



PUBLISHED BY AUTHORITY

No. 12

CUTTACK, FRIDAY, MARCH 23, 1945

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

PUBLISHED UNDER THE AUTHORITY OF THE HIGH COURT OF JUDICATURE AT PATNA

NOTIFICATION

The 20th March 1945

No. 7—XII-18/44-R.—It is hereby published for general information under section 127 of the Code of Civil Procedure, 1908 (Act V of 1908), that the forms of the said Code, specified below, as amended by the Court and approved in accordance with the provisions of Part X of the said Code, shall be introduced in the ex-Madras areas in the Province of Orissa and shall regulate the procedure of all the Civil Courts there which are subject to the superintendence of this Court. This will be in supersession of the forms amended by the High Court of Judicature at Madras now in force there.

Forms as amended by the Patna High Court (Appendix D)

Form No. 1—Decree in Original Suit (Appendix E)

Form No. 38—Certificate of sale of land (Appendix G)

Form No. 9—Decree in Appeal (Appendix H)

Form No. 7—Commission to examine absent witnesses

Form No. 11—Notice to minor defendant and guardian.

Form No. 11a—Ditto.

Form No. 11b—Ditto.

Form No. 14—Register of Civil Suits

Order XXXII, Rule 4(4)

By order of the High Court
A. SALISBURY
Registrar

HOME DEPARTMENT NOTIFICATION

The 15th March 1945

No. 679-G.—The following notification by the Government of India is republished for general information.

By order of the Governor
R. A. E. WILLIAMS

Chief Secretary to Government

DEFENCE DEPARTMENT

New Delhi, 24th February 1945

No. 5-D.C.(7)/45—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. Sub-rule (5) of rule 48 shall be omitted,

2. After rule 123 the following rule shall be inserted,

namely:—

“123-A. Burden of proof in certain cases—Where any person is prosecuted for contravening any of these Rules or order made thereunder which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proving that he had such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission, shall be on him”.

C. MAEL G. OGILVIE

Secretary to the Government of India

DEPARTMENT OF SUPPLY AND TRANSPORT NOTIFICATIONS

The 14th March 1945

No. 6038-S.T.—The following notifications, issued by the Government of India in the Department of Food, are republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 10th February 1945

No. 6-VP (1)/45—In exercise of the powers conferred upon me by sub-clause (I) of clause 6 of the Vegetable Oil Products Control Order, 1945, I hereby fix as follows the maximum prices at which vegetable oil products may be sold:—

I

| Locality of sale | Maximum price per lb. net of vegetable oil product | | | | | |
|---|---|-----|----|-------------------------------|---------------------------|----|
| | When sold by producer or producer's distributing agent either loose or in large packs | | | WHEN SOLD BY ANY OTHER PERSON | | |
| | | | | In large packs | Loose in small quantities | |
| | Rs. | AS. | P. | Rs. | AS. | P. |
| 1. Bombay town and suburbs | 0 | 9 | 0 | 0 | 9 | 0 |
| 2. Bombay Province (excluding Bombay town and suburbs), Madras, the Central Provinces and Berar, Coorg and Panth-Piploda. | 0 | 9 | 9 | 0 | 10 | 6 |
| 3. The Punjab, the United Provinces, the North-West Frontier Province, Bihar, Sind, Baluchistan, Delhi and Ajmer. | 0 | 11 | 0 | 0 | 11 | 9 |
| 4. Bengal, Assam and Orissa.. | 0 | 11 | 0 | 0 | 11 | 9 |

NOTE—“Large packs” are packs (in producer's original sealed containers) containing not less than 35 lbs. net of the product.

II

| Description | Maximum price per pack of vegetable oil products when sold in small packs | | | | | |
|--------------------------|---|-----|----|--------|-----|----|
| | Wholesale | | | Retail | | |
| | Rs. | AS. | P. | Rs. | AS. | P. |
| Packs containing 10 lbs. | 7 | 9 | 0 | 7 | 15 | 0 |
| “ “ 9 lbs. | 6 | 14 | 6 | 7 | 4 | 0 |
| “ “ 5 lbs. | 4 | 0 | 3 | 4 | 3 | 6 |
| “ “ 3 lbs. | 2 | 10 | 0 | 2 | 12 | 0 |
| “ “ 2 lbs. | 1 | 10 | 6 | 1 | 12 | 0 |
| “ “ 1 lb. | 0 | 13 | 6 | 0 | 14 | 3 |

NOTE—The maximum prices specified above, under I as well as II, are inclusive of freight, but exclusive of octroi, terminal tax, sales tax and other similar local taxes, and in places where any such taxes are levied, the above maximum prices shall be increased by an equivalent amount.

V. SAHAY

Vegetable Oil Products Controller for India

New Delhi, 10th February 1945

No. 2-VP(2)/45—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 make the following Order, namely:—

VEGETABLE OIL PRODUCTS CONTROL ORDER

1. (1) This Order may be called the Vegetable Oil Products Control Order, 1945.

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

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,—

(a) "Controller" means the person appointed as the Vegetable Oil Products Controller for India by the Central Government, and includes any person authorised by the Controller to exercise all or any of the powers of the Controller under this Order;

(b) "dealer" means a person carrying on business in the purchase, sale or distribution of any vegetable oil product;

(c) "producer" means a person carrying on the business of manufacturing any vegetable oil product;

(d) "recognised dealer" means dealer recognised as such by the Controller for the purposes of this Order;

(e) "vegetable oil product" means any vegetable oil subjected to a process of hydrogenation in any form, or any preparation thereof for cooking purposes containing not less than 50 per cent of hydrogenated vegetable oil.

3. No producer shall, after such date as the Controller may notify in this behalf, dispose of, or agree to dispose of, or in pursuance of any agreement entered into on or before such date make delivery of, any vegetable oil product except—

(a) to or through a recognised dealer, or

(b) to a person specially authorised in this behalf by the Controller to acquire vegetable oil products on behalf of the Central Government or of a Provincial Government or of an Indian State; and no person other than a recognised dealer shall, after the date notified by the Controller, carry on business in the purchase, sale or distribution of any vegetable oil product.

4. (1) The Controller may by general or special order prohibit or restrict the manufacture of any variety or quality of vegetable oil product, and no producer to whom such order applies shall manufacture any vegetable oil products in contravention thereof.

(2) Every producer shall furnish the Controller with such details regarding—

(a) the quantities and varieties of vegetable oil products manufactured by him; and

(b) the ingredients used in their manufacture and the sources from which the ingredients are obtained, as the Controller may require.

5. (1) Every producer and every recognised dealer shall comply with such directions regarding the sales, stocks and distribution of vegetable oil products as may from time to time be given to him by the Controller.

(2) Every producer and every recognised dealer shall furnish the Controller with such details regarding the quantities and varieties of vegetable oil products produced, stocked or sold by him, during any period as the Controller may require.

6. (1) The Controller may from time to time by notification in the Official Gazette fix the maximum prices as which vegetable oil products may be sold and the prices so fixed may be different in different localities and for different classes of transactions.

(2) No person shall buy or sell, or agree to buy or sell any vegetable oil product at a price exceeding the maximum fixed under sub-clause (1).

(3) Where in respect of any vegetable oil product a maximum price has been fixed under sub-clause (1), no such vegetable oil product shall be delivered or accepted in pursuance of an agreement entered into before such fixing of maximum price and providing for the payment of a price higher than that maximum, unless the agreement is so revised as to substitute for the price originally agreed a price not exceeding the maximum fixed under sub-clause (1).

7. (1) The Controller may from time to time—

(a) allot quotas of vegetable oil products for the requirements of any specified Province, area or market;

(b) issue directions to any producer or dealer to supply vegetable oil products to such Provinces, areas or markets, in such quantities of such types or varieties, at such times, at such prices and in such manner, as may be specified in the direction; and

(c) require any producer or recognised dealer to keep in reserve stocks of vegetable oil products in such quantities and of such types and varieties as he may direct from time to time.

(2) Every producer and every dealer shall, notwithstanding any pre-existing agreement, give priority to, and comply with, the directions issued to him under sub-clause (1).

8. (1) No vegetable oil product shall, after such date as the Controller may notify in this behalf, be offered by any person for transport, whether by land or water or accepted by any railway administration or other carrier for transport except under and in accordance with the conditions of a permit issued by the Controller in that behalf:

Provided that the above restriction shall not apply to the transport of any vegetable oil product (a) not exceeding 5 seers by a *bona fide* traveller as part of his personal luggage, or (b) under and in accordance with military credit notes, or (c) under and in accordance with a permit issued by a Provincial Authority before the date notified by the Controller or (d) in accordance with such general permits as may from time to time be notified by the Controller.

(2) A permit issued in pursuance of sub-clause (1) shall be returned by the consignor to the Controller, if so required by him, on completion of despatch, or on expiry of the period of its validity whichever is earlier, with the particulars of actual despatches noted on it in such form as may be prescribed by the Controller.

9. Any Court trying a contravention of this Order may, without prejudice to any other sentence which it may pass, direct that any stock of vegetable oil product in respect of which it is satisfied that this Order has been contravened, together with the receptacles in which the stock is contained, shall be forfeited to His Majesty.

R. H. HUTCHINGS
Secy. to Govt. of India

The 14th March 1945

No. 6340-S.T.—The following Ordinance, issued by the Government of India in the Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

ORDINANCE No. LVI OF 1944

AN
ORDINANCE

further to amend the Cotton Textiles Fund Ordinance, 1944

WHEREAS an emergency has arisen which makes it necessary further to amend the Cotton Textiles Fund Ordinance, 1944 (XXXIV of 1944), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (23 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement**—(1) This Ordinance may be called the Cotton Textiles Fund (Second Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. **Amendment of section 4, Ordinance XXXIV of 1944**—In sub-section (1) of section 4 of the Cotton Textiles Fund Ordinance, 1944.—

(a) in the existing proviso, after the word "exported" the following shall be inserted, namely:—

"before the 1st day of February 1945";

(b) after the existing proviso the following proviso shall be added, namely:—

"Provided further that where for the time being no maximum ex-factory price has been so fixed the duty of customs shall, until a maximum ex-factory price is so fixed, be levied at the rate of three per centum of the value of the cloth or yarn exported as declared in the shipping bill."

WAVELL
Viceroy and Governor-General

PRESS NOTE

Bombay, 2nd March 1945

The Textile Commissioner to the Government of India has extended to Ahmedabad with effect from the 1st March 1945, the regulation which now applies to the Bombay City and Suburban Area under which all goods bought from a manufacturer are frozen with the purchaser, (i. e., the quota holder) and can only be sold and delivered to

a person holding a permit issued by the Textile Commissioner.

In the case of Ahmedabad, however, after full consultation with them, advantage is being taken of the organisations of the Maskati Cloth Market Association, and the Panchkuva Cloth Market Association. It has been arranged that the Purchase permits should be presented to these Associations which have undertaken to ensure that the holders procure, at not more than the legal price, the cloth which their permits entitle them to buy.