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EXTRAORDINARY

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CUTTACK, MONDAY, AUGUST 10, 1942.

HOME DEPARTMENT.

SPECIAL SECTION.

NOTIFICATION.

The 10th August 1942.

No. 2486-C.—The following notification by the Government of India is republished for general information.

By order of the Governor,

J. BOWSTEAD,

Chief Secretary to Government.

DEFENCE DEPARTMENT.

New Delhi, 7th August 1942.

No. 1533-SM/42.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After rule 81C of the said Rules, the following rule shall be inserted, namely:—

Shops trading in essential articles.

“ 81D. (1) In this rule—

- (a) “scheduled article” means an article specified in the schedule to this rule, and includes an article which the Provincial Government or the District Magistrate, being of opinion that the maintenance of the supply thereof is essential to the life of the community, declares by order in writing to be a scheduled article;
- (b) “shop” means any premises wherein any retail trade is carried on in scheduled articles, whether or not in addition to retail trade in other articles and whether for the benefit of the public generally or of a class or classes of persons only;
- (c) “restaurant” means any premises wherein is carried on, whether or not in addition to other forms of business, the business of supplying meals or refreshments to the public or a class of the public, for consumption on the premises;

- (d) "essential business" means in relation to a shop, retail trade in scheduled articles, and in relation to a restaurant, the business of supplying meals or refreshments for consumption on the premises ;
- (e) "proprietor" of a shop or restaurant includes any person responsible for the management thereof.

(2) The District Magistrate, if he considers it necessary for the purpose of maintaining supplies essential to the life of the community may, by general or special order and subject to the provisions of any law for the time being in force relating to shop-hours, require the proprietor of a shop or restaurant to keep open the shop or restaurant for the conduct of the essential business thereof during such period or periods as may be specified in the order.

(3) No proprietor of a shop or restaurant shall close the shop or restaurant on the occasion of a *hartal* or in contravention of any order under sub-rule (2), or suffer the same to be so closed.

(4) If a shop or restaurant is closed in contravention of sub-rule (3), the District Magistrate or any person authorised by him by general or special order in this behalf may cause the shop or restaurant to be opened and the essential business thereof to be carried on through such agency as he may think fit and at such prices as may be specified in the order, and may use or cause to be used all such force as may be necessary for the enforcement of this sub-rule.

(5) Where the essential business of a shop or restaurant is carried on in pursuance of an order under sub-rule (4), all stock-in-trade relevant to the essential business thereof may be sold or disposed of by the agency through which the essential business is carried on, and there shall be paid to the proprietor of the shop or restaurant a sum certified by the District Magistrate or by a person authorised by him in this behalf as representing the proceeds of the sale or disposal of such stock-in-trade less the amount of the cost of carrying on the essential business of the shop or restaurant ; and the sum so certified shall be final and shall not be called in question in any court.

(6) Where the proprietor of a shop or restaurant does not close the shop or restaurant on the occasion of a *hartal* or in contravention of an order under sub-rule (2), but on such occasion or during the period or periods specified in such order, as the case may be, refuses to carry on the essential business thereof except on terms in excess of the normal, the shop or restaurant shall be deemed to be closed in contravention of sub-rule (3) for all the purposes of this rule.

(7) The powers and functions of the District Magistrate under this rule shall, in a Presidency-town, be exercisable by the Commissioner of Police.

(8) Any person who contravenes any of the provisions of this rule or any order made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

THE SCHEDULE.

Grains, pulses and flour, and any food-stuffs made from any of them.
 Sugar and gur.
 Milk and milk products, including ghee.
 Eggs.
 Vegetable oils.
 Vegetables and fruits, all sorts.
 Meat, fish and poultry.
 Spices.
 Salt.
 Kerosene oil.
 Charcoal, steel-coal and firewood.
 Matches.
 Medicines.
 Household soap.
 Fodder, bran, pollard and oilcakes."

C. MACI. G. OGILVIE,
 Secretary to the Government of India.