



The Orissa Gazette

PUBLISHED BY AUTHORITY.

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 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART III.

Regulations, Orders, Notifications, Rules, etc., issued by the Governor and by Heads of Departments.

HOME DEPARTMENT.

NOTIFICATIONS.

The 24th June 1942.

No. 4221-Poll.(C).—In exercise of the powers conferred by sub-section (7) of section 7 of the Cinematograph Act, 1918 (11 of 1918), His Excellency the Governor is pleased to direct that the revised version of the film entitled "They met in Bombay" produced by the Metro-Golden Mayer as certified by the Bombay Board of Film Censors shall be deemed to be an uncertified film in the whole of the Province of Orissa.

The 19th June 1942.

No. 1923-C.—In pursuance of sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Orissa is pleased to direct that the Registration of Foreigners Act (Extending) Ordinance,

1942 (Ordinance No. XVI of 1942), shall apply to all the partially-excluded areas in the Province of Orissa.

The 20th June 1942.

No. 2548-A.R.P.—In exercise of the powers conferred by sub-rules (1) and (2) of rule 52 of the Defence of India Rules, the Governor of Orissa is pleased to direct that rules 2 to 7 inclusive of the order published in the notification of the Government of Orissa in the Home Department, A. R. P. Section, No. 781-A. R. P., dated the 9th March 1942, shall be in force from the date of this notification in the towns of Sambalpur and Jharsuguda.

By order of the Governor,

J. BOWSTEAD,

Chief Secretary to Government.

REVENUE DEPARTMENT.

NOTIFICATIONS.

The 18th June 1942.

No. 1401—La-53-R.—In exercise of the powers conferred by section 17(b)(ii) of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), the Governor of Orissa hereby directs the survey under the provisions of the said Act of the land described below required for the construction of police buildings at Chettambo in the Rayaghada taluk, Koraput district.

SCHEDULE.

District—Koraput.

Taluk—Rayaghada.

Village—Chettambo.

Description of land, wet or dry, inam or poramboke, with survey or paimash number—Unsurveyed zamindari dry (Home farm land).

Name of owner or occupier—Sri Sadananda Patro, minor represented by guardian Srimati Kanchanamoni Patrani.

Boundaries of the land required to be taken up—

North—Dry land of the Ambodala Mokhasadar,

East— Ditto,

South—Revenue rest house,

West—The Parvatipur-Central Provinces Road.

Approximate extent to be taken up—Acres 5 29 cents.

Whether waste or arable—Arable.

The 25th May 1942.

No. 2484-R.(C).—It is hereby certified under rule 7 of the Government of India Mining Rules published with their Resolution in the Department of Commerce and Industry No. 7552-7581-121, dated the 15th September 1913, that Tikayat Sailendra Narayan Bhanj Deo of Kanika is approved by the Government of Orissa as an applicant for prospecting licence and for mining leases for mica, iron, manganese, graphite, rock crystal, coal and other minerals in the district of Cuttack including Angul.

This certificate of approval will expire at midnight of 31st December 1942.

The 22nd June 1942.

No. 4065-R.(C).—In exercise of the powers conferred by section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881),

which by virtue of the notification of the Government of India in the Home Department No. 228/37-Public, dated the 1st April 1938, are exercisable by the Provincial Government, the Governor of Orissa is pleased to declare the 1st day of July 1942 to be a public holiday in the Province of Orissa in addition to the days mentioned in the Schedule to the notification of the Government of Orissa in the Revenue Department No. 940-R., dated the 24th March 1942, subject to the limitation that the Government offices under the control of the Provincial Government shall not be closed on the said date.

The 24th June 1942.

No. 4232-R.(C).—The following draft of an amendment to the Rules framed under section 26 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), which the Governor of Orissa in exercise of the powers conferred by the said section proposes to make, is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 5th day of August 1942.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be duly considered.

DRAFT AMENDMENT.

In the schedule to the rule under the heading "Rules under clause 2(c)", in the entry relating to officers empowered under section 11, for the words "Tahsildars and Deputy Tahsildars in independent charge" the words and commas "Tahsildars, Deputy Tahsildars in independent charge, Settlement Officers and Assistant Settlement Officers in charge" shall be substituted.

By order of the Governor,

F. E. A. TAYLOR,

Secretary to Government.

DEVELOPMENT DEPARTMENT.

NOTIFICATIONS.

The 22nd June 1942.

No. 4094-D.(C).—In pursuance of rule 3 of the Rules for Recognised Dealers, dated the 11th May 1942, made by the Sugar Controller for India, the Governor of Orissa is pleased to notify the district of Koraput as a specific tract in which the retail price of sugar may exceed the ex-factory price by more than one rupee per maund.

The 23rd June 1942.

No. 4206-D.(C).—The following draft of an amendment to Rules made under sub-sections (1) and (2) of section (5) of the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), which the Governor of Orissa proposes to make in exercise of the powers conferred by clause (i) of sub-section (2) of the said section of the said Act, is hereby published as required by sub-section (3) of the said section for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft amendment will be taken into consideration on or after the 31st July 1942. Any objection or suggestion which may be received from any person in respect of the said draft before the date aforesaid will be considered by the Government.

DRAFT AMENDMENT.

After Rule XXIX the following rule shall be inserted, namely :—

“XXX. When the Committee of a registered Society is engaged in the election of an officer or officers of the Society, it shall be presided over by a member, who is not a candidate for election. Before proceeding to elect an officer or officers, the Committee shall first elect such member as Chairman to preside over it during the election of the officer or officers”.

By order of the Governor,
F. E. A. TAYLOR,
Secretary to Government.

LAW DEPARTMENT.

NOTIFICATION.

The 23rd June 1942.

No. 4196-J.(C).—It is hereby notified for general information

1. The Code of Criminal Procedure (Amendment) Bill by Qazi Muhammad Ahmad Kazmi, M.L.A.

2. The Muslim Personal Law (Shariat) Application (Second Amendment) Bill by Qazi Muhammad Ahmad Kazmi, M.L.A.

3. The Indian Succession (Amendment) Bill by Dr. F. X. Desouza, M.L.A.

tion that any person or public body desiring to submit an opinion on the Bills noted on the margin, published in Part VI of the *Orissa Gazette*, dated the 19th June 1942, should do so through the Provincial Government only. Any opinion on the Bills which is submitted direct to the Central Legislative Assembly Department or any other Department of the Government of India will not be accepted.

By order of the Governor,
W. W. DALZIEL,
Secretary to Government.

COMMERCE AND LABOUR DEPARTMENT.

NOTIFICATION.

The 24th June 1942.

No. 4231-L.(C).—In pursuance of sub-paragraph (ii) of paragraph (e) of sub-clause (2) of clause 2 of the War Injuries Scheme, 1942, the Governor of Orissa is pleased to declare for the purposes of the said sub-paragraph—

- (1) employment in any of the capacities set forth in the Schedule below to be a ‘specified occupation’; and
- (2) the places of work and of normal residence of the person so employed, to be the ‘specified locality’ with reference to his place of employment.

SCHEDULE.

- (a) As a member of any Civic Guard.
- (b) As an employee of any public Electric Supply Company.
- (c) As a member of the executive or office establishment of any local body.
- (d) As a member of any water-supply, conservancy, drainage or sanitary service.
- (e) As a member of any public health, medical or engineering service.
- (f) As an employee of any local board engaged in connection with any ferry or market.
- (g) As a member of any motor transport service.
- (h) As an employee of any bank.

By order of the Governor,
W. W. DALZIEL,
Secretary to Government.

CO-OPERATIVE SOCIETIES.

NOTIFICATION.

The 12th June 1942.

No. 642-C.S.(C).—Whereas the winding up of the affairs of the Orissa Provincial Co-operative Bank, Limited, bearing registration No. 2/Cu. N. of 15th August 1936 in the district of Cuttack, ordered in notification No. 2630-C.S., dated the 13th March 1941, published in the *Orissa Gazette* of the 22nd March 1940, is now complete, I hereby in exercise of the power conferred by sub-section (8), section 44 of the Bihar and Orissa Co-operative Societies Act (Act VI of 1935), cancel the registration of the said Bank

S. SOLOMON,
Registrar,
Co-operative Societies, Orissa.

OFFICE OF THE REVENUE COMMISSIONER.

NOTIFICATIONS.

The 26th May 1942.

No. 914—VII-2/42-Ex.—In exercise of the powers conferred by section 90 of the Bihar and Orissa Excise Act, 1915 (Act II of 1915), the Board of Revenue (Revenue Commissioner), Orissa, directs that the following amendments shall be made in rule 67 of the rules published under his notification No. 3296-Ex., dated the 21st June 1937, at pages 507—719, Part III of the *Orissa Gazette* of 1st October 1937, namely:—

Substitute the following for Board's rule 67 at pages 109—111 of the Orissa Excise Manual, Volume I:—

67. Wholesale shops (Duty-paid depots) for country spirit.—(i) *Definition.*—The term 'wholesale shop' is a name adopted on the recommendation of the Indian Excise Committee (of 1905-06) for the term 'Duty-paid Depot' and it applies to all agencies under the contract distillery system for liquor that has paid duty according to section 17 of the Bihar and Orissa Excise Act (II of 1915).

(ii) *Licence.*—The wholesale shops may be licensed under the following conditions:—

Licences for wholesale shops may be granted under section 22(2) of the Bihar and Orissa Excise Act (II of 1915) by the Collector on authorization by the Excise Commissioner and ordinarily to the contract distillers of the area. The licences shall be in the prescribed form and granted free of charge.

(iii) *Number and location of wholesale shops.*—The wholesale shops are meant to facilitate distribution of liquor to retail vendors, and their number and location shall be determined with reference to the convenience and reasonable requirements of retail vendors. To prevent wholesale licences being used as a cover for sale of illicit liquor, the places of vend shall ordinarily be at the headquarters of an Excise Inspector's or Sub-Inspector's charge, a tahsil or a police-station of a district.

(iv) *Issue of liquor to wholesale shops.*—Liquor of strengths prescribed by the Board (rule 180 of Volume I) from the distilleries or warehouses belonging to the same distillers shall be issued on payment of the prescribed duty by the distillers, who must have personal ledger accounts on account of duty according to rule 63. The distillers having such personal ledger accounts shall themselves or through their authorized agents, submit an application in the prescribed form for issue of permits or passes for the quantity of liquor required to be supplied to wholesale shops from time to time. There shall be a separate application for each consignment of liquor which shall be issued under cover of the pass prescribed. Each such pass issued shall be entered in the register of passes. To check the strength of liquor issued, there shall be two sealed sample bottles for each consignment. The sealed sample bottles shall be preserved till the liquor in the consignments, for which they are meant, is sold. Each consignment shall also be sealed with the distillery or warehouse seal which shall remain intact till the consignment is required to be opened at the wholesale shops. If any wholesale licensee prefers to stock liquor in vats in wholesale shops he may do so, but the total wastage shall not exceed more than the limit of 2 per cent on the quantity received. When the wastage exceeds 2 per cent it will be considered an irregularity which will have to be explained and which will be dealt with according to the Bihar and Orissa Excise Act and the rules thereunder.

(v) *Treatment of consignments on arrival at wholesale shops and verification.*—The distillers' authorized agents, who will remain in charge of the wholesale shops, will verify the consignments on receipt and enter the results of the verification on the transport pass and in the register prescribed. All consignments received in a leaky or suspicious condition or with seals broken or tampered with must be verified immediately on arrival at the wholesale shop in the presence of an Excise Officer not below the rank of a Sub-Inspector having jurisdiction, if available. If none is available the shop-keeper himself will get some respectable independent person to witness the verification. A report of the fact should be submitted to the Superintendent of Excise through the Sub-Inspector of the area within 24 hours of the receipt of such consignment.

(vi) *Minimum stock.*—In each wholesale shop there shall be a minimum stock of liquor which shall be fixed by the Collector from time to time according to the consumption of the area of supply from the wholesale shop.

(vii) *Issue to retail shops.*—The licensees of retail shops, who are to take supply from the wholesale shops, shall present their application for issues in the prescribed form to the contractor's agent in charge of the wholesale shops who, after realization of the prescribed duty and cost price, shall issue the quantity of liquor mentioned in the retail licensee's application with a transport pass in the form prescribed. The contractor's agent shall also issue two sealed bottles of 20 oz. of each strength out of the supply to retail shops. In sealing the sample bottles and other receptacles of the consignment the wholesale shop-keepers shall use a private seal an impression of which shall be made with printing ink in the remarks column of the transport pass issued with the consignments. The retail licensees shall preserve the sealed sample bottles till the liquor in the consignment to which it relates has been sold. The retail licensees or their agents shall make arrangements for the immediate transport of the consignments from the wholesale shop to their shops. They shall be held responsible for any kind of disposal of liquor in transit. Liquor shall be issued to retail licensees from the wholesale shops only on the days fixed by the Collector from time to time. Any change of issue days shall be notified for at least a month to the contractors and retail licensees.

(viii) The keepers of wholesale and retail shops of distillery liquor are bound as a condition of their licences to sell their liquor at certain prescribed strengths fixed by the Excise Commissioner on the recommendation of the Collector according to demand in each area of a district. It is one of the duties of the Excise inspecting officers to ascertain by hydrometer tests that these strengths are not departed from and to deal with the shop-keepers and their agents concerned according to the prescribed Excise laws and rules in case of fluctuation of strengths from causes other than natural ones. In order that the shop-keepers and their agents may not be reported and punished in cases where there has been a slight loss of strength due to natural causes such as exposure, as well as to provide for possible inaccuracies in the readings of the instruments used, allowances on the following scale can be made:—

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|---|--|
| (a) In the case of wholesale shops getting supplies from distilleries, warehouses and from other wholesale shops. | Up to the limit of 2 degrees below the strength at which liquor was issued from the distilleries, warehouses or wholesale shops. |
| (b) In the case of retail shops getting supplies from the wholesale shops situated within a radius of 5 miles. | Up to the limit of 2 degrees below the strengths issued. |
| (c) In the case of retail shops getting supplies from the wholesale shops situated beyond 5 miles. | Up to the limit of 3 degrees below the strengths issued. |

But if in any particular wholesale or retail shop the liquor is always kept considerably below the issue strength while in others similarly situated such is not the case, there will be strong ground for presuming systematic dilution and the licensee with his agents concerned shall be reported for punishment according to the laws, rules and orders relating to the Excise Department of the Province.

(ix) *Measures, instruments, etc.*—The wholesale shop-keepers are bound to maintain the following measures and instruments prescribed by the Excise Commissioner under section 24 of the Bihar and Orissa Excise Act and to keep them in good and sound condition:—

- (1) Copper gallon measures of capacities 2 gallons, 1 gallon, $\frac{1}{2}$ gallon and $\frac{1}{4}$ gallon respectively.
 - (2) (a) Single stem hydrometer standardized at a temperature of 85 degrees F. and graduated from 10° U.P. to 70° U.P. together with necessary tables as laid down in notification No. 14, dated the 1st November 1916 (vide page 99 of the Madras Excise Manual, Volume I) or any other hydrometer with the approval of the Excise Commissioner.
 - (b) Thermometer for use with the hydrometer.
 - (3) Graduated India-made bung rods with brass slide.
 - (4) Spirit level.
 - (5) (a) Plain test glass.
 - (b) One $\frac{1}{2}$ gallon glass bottomed measure shall be kept in each depot as a standard for verification of other measures noted in (1) above.
 - (6) The direct reading hydrometer shall be withdrawn as soon as possible. If it is maintained for any unavoidable reason, special orders of the Excise Commissioner are to be taken.
- (x) *Inspections.*—The wholesale shops shall be inspected as follows:—
- | | | |
|----------------------------------|--|-------------------------------|
| (a) The Superintendent of Excise | (i) Wholesale shops at headquarters. | Once in every month. |
| | (ii) Wholesale shops other than at headquarters. | Once in every six months. |
| (b) The Inspector of Excise | (i) Wholesale shops at headquarters. | Once in every month. |
| | (ii) Wholesale shops other than at headquarters. | Once in every four months. |
| (c) Sub-Inspector of Excise | All wholesale shops within their jurisdiction. | At least once in every month. |

The inspecting officers will write their notes of inspection in an inspection book to be maintained at the wholesale shop and in case of serious irregularity noticed will use the charge sheet form prescribed for the purpose.

The inspecting officers will test and verify the accuracy of the instruments, measures and weights used at the wholesale shops and shall see in general whether any of the conditions and rules relating to their licences are violated."

The 28th May 1942.

No. 922—XIII-22/42-Ex.—In exercise of the powers conferred by section 90 of the Bihar and Orissa Excise Act, 1915 (Act II of 1915), the Board of Revenue (Revenue Commissioner). Orissa, directs that the following amendment shall be made in rule 68 (1) of the rules published with notification No. 3296-Ex., dated the 21st June 1937, printed at page 111 of the Orissa Excise Manual, Volume I, viz:—

“Substitute the figures 95 for the figures 195 occurring in the 11th line of rule 68(1)”.

The 22nd June 1942.

No. 1846—XII-62/42-L.A.—In exercise of the powers delegated under section 5 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), the Revenue Commissioner of Orissa hereby directs the survey, under the provisions of the said Act, of the boundary common to the adjoining Government lands and the estate lands described below required for the extension of the Bell's Hostel Compound attached to the Beard High School at Gunupur in the Gunupur taluk, Koraput district.

SCHEDULE.

District—Koraput.

Taluk—Gunupur.

Village—Gunupur.

Description of land, wet or dry, inam or poramboke, with survey or paimash number—Jeroyiti dry.

Name of owner—Maharaja of Jeypore.

Name of occupiers—(1) Ramakrishna Das of Gunupur and (2) Behara Padmanabha Patrudu of Gunupur.

Boundaries of the land required to be taken up—

North—Fruit garden of Behara Padmanabha Patrudu,

East—Railway Feeder Road,

South—Vacant site of Ramakrishna Das,

West—Hostel compound.

Approximate extent to be taken up—
Acre 0.28 cents.

Whether waste or arable—Arable.

P. T. MANSFIELD,

Revenue Commissioner Orissa.