



The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 41. CUTTACK, FRIDAY, OCTOBER 11, 1940.

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

PART IV.

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

HOME DEPARTMENT.

NOTIFICATION.

The 4th October 1940.

No. 7472-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.

DEPARTMENT OF COMMERCE.

MERCHANT SHIPPING (WAR).

The 19th September 1940.

No. 16C-M.I.W. (3)/40.—WHEREAS it appears to the Central Government to be necessary so to do for securing the efficient prosecution of the war, and for maintaining supplies and services essential to the life of the community;

Now THEREFORE, 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—

- (a) that freights or fares for the carriage of cargoes or passengers in any vessel registered in British India under the Merchant Shipping Act, 1894, shall not be charged at rates higher than those which were being charged for the carriage of cargoes or passengers in or on any such vessel, or vessels of a similar class, engaged in voyages of a like nature, on the 1st June 1940;
- (b) that no vessel registered in British India under the Merchant Shipping Act, 1894, shall be hired for any purpose at rates higher than those which may from time to time be fixed by the Central Government

The 19th September 1940.

No. 160-M.I.W. (3)/1/40.—WHEREAS it appears to the Central Government to be expedient so to do, with a view to securing that certain vessels registered in British India are used in such manner only as the Central Government consider expedient in the interests of the efficient prosecution of the war, and for the maintenance of supplies and services essential to the life of the community;

NOW THEREFORE, in exercise of the powers conferred by sub-rule (1) of rule 65 of the Defence of India Rules, the Central Government is pleased to direct that—

- (a) no vessel registered in British India under the Merchant Shipping Act, 1894, which, prior to the 1st June 1940, was employed in trading between ports on the continent of India, or between the continent of India and any port or place in Burma or in the island of Ceylon, and which is intended to be employed otherwise than in such trade, and
- (b) no vessel registered in British India under the Merchant Shipping Act, 1894, which, prior to the 1st June 1940, was employed in trading between Rangoon, Colombo and the Red Sea, and which is intended to be employed otherwise than in such trade,

shall proceed to sea from any port whether within or outside British India, except under the authority of a licence granted by the Central Government; and a licence granted in respect of any vessel under the provisions of this Order may be granted subject to such limitations and conditions as the Central Government thinks fit to impose with respect to—

- (i) the trades in which the vessel may be engaged and the voyages which may be undertaken by the vessel;
- (ii) the class of cargoes or passengers which may be carried in the vessel;
- (iii) the hiring of the vessel and the terms upon which cargoes or passengers may be carried in the vessel;

and any vessel in respect of which a licence granted under the provisions of this Order is in force shall comply with any directions given on behalf of the Central Government as to the ports to which and the routes by which the vessel is to proceed for any particular purposes.

E. C. E. LEADBITTER.

TREATIES (WAR).

The 19th September 1940.

No. 74 (12)-Tr. (W)/39.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the

Central Government is pleased to direct that the following further amendments shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely:—

In the said Order—

I. In paragraph 5, after the word “decree”, the words “or orders of any other authority” shall be inserted.

II. For sub-paragraph (1) of paragraph 11, the following sub-paragraph shall be substituted, namely:—

“(1) There shall be retained by the Custodian fees equal to two per centum of—

- (a) the amount of monies paid to him;
- (b) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer is vested in him; and
- (c) the value of the residual property, if any, at the time of its transfer to the original owner: Provided that in the case of a firm whose property is vested in the Custodian but allowed by the Custodian to be managed by some person specially authorised in that behalf, there shall be levied a fee of two per centum of the gross income of the firm or such less fee as may be specifically fixed by the Central Government after taking into consideration the cost of direct management incurred by Government the cost of superior supervision, and any risks that may be incurred by Government in respect of the management”.

H. C. PRIOR,

Secy. to the Govt. of India.

The 21st September 1940.

No. 558-O.R./40.—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:—

For sub-rule (1) of rule 51 of the said Rules, the following sub-rule shall be substituted, namely:—

“(1) The Central Government or the Provincial Government may, with a view to protecting the general public or any members thereof against the dangers involved in any apprehended attack by land, sea or air, or with a view to acquainting the general public or any members thereof with the action to be taken in such an emergency, by order specify the action to be taken by any person or authority on such occasions as may be specified.”

The 21st September 1940.

No. 532-O.R./40.—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 amendments shall be made in the Defence of India Rules, namely —

In the said Rules,

(1) after sub-rule (2) of rule 66 the following sub-rule shall be inserted, namely :—

“(2a) The Central Government may by order require the owner, or the person having the management, of any vessel registered in British India to furnish to such authority as may be specified in the order such information in his possession relating to the vessel or to things on board the vessel (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified”

(2) after sub-rule (3) of rule 72, the following sub-rule shall be inserted, namely :—

“(3a) The Central Government may by order require the owner, or the person having the management of any such air-craft or thing as is referred to in sub-rule (1) to furnish to such authority as may be specified in the order such information in his possession relating to the said air-craft or thing (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified”.

(3) after sub-rule (2) of the rule 76, the following sub-rule shall be inserted, namely :—

“(2a) The Central Government or the Provincial Government may by order—

(a) require the owner or occupier of any building, part of a building, or other premises to furnish to such authority as may be specified in the order such information in his possession relating to the building, part of a building or other premises, or to any fixtures, fittings, furniture or other things therein (being information which may reasonably be required of him in connection with the execution of this rule) as may be so specified ;

(b) direct that such owner or occupier shall not, without the permission of the Central Government or the Provincial Government as the case may be dispose of such building, part of a building, or other premises, or of any fixtures, fittings, furniture or other things therein, till the expiry of such period as may be specified in the order.”

(4) for sub-rule (3) of Rule 79, the following sub-rule shall be substituted namely ;—

“(3) The Central Government may by order—

(a) require the owner or the occupier of any land to furnish to such authority as may be specified in the order such information in his possession relating to the land (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified ;

(b) direct that the owner or occupier of any land shall not without the permission of the Central Government, dispose of the land or of any interest therein till the expiry of such period as may be specified in the order.”

(5) after sub-rule (3) of rule 83, the following sub-rule shall be inserted, namely :—

“(3a) The Central Government may, with a view to the requisitioning of any animal, product, article or thing, or the determining of the price of any animal, product, article or thing which has been requisitioned, by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the animal, product, article or thing as may be so specified ;

(b) direct that the owner, or person in possession, of the animal product, article or thing shall not, without the permission of the Central Government dispose of it till the expiry of such period, as may be specified in the order.”

(6) after rule 117, the following rule shall be inserted, namely :—

“Power to require production of books, &c. 117A. (1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may be order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.”

Sinhs, the 21st September 1940.

No. 570-O.R./40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that

the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 81 of the said Rules, after clause (a) of sub-rule (2), the following clause shall be inserted, namely:—

“(aa) for controlling the rates at which any vessel registered in British India may be hired and the rates at which persons or goods may be carried in or on any such vessel;”.

Simla, the 21st September 1940.

No. 569-O.R./40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 113A of the said Rules.—

1. In clause (a) of sub-rule (3) after the words “agent of the firm” the following words shall be inserted, namely:—

“and, subject only to such restrictions as the Central Government may impose, shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm.”

2. After sub-rule (3) the following sub-rule shall be added, namely:—

“(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporate or unincorporate, which is an enemy as defined in rule 97 and which is cr. at any time subsequent to the 2nd September 1939, was carrying on business in British India, as they apply in relation to an enemy firm.”

A. DEC. WILLIAMS,

Secy. to the Govt. of India.

The 18th September 1940.

No. T. R.-3.—In exercise of the powers conferred by section 5 of the National Service (Technical Personnel) Ordinance, 1940 (No. 11 of 1940), the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Labour, No. T.R.-3, dated the 16th August 1940, namely:—

In the said Notification, for the words “Province of Sind”, the words “Provinces of Sind and British Baluchistan” shall be substituted.

The 19th September 1940.

No. T.R.-2.—In exercise of the powers conferred by section 19 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. 11 of 1940), the Central Government is pleased to direct

that the following further amendments shall be made in the National Service (Technical Personnel) Rules, 1940, namely:—

I. In the said Rules—

(1) for the proviso to sub-rule (1) of rule 4, the following proviso shall be substituted, namely:—

“Provided that in the case of un-employed technical personnel or personnel who are to be taken into employment in the national service in a factory in which they are already employed, a Tribunal may dispense with the holding of a summary enquiry.”

(2) in rule 11, for the word, brackets and figure “sub-section (5)” the word, bracket and figure “sub-section (4)” shall be substituted;

(3) in sub-rule (1) of rule 12, for the figure “8”, the figure “7” shall be substituted; and

(4) for rule 18, the following shall be substituted, namely:—

“18. Before passing an order under sub-section (1) or (2) of section 10, the Central Government may, if it considers it necessary so to do, direct the local Tribunal to hold a summary enquiry, and thereupon the Tribunal shall hold such enquiry in accordance, as near as may be, with the provisions of sub-rules (1) and (2) of rule 4 and submit a report to the Central Government.”

II. In the Forms set out in the Appendix to the said Rules—

(1) in paragraph 2 of Form C, for the figures and word “7 and 9”, the figures, letter and word “7, 7A and 9” shall be substituted; and

(2) in Form G—

(a) for the words and figures “provisions of Section 13”, the words, brackets and figures “provisions of sub-sections (1), (2) and (3) of section 13” shall be substituted;

(b) in sub-section (1) of section 13 as reproduced, for the words “this section”, the words, brackets and figures “sub-sections (1), (2) and (3) of this section” shall be substituted; and

(c) in sub-section (3) of section 13 as reproduced, for the words “shall discharge”, the words “shall save as may be otherwise prescribed discharge” shall be substituted.

H. TUFNELL-BARRETT,

Secy. to the Govt. of India.