



The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 6. CUTTACK, FRIDAY, SEPTEMBER 22, 1939.



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

PART VI.

**Bills introduced into the Council of the Governor-General of India
and Bills published before introduction in that Council.**

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the
Legislative Assembly on the 30th August,
1939:—

L. A. BILL NO. 35 OF 1939.

*A Bill further to amend the Indian Tea
Cess Act, 1903 for a certain purpose.*

WHEREAS it is expedient further to
amend the Indian Tea Cess Act, 1903 for
the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act
Short title and com- may be called the
mencement. Indian Tea Cess
(Amendment) Act, 1939.

(2) It shall come into force on such date
as the Central Government may, by notifi-
cation in the official Gazette, appoint in
this behalf.

2. In clause (d) of sub-section (2) of
section 4 of the
Amendment of sec- Indian Tea Cess Act,
tion 4 of Act IX of 1903. 1903, for the words
“two on the recommendation of the Govern-
ment of Bengal of which one is to represent
the Tea Planters in North Bengal and
one” the words “one on the recommenda-
tion of the Terai Indian Planters’ Associa-
tion, one on the recommendation of the
Government of Bengal” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under section 4 (2) (d) of the Indian Tea Cess Act, 1903, one member on the Indian Tea Market Expansion Board to represent the Indian Tea Planters in North Bengal is appointed on the recommendation of the Government of Bengal. The Terai Indian Planters' Association, Bengal, have asked that their Association may be granted the right of recommending for appointment this member on the Board from North Bengal instead of the recommendation being made by the Government of Bengal.

2. The subject was referred to the Government of Bengal who have recommended that the authority now vested in them on

behalf of the unorganized tea estates in North Bengal may be exercised by the Terai Indian Planters' Association which represents the majority of the Indian-owned tea estates in North Bengal not directly represented on the Board. In view of this recommendation it is proposed to amend the Indian Tea Cess Act, 1903, so as to provide for representation of the Terai Indian Planters' Association on the Indian Tea Market Expansion Board. This representation will be within the existing number of members of the Board. The object of this Bill is to give effect to the proposal.

SIMLA,

The 11th July, 1939.

A. RAMASWAMI MUDALIAR.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPART-
MENT.

The following Bill was introduced in the Legislative Assembly on the 30th August, 1939:—

L. A. BILL No. 37 OF 1939.

A Bill further to amend the Code of Civil Procedure, 1908 for a certain purpose.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1939.
Short title.

2. In sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, for the words "in this behalf, the officer or other person whose duty it is to disburse such salary or allowances shall withhold and remit to the Court the amount due under the order, or

the monthly instalments, as the case may be." the following shall be substituted, namely:—

"in this behalf,—

(a) where such salary or allowances are to be disbursed within the local limits to which this Code for the time being extends, the officer or other person whose duty it is to disburse the same shall withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be;

(b) where such salary or allowances are to be disbursed beyond the said limits, the officer or other person within those limits whose duty it is to instruct the disbursing authority regarding the amount of the salary or allowances to be disbursed shall remit to the Court the amount due under the order, or the monthly instalments, as the case may be, and shall direct the disbursing authority to reduce the aggregate of the amounts from time to time to be disbursed by the aggregate of the amounts from time to time remitted to the Court."

STATEMENT OF OBJECTS AND REASONS.

Sub-rule (1) of rule 48 of Order XXI of the Civil Procedure Code provides that the person whose duty it is to disburse the salary or allowances of a public officer or of a servant of a railway company shall withhold from such salary or allowances amounts attached by order of a Court. In the case of officers on leave in the United Kingdom the disbursing officer is the High Commissioner for India and until recently such attachment orders were forwarded to him for compliance. The High Commissioner has, however, now been advised that, as the law stands at present, no deduction can legally be made under an attachment

order issued by a Court in India from the leave salary payable in England to an officer of the Indian Services.

The Bill proposes to amend sub-rule (1) of rule 48 of Order XXI in the First Schedule to the Code so as to make it legal for the High Commissioner for India to comply with such attachment orders.

In the absence of such amendment the Government would themselves be liable to make good the amount under attachment by virtue of the provisions of sub-rule (3) of rule 48.

SIMLA;

The 22nd August, 1939.

J. A. THORNE,

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY
DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 20th August 1929:—

L. A. BILL No. 38 OF 1939.

A Bill to provide for certain matters in connection with the taking of the census.

WHEREAS it has been determined to take a census of British India during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Census Act, 1939.
Short title and extent.

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

2. (1) The Central Government may appoint a Census Commissioner to supervise the taking of the census throughout British India, and Superintendents of Census Operations to supervise the taking of the census within the several Provinces.
Appointment of census staff.

(2) The Provincial Government may appoint persons as census-officers to take, or aid in, or supervise the taking of, the census within any specified local area.

(3) A declaration in writing, signed by any authority authorised by the Provincial Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The Provincial Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (2).

3. The Census Commissioner, all Superintendents of Census Operations and all census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.
Status of census authorities as public servants.

XLV of 1860.

4. (1) (a) Every officer in command of any body of men belonging to His Majesty's naval, military or air forces or of any vessel of war,
Discharge of duties of census-officer in certain cases.

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration depot or club,

(e) every manager or officer of a railway or any commercial or industrial establishment, and

(f) every occupant of immovable property wherein at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as the Provincial Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

XLV

5. The District Magistrate, or such authority as the Provincial Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—
Power to call upon certain persons to give assistance.

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land-revenue, or their agents, and

(b) all members of district, municipal, panchayat and other local authorities and officers and servants of such authorities,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure holders, farmers and assignees, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code.

XLV

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Provincial Government and published in the official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

8. (1) Subject to such orders as the Provincial Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Provincial Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

9. (a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses

or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the Provincial Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(d) any person occupying any house, enclosure, vessel or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(e) any person who removes, obliterates, alters or damages before the 31st day of March, 1941 any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(f) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,— shall be punishable with fine which may extend to two hundred rupees.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of an authority authorised in this behalf by the Provincial Government.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

12. No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule

Records of census not open to inspection nor admissible in evidence.

Penalties.

delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Superintendent of Census Operations or with such other authority as the Provincial Government may authorise in this behalf, shall, at the time appointed for the taking of the census of British India during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, union or village funds, the Provincial Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Act or the rules made thereunder may be charged to any municipal, local, union or village fund constituted for, and on behalf of, the area within which such expenses were incurred.

16. The Census Commissioner for British India or any Superintendent of Census Operations or such person as the Provincial Government may authorise in this behalf may, if he so thinks fit, at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for British India or the Province, as the case may be, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

17. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing—

- (a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons ;
- (b) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the taking of a census in 1941. It reproduces

with certain alterations the provisions of the Indian Census Act, 1929 (Act X of 1929).

SIMLA :

The 19th August, 1939.

J. A. THORNE.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 30th August 1939:—

L. A. BILL NO. 39 OF 1939.

A Bill further to amend the Indian Salt Act, 1882 for certain purposes.

WHEREAS it is expedient further to amend the Indian Salt Act, 1882 for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Salt (Amendment) Act, 1939.
Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. In section 1 of the Indian Salt Act, 1882 (hereinafter referred to as the said Act), for the words and figures "sections 2, 7 and 8," the word and figure "section 7," shall be substituted.
Amendment of section 1 of Act XII of 1882.

3. In section 3 of the said Act,—
Amendment of section 3.

(a) in the definition of "Assistant Commissioner" the words "an

Assistant Commissioner of Northern India Salt-revenue, and also includes" shall be omitted;

(b) in the definition of "Salt-revenue-officer" the words "any officer of the Northern India Salt Department and also includes" shall be omitted.

4. For section 5 of the said Act the following section shall be substituted, namely:—
Substitution of new section for section 5.

"5. The Central Government may, by notification in the official Gazette, appoint with such designation as may be specified therein, one or two officers to control the administration of salt-revenue under this Act, and where two officers are so appointed, may, by like notification, from time to time define the territorial limits of their respective jurisdictions."
Appointment of officers to control administration of salt-revenue.

5. In the last paragraph of section 22 of the said Act, for the words "Commissioner of Northern India Salt-revenue" the words and figure "officer appointed under section 5" shall be substituted.
Amendment of section 22.

6. In section 30 of the said Act, for the words "the Commissioner of Northern India Salt-revenue" the words and figure "an officer appointed under section 5" shall be substituted.
Amendment of section 30.

STATEMENT OF OBJECTS AND REASONS.

Owing to the centralisation under the control of the Commissioner of Northern India Salt-revenue of the administration of Central Excises in the Northern India provinces, the charge of that officer has increased beyond the capacity of one officer to administer satisfactorily. It has, therefore, been decided that his charge be divided into two, viz., Central Excises and Salt Department, North Eastern India, and the Central Excises and Salt Department, North-Western India, and placed under two Collectors. These two Collectors will replace the Commissioner of Northern India

Salt-revenue specified in section 5 of the Indian Salt Act, 1882. The Bill seeks to give effect to this change by amending section 5 of the Act and also by making certain consequential amendments to sections 3, 22 and 30 of the Act.

Opportunity has also been taken to include in this Bill the amendment to section 1 consequential upon the repeal of section 2 by the Repealing Act, 1938 and the removal of section 8 by the Government of India (Adaptation of Indian Laws) Order, 1937.

SIMLA:

The 21st August, 1939.

A. J. RAISMAN.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill* was introduced in the Legislative Assembly on the 5th September, 1939:—

L. A. BILL NO. 40 OF 1939.

A Bill further to amend the Indian Tariff Act, 1934 for a certain purpose, and to validate the levy and collection of certain duty under that Act.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1934 for the purpose hereinafter appearing, and to validate the levy and collection of duty on the import of wood pulp during the period commencing the 1st day, and ending the 20th day, of April, 1939:

*The Governor-General has been pleased to accord the sanction required by sub-section (2) of section 67 of the Government of India Act, as saved from repeal by paragraph 12 of the Government of India (Commencement and Transitory Provisions) Order, 1936.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to make good certain defects in the law relating to items 22 (5) (c) and 43 of Schedule I to the Indian Tariff Act, 1934, which have been brought

to light by a scrutiny of the Indian Tariff (Second Amendment) Act, 1939 and (Third Amendment) Act, 1939.

SIMLA :

The 1st September, 1939.

A. RAMASWAMI MUDALIAR.

Md. RAFI,

Secy. to the Govt. of India.

It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Fourth Amendment) Act, 1939.
Short title.

2. In the First Schedule to the Indian Tariff Act, 1934, in paragraph (c) of Item No. 22 (5), to the entry in the fourth column the words and figure "or 25 per cent *ad valorem*, whichever is higher" shall be added.

3. The declaration inserted, in exercise of the power conferred by section 3 of the Provisional Collection of Taxes Act, 1931, in the Indian Tariff (Second Amendment) Bill, 1939 shall be deemed always to have applied to the provision in the said Bill relating to the duty on the import of wood pulp, notwithstanding that the said provision purported to impose a revenue, and not a protective, duty; and all duty levied and collected on the import of wood pulp during the period commencing the 1st day, and ending the 20th day, of April, 1939 is hereby declared to have been as validly levied and collected as if the said declaration had always applied to the said provision.