, naturalised or domiciled in the United Kingdom or in any Dominion as defined in the statute of Westminster, 1931, or, in any colony except Ceylon’.

[ILLEGIBLE]

Secretary to the Government of India