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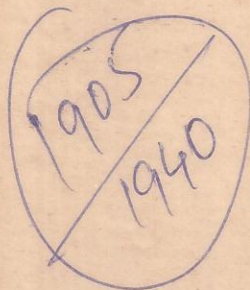
GOVERNOR'S SECRETARIAT

STATES—A

March 1940

Nos. 1-8

The India and Burma (Trade Regulation) Order, 1937.



References to former cases

Department, date and Nos. or File No. and year	Brief title of File
1. States, B, Dec. 1937, Nos. 60-66.
2. Ditto, B, June 1938, Nos. 13-18.
3. Ditto, ditto, Nos. 290-294.

References to later cases

Department, date, and Nos.	Brief title of File

(To be continued on back, if necessary)

Papers other than Proceedings

I.—Printed

Notes and orders

II.—Not printed

Nil

STATES—A

MARCH

Nos. 1-8

The India and Burma (Trade Regulation) Order,
1937.

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NOTES

STATES—A, MARCH 1940.

Nos. 1-8

The India and Burma (Trade Regulation) Order, 1937.

From the Secretary to His Excellency the Crown Representative, No. F.149-I.B./36, dated the 28th March 1939.

Secretary,

Copies of the paper under consideration may be forwarded to the Political Agent, Manipur, for communicating to the Manipur State Durbar.

A draft for approval

M. Das—5th April 1939.

Satish—6th April 1939.

7th April 1939.

C. K. Rhodes.

Memorandum to the Political Agent, Manipur, No. 1171-G. S., dated the 13th April 1939.

From the Political Agent in Manipur, No. 796-M. S./499, dated the 15th May 1939.

Secretary,

Paper under consideration for perusal.

In our express letters No. 277-G.S., dated the 27th May 1937 and No. 823-G.S., dated the 2nd State, s B, Dec. 1937, Nos. 60-66. July 1937, it will be seen that we communicated to the Government of India the fact that the Manipur State Durbar and His Highness the Maharaja of Manipur agreed to the granting of a certificate for Manipur State under paragraph 14 of Part III of India and Burma (Trade Regulation) Order, 1937.

Accordingly under paragraph 1 of Part II of the said Trade Order we refused to permit Manipur State Durbar to levy tax on elephants coming to British India from Burma through Manipur, *vide* our letter No. 1008-G. S., dated the 8th March 1938, at pages 17-18 in States, B, June 1938, Nos. 13-18.

Now from India's letter of 28th March 1939 it will be seen that a certificate in accordance with paragraph 14 of Part III of the above Trade Regulation Order for Manipur State is considered unnecessary in view of the facts (1) that Manipur is an inland (non-maritime) State and there is no customs barrier between British India and inland States, and (2) the assumption that the goods, the produce or manufacture of any inland States can only be exported to Burma through British India or through a maritime Indian State. The Burmese produce can similarly be imported into inland States.

President, Manipur State Durbar, in his note dated the 9th May 1939, rightly holds that the assumption in item (2) above is wrong in view of the fact that though Manipur is a non-maritime State its frontier marches with that of Burma for about 200 miles.

We may perhaps bring this fact to the notice of the Crown Representative for a reconsideration of his orders and point out that the Manipur State should either be granted a certificate or allowed to levy new or increased taxes on goods imported from Burma to Manipur, whenever necessary.

Nawab Ali—22nd May 1939.

Satish—25th May 1939.

His Excellency,

I agree that we should bring this matter to the notice of the Crown Representative, who appears to have made a curious mistake. We may recommend that a certificate should be granted adding that the only fair alternative would be permission to the Manipur State to levy new or increased duties, which is seemingly contrary to the whole intention of the Order.

3rd June 1939.

C. K. Rhodes.

5th June 1939.

H. J. T[wynam].

Secretary,

Orders above.

A draft for approval.

Nawab Ali—12th June 1939.

Satish—12th June 1939.

13th June 1939.

C. K. Rhodes.

To the Secretary to His Excellency the Crown Representative, No. 1739-G. S., dated the 14th June 1939.

From the Secretary to His Excellency the Crown Representative, No. F.149-I-B./36, dated the 28th July 1939.

Secretary,

For information.

Crown Representative's final orders may be awaited.

Nawab Ali—1st August 1939.

J. N. Dutt—1st August 1939.

1st August 1939.

C. K. Rhodes.

From the Secretary to His Excellency the Crown Representative, No. F.149-I-B./36, dated the 31st August 1939.

Secretary,

A draft notification for approval.

Nawab Ali—4th September 1939.

J. N. Dutt—4th September 1939.

5th September 1939.

J. P. Mills.

Notification No. 2926-G. S., dated the 5th September 1939.

Memorandum to the Political Agent in Manipur and the Chief Secretary, to the Government of Assam, No. 3144-45-G. S., dated the 21st September 1939.

(4)

GOVERNOR'S SECRETARIAT PROCEEDINGS

STATES—A

MARCH 1940

The India and Burma (Trade Regulation) Order, 1937.

No.1. No. F.149-I. B./36, dated New Delhi, the 28th March 1939.

From—The Secretary to His Excellency the Crown Representative,

To—The Secretary to His Excellency the Governor of Assam.

The India and Burma (Trade Regulation) Order, 1937.

I am directed to refer to the correspondence ending with your express letter No. 823-G. S., dated the 2nd July 1937,

1. Letter to the Government of Burma, No. F.149-I. B./36, dated the 21st July 1938.

2. Letter from the Government of Burma, No. 297-KK-38(2424), dated the 9th November 1938.

and to forward, for your information, a copy of the marginally cited papers. I am to say that certificates in accordance with paragraph 14 of the India and Burma (Trade Regulation) Order, 1937, in respect of inland Indian States are unnecessary.

Copy of letter No. F.149-I. B./36, dated Simla, the 21st July 1938, from the Secretary to His Excellency the Crown Representative, to the Secretary, Defence Department, Government of Burma.

The India and Burma (Trade Regulation) Order, 1937. Issue of certificates in respect of Indian States.

I am directed to invite a reference to paragraph 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, and to say that in the course of the examination of the question of the issue of the certificates contemplated in this paragraph the Crown Representative has been struck by the absence of the practical necessity for the issue of a certificate in respect of any non-maritime Indian State. It will be realised that goods the produce or manufacture of any such State can only be exported to Burma through British India or through a maritime Indian State. Similarly, Burmese produce and goods can only be so imported into inland States. The result is that in the case of imports of Burmese produce and manufactures destined for an inland Indian State the duty referred to in paragraph 1 of Part II of the Order falls to be levied at the British Indian and maritime States ports and the only practical necessity therefore, so far as Indian States are concerned, is that the Order should be implemented in the maritime States to the same extent as it has been in the case of British India by the issue of *e.g.*, the Government of India, Finance Department (Central Revenues) Notifications Nos. 4-X. and 5-X., dated the 1st April 1937 and other like orders. In this view no question of discrimination within the terms of the Trade Order by an inland Indian State against the produce or manufactures of Burma can well arise and this being so, it is unnecessary on practical grounds to issue a certificate in respect of such a State in order to secure the goods and produce of that State against discrimination on import into Burma.

2. I am to add that should the Government of Burma be disposed to take the view that by the use of the expression "British India" instead of "India" in proviso (b) to paragraph 1 of Part III of the Trade Order that Government is at liberty to discriminate against the goods of an uncertified inland State, notwithstanding the fact that such goods are exported to Burma from British India or a certified maritime Indian State, it may be pointed out that since there is no Customs barrier between British India and the inland States, no such duty as is defined in paragraph 3 of Part I of the Order is payable on such goods on importation into British India. In the nature of things therefore having regard to the meaning of the word "duty" as specifically defined in the Order, no question can arise of goods the produce of an inland Indian State being "brought into British India... ..and without payment of duty in British India, brought thence into Burma". This provision would apply, *e.g.*, to goods imported into British India from a foreign port (including a port in a maritime Indian State whose ports are not treated in British India as ("customs ports") and, without payment of duty, warehoused under bond, and then re-exported.

3. I am accordingly to enquire whether in the circumstances set out, the Government of Burma accept the view that in order to secure goods the produce or manufacture of inland States against discrimination on import into Burma, certificates in accordance with paragraph 14 of the Order in respect of such Indian States are unnecessary, and that it will be sufficient if the question of issuing such certificates is confined to the case of maritime Indian States.

4. I am to add that though many of the maritime States are by treaty bound to take such measures in relation to the British Indian Tariff as amount to substantial compliance with the India and Burma (Trade Regulation) Order, the position varies somewhat from State to State, and the detailed examination of the individual treaty positions has occupied some time, with the result that no certificate has yet been issued. Little inconvenience has so far been occasioned by the delay, because the bulk of the States' trade with Burma passes through the ports of British India. It is, however, proposed to regularise the position at an early date by the issue of certificates in respect of those maritime States whose obligations entitle them to this privilege.

Copy of letter No. 297-KK-38(2424), dated Rangoon, the 9th November 1938, from the Secretary, Department of Commerce and Industry, Government of Burma, to the Secretary to His Excellency the Crown Representative, New Delhi. Issue of certificates in respect of Indian States under the India and Burma (Trade Regulation) Order, 1937.

In reply to your letter No. F-149-I. B./36, dated the 21st July 1938, to the Secretary to this Government in the Defence Department, I am directed to say that, for the reasons stated in your letter, the Government of Burma agrees that in order to secure goods the produce or manufacture of non-maritime Indian States against discrimination on import into Burma, certificates in accordance with paragraph 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, in respect of such Indian States are unnecessary and that it will be sufficient if the question of issuing such certificates is confined to the case of maritime Indian States.

No.2.

No.1171-G.S., dated Shillong, the 13th April 1939.

Memo. by—The Secretary to His Excellency the Governor of Assam.

Copy of letter No.F.149-I.B./36, dated the 28th March 1939, from the Secretary to His Excellency the Crown Representative, with its enclosures are forwarded to the Political Agent in Manipur for information and favour of communication to the Manipur State Durbar, with reference to his letter No. 1123-M.S., dated the 19th June 1937.

No.3.

No.796-M. S./499, dated Imphal, the 15th May 1939.

From—C. Gimson, Esqr., I.C.S., Political Agent in Manipur,

To—The Secretary to His Excellency the Governor of Assam.

With reference to your memorandum No.1171-G.S., dated the 13th April 1939, I have the honour to forward a copy of a note from the President, Manipur State Durbar. Apparently it was overlooked both by His Excellency the Crown Representative and by the Government of Burma that there is a Burma-Manipur frontier. Manipur has no desire to start an economic war with Burma; but permission was recently refused to raise a tax on elephants, which do much damage to the State bridle paths (*vide* letter No.1008-G.S. of the 8th March 1938) and the State authorities are, I think, justified in claiming the protection of a certificate.

Copy of memorandum No.3971-G./1A.60, dated the 9th May 1939, from the President, Manipur State Durbar, to the Political Agent in Manipur.

Reference your 544-M.S./499 of 1st May 1939.

The argument in letter No.F.149-I.B./36 of 21st July 1938, from the Secretary to His Excellency the Crown Representative to the Secretary, Defence Department, Government of Burma, is based on the assumption that goods the produce or manufacture of a non-maritime Indian State can only be exported to Burma through British India or through a maritime Indian State. This assump-

tion is wrong. Manipur is a non-maritime Indian State, but its frontier marches with that of Burma for nearly 200 miles. Manipur State will therefore need the protection of a certificate under section 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, or alternatively will require permission to raise new customs duties on trade with Burma. Permission to raise new customs duties on trade with Burma was refused to the State by His Excellency the Governor of Assam in the order communicated with your No. 4809-M.S./316 of 16th March 1938.

No.4.

No.1739-G.S., dated Shillong the 14th June 1939.

From—C. K. Rhodes, Esq., C.I.E., I.C.S., Secretary to His Excellency the Governor of Assam,

To—The Secretary to His Excellency the Crown Representative,

SUBJECT:—The India and Burma (Trade Regulation) Order, 1937.

With reference to the correspondence resting with your letter No.F149-I.B./36, dated the 28th March 1939, I am directed to forward herewith a copy of Political Agent in Manipur's letter No.796-M.S/499 of the 15th May 1939 with enclosure, for favour of reconsideration of the orders in respect of Manipur State, conveyed in your letter referred to above. In view of the circumstances stated by the Political Agent in Manipur His Excellency the Governor recommends that a certificate be granted to the Manipur State under paragraph 14 of Part III of India, Burma (Trade Regulation) Order, 1937.

I am to add that in the opinion of His Excellency the only fair alternative would be to grant permission to the Manipur State to levy new or increased duties on goods imported from Burma to Manipur, whenever necessary, which is seemingly contrary to the whole intention of the Order.

No.5.

No.F.149-I.B./36, dated Simla, the 28th July 1939.

From—The Secretary to His Excellency the Crown Representative,

To—The Secretary to His Excellency the Governor of Assam.

SUBJECT:—The India and Burma (Trade Regulation) Order, 1937.

I am directed to refer to your letter No.1739-G.S., dated the 14th June 1939, and to forward, for information, a copy of the letter cited in the margin. I am to say that on hearing from the Burma Government that they have no objection to the proposal, the necessary certificate will be issued.

Letter to the Government of Burma, No.F.149-I.B./36, dated the 28th July 1939, with a copy of the draft notification.

No.F.149-I.B/36, dated Simla, the 28th July 1939.

From—The Secretary to His Excellency the Crown Representative,

To—The Secretary, Defence Department, Government of Burma.

SUBJECT:—The India and Burma (Trade Regulation) Order, 1937.

I am directed to refer to the correspondence ending with the Political Department letter No.F.149-I.B./36, dated the 11th May 1939, and to forward herewith for the information of the Government of Burma a copy of the marginally cited papers. I am to say that the Crown Representative proposes to issue a certificate in accordance with paragraph 14 of the Order in respect of the Manipur State and a copy of the draft notification which it is proposed to publish in the *Gazette of India* is enclosed herewith.

2. I am to request that this Department may kindly be informed at an early date whether the Government of Burma have any objection to the proposal

1. Express letter from the Secretary to the Governor of Assam, to the Political Department, No.277-G.S., dated the 27th May 1937.

2. Express letter from the Secretary to the Governor of Assam, to the Political Department, No.823-G.S., dated the 2nd July 1937.

3. Letter to the Secretary to the Governor of Assam, No.F.149-I.B./36, dated the 28th March 1939, without enclosures

4. Letter from the Secretary to the Governor of Assam, No.1739-G.S., dated the 14th June 1939, with enclosures.

No.—I.B., dated Simla, the July 1939.

Draft notification by—The Secretary to His Excellency the Crown Representative.

In pursuance of the provisions of sub-paragraph (1) of paragraph 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, His Majesty's Representative for the exercise of the functions of the Crown in its relation with Indian States is pleased to certify with respect to the Manipur State that the provisions of Part II of the said Order, will, with any necessary adaptations and modifications, be applied, so far as is reasonably practicable, in and in relation to that State as they are applied in and in relation to British India.

No.6.

No.F.149-I.B./36, dated Simla, the 31st August 1939.

From—The Secretary to His Excellency the Crown Representative,

To—The Secretary to His Excellency the Governor of Assam.

The India and Burma (Trade Regulation) Order, 1937.

I am directed to refer to the correspondence ending with my letter

1. Letter from the Government of Burma. No.297KK 38(2233/39), dated the 18th August 1939.
2. Notification by the Political Department, No.333-I.B., dated the 31st August 1939.

No.F.149-I.B./36, dated the 28th July 1939, and to forward herewith, for information, a copy of the papers noted in the margin.

Copy of a letter No.297KK38(2233/39), dated the 18th August 1939, from the Secretary to the Government of Burma (Commerce Branch), to the Secretary to His Excellency the Crown Representative.

SUBJECT :—Issue of a certificate under the India and Burma (Trade Regulation) Order, 1937, in respect of the Manipur State.

With reference to your letter No.F.149-I.B./36, dated the 28th July 1939, to the address of the Secretary to this Government in the Defence Department, I am directed to say that the Government of Burma has no objection to the issue of a certificate in accordance with paragraph 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, in respect of the Manipur State.

No.333-I.B., dated Simla, the 31st August 1939.

Notification by—The Secretary to His Excellency the Crown Representative.

In pursuance of the provisions of sub-paragraph (1) of paragraph 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, His Majesty's Representative for the exercise of the functions of the Crown in its relation with Indian States is pleased to certify with respect to the Manipur State that the provisions of Part II of the said Order will, with any necessary adaptations and modifications, be applied, so far as is reasonably practicable, in and in relation to that State as they are applied in and in relation to British India.

No.7.

No.2926-G.S., dated Shillong, the 5th September 1939.

Notification by—The Secretary to His Excellency the Governor of Assam.

The following notification issued by the Secretary to His Excellency the Crown Representative is republished :—

No.333-I.B., dated Simla, the 31st August 1939.—In pursuance of the provisions of sub-paragraph (1) of paragraph 14 of Part III of the India and Burma (Trade Regulation) Order, 1937, His Majesty's Representative for the exercise of the functions of the Crown in its relation with Indian States is pleased to certify with respect to the Manipur State that the provisions of Part II of the said Order will, with any necessary adaptations and modifications, be applied, so far as is reasonably practicable, in and in relation to that State as they are applied in and in relation to British India.

No.8.

No.3144-45-G.S., dated Shillong, the 21st September 1939.

Memo. by—The Secretary to His Excellency the Governor of Assam.

Copy of the foregoing forwarded to the Political Agent in Manipur Chief Secretary to the Government of Assam for information with reference to his letter No.796-M.S./499 dated the 15th May 1939.