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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 NOTIFICATIONS

The 5th June 1945

No. 1569-C.—The following notifications by the Government of Bengal are republished for general information.

By order of the Governor

R. A. E. WILLIAMS

Chief Secretary to Government

HOME DEPARTMENT

PRESS

The 27th April 1945

No. 279-Pr.—In exercise of the power conferred by section 99A of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor is pleased to rescind notification No. 10720-P., dated the 22nd October 1924, declaring forfeited to His Majesty all copies of a book in Bengali entitled "Visher Vanshi", printed at the Bani Press, 33A, Madan Mitter Lane, Calcutta and published by the author Kazi Nazrul Islam, Hooghly.

The 27th April 1945

No. 282-Pr.—In exercise of the power conferred by section 99A of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor is pleased to make the following amendment in notification No. 14087-P., dated the 17th September 1930, declaring forfeited to His Majesty all copies of a book in Bengali entitled "Pralaya Sikha" by Kazi Nazrul Islam, printed at the Mahamaya Press at 193, Cornwallis Street, Calcutta and published from 50/2A, Musjid Bari Street, Calcutta, namely:—

AMENDMENT

To the said notification add the following proviso, namely:—

"Provided that nothing herein contained shall apply to any other edition of the book if such edition does not contain the following poems entitled—

- (1) Naba Bharter Haldighat,
- (2) Jatin Das, and
- (3) Jagaran.

By order of the Governor

R. A. DUTCH

Addl. Secretary to Government

The 6th June 1945

No. 1577-C.—The following notification of 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, 12th May 1945

No. 5-DC (79)-44—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:—

(i) In sub-rule (1) of rule 51G of the said Rules, for the words "Special risks are in the opinion of that Government likely to arise in the event of hostile attack" the words "special precautions are, in the opinion of that Government necessary or expedient for securing the public safety" shall be substituted.

(ii) After sub-rule (1), the following sub-rule shall be added, namely:—

"(1A) if in the opinion of the Central Government or, as the case may be, the Provincial Government, any person who has been ordered under sub-rule (1) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be

taken in respect of the contravention of the order that Government may cause the said measures to be taken or completed, and the cost thereof shall be recoverable from the owner or occupier of the premises by the Collector as if it were an arrear of land revenue".

RAM CHANDRA

Secy. to the Govt. of India

The 5th June 1945

No. 2614-Poll.—The following notifications of the Government of India in the Department of Commonwealth Relations are republished for general information.

By order of the Governor

R. A. E. WILLIAMS

Chief Secretary to Government

New Delhi, 26th March 1945

No. F.13-1/45-O.S.—In exercise of the powers conferred by section 6 of the Reciprocity Act, 1943 (IX of 1943), the Central Government is pleased to direct that the following further amendment shall be made in the Reciprocity (South Africa) Rules, 1944, published with the notification of the Government of India in the Department of Commonwealth Relations No. F.170-2/43-O.S.(4), dated the 1st December 1944, namely:—

In sub-clause (i) of clause (b) of rule 2 of the said Rules, for the words "or otherwise to represent that Government" the words "or to work as Trade Commissioner" shall be substituted.

R. N. BANERJEE

Secy. to the Govt. of India

New Delhi, 12th April 1945

No. F.13-8/45-O.S.—In exercise of the powers conferred by section 6 of the Reciprocity Act, 1943 (IX of 1943), the Central Government is pleased to direct that the following further amendment shall be made in the Reciprocity (Natal and the Transvaal) Rules, namely:—

After rule 6 of the said Rules, the following rule shall be inserted, namely:—

"7. Jurisdiction—No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under these Rules, and no court shall take cognisance of any such offence except upon the complaint of a Police officer not below the rank of a Sub-Inspector".

S. I. HUSAIN

Deputy Secy. to the Govt. of India

The 6th June 1945

No. 2620-P.—The following notification, issued by the Government of India, Legislative Department, is republished for general information.

By order of the Governor

R. A. E. WILLIAMS

Chief Secretary to Government

New Delhi, 8th May 1945

No. F. 248/44-C.&G. Judl.)—In exercise of the powers conferred by sub-section (1) of section 549 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Central Government is pleased to direct that the following further amendments shall be made in the rules published with the notification of the Government of India in the Home Department No. F. 102/35-Judicial, dated the 12th March 1935, namely:—

1. For rules 1 and 2 the following rules shall be substituted, namely:—

"1. These Rules may be called the Criminal Procedure (Military Offenders) Rules.

2. Where a person subject to military, naval or air force law is brought before a Magistrate and charged with an offence for which he is liable under the Army Act, the Naval Discipline Act, the Naval Discipline Act as modified by the Indian Navy (Discipline) Act, 1934, or the Air Force Act, to be tried by a court-martial, such Magistrate unless he is moved by the competent military naval or air force authority to proceed against the accused under the Code of Criminal Procedure, 1898, shall before so proceeding give notice to the Commanding Officer of the accused, and until the expiry of a period of five days from the date of service of such notice, shall not—

(a) convict the accused under section 243, acquit him under section 247 or section 248, or hear him in his defence under section 244, of the said Code, or

(b) frame a charge against the accused under section 254 of the said Code, or

(c) make an order committing the accused for trial by the High Court or the Court of Session under section 213, or sub-section (1) of section 446, of the said Code, or

(d) transfer the case for inquiry or trial under section 192 of the said Code, or

(e) issue an order under sub-section (1) of section 445 of the said Code for the case to be referred to a Bench."

2. In rule 4, for the words, brackets, letter and figure "clause (b) of rule 1" the word and figure "rule 2" shall be substituted.

K. Y. BHANDARKAR

Addl. Dy. Secy. to the Govt. of India

COMMERCE AND LABOUR DEPARTMENT NOTIFICATIONS

The 5th June 1945

No. 2507-Com.—The following notification, issued by the Government of India in the Department of Commerce, is republished for general information.

By order of the Governor
J. E. MAHER

Secretary to Government

WAR RISKS INSURANCE

New Delhi, 31st March 1945

No. 5-W.R.I.(G)/45—In pursuance of section 6 of the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Department of Commerce, No. 7-W.R.I./40, dated the 14th September 1940, namely:—

In the Schedule annexed to the said notification—

(1) after entry 31, the following entry shall be inserted, namely:—

"31-A. Great Pyramid Insurance Company, Limited" and

(2) after entry 59-A the following entry shall be inserted, namely:—

"59-AA. Neptune Assurance Company, Limited"

S. R. ZAMAN

Joint Secy. to the Govt. of India

The 5th June 1945

No. 2508-Com.—The following notification, issued by the Government of India in the Department of Commerce, is republished for general information.

By order of the Governor
J. E. MAHER

Secretary to Government

WAR RISKS INSURANCE

New Delhi, 16th May 1945

No. 110-W.R.I.(3)/45—In exercise of the powers conferred by section 15 of the War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), the Central Government is pleased to direct that the following further amendment shall be made in the War Risks (Factories) Insurance Rules, 1942, namely:—

In clause (1) of rule 3 of, and in clause (1) of Schedule "B" attached to the Fourth Schedule to, the said Rules—

(i) after sub-clause (a) the following sub-clause shall be inserted, namely:—

"(aa) accidental damage occurring as the direct result of any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things;"

(ii) in sub-clause (b) for the word "aforesaid" the words, brackets and letters "is described in sub-clause (a) or in sub-clause (aa)" shall be substituted.

S. R. ZAMAN

Joint Secy. to the Govt. of India

LAW DEPARTMENT NOTIFICATIONS

The 2nd June 1945

No. 2445-L.R.—The following ordinances, promulgated by the Governor-General, are hereby republished for general information.

By order of the Governor
J. E. MAHER

Secretary to Government

New Delhi, 19th May 1945

ORDINANCE No. XV of 1945

AN

ORDINANCE

to provide for the maintenance and enforcement of discipline among members of the Civil Affairs (Malaya) Police Force who are temporarily in British India

WHEREAS an emergency has arisen which renders it necessary to make provision for the maintenance and enforcement of discipline among members of the Civil Affairs (Malaya) Police Force (hereinafter referred to as the Force), being a force raised and trained in British India under the authority of His Majesty's Principal Secretary of State for War for the purpose of accompanying the Allied Forces into Malaya as part of the liberating forces in order to assist in maintaining public order and safety in Malaya.

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 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement**—(1) This Ordinance may be called the Civil Affairs (Malaya) Police Force (Discipline) Ordinance, 1945.

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

(3) It shall come into force at once.

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

(a) "Commandant" means a senior military officer appointed by or under the authority of His Majesty's Principal Secretary of State for War to be the Commandant of the Force or any detachment thereof, and includes his duly appointed deputy, and "gazetted officer" means a military officer similarly appointed to be a gazetted officer of the Force;

(b) "member of the Force" means a person who, after the commencement of this Ordinance, has engaged to serve in the Force and has signed an agreement so to serve in the form set out in the Schedule to this Ordinance:

Provided that every person who—

(i) is at the commencement of this Ordinance a pensioner or superior or subordinate police officer or police constable of the former Straits Settlements, Federated Malay States or Johore Police Force, or

(ii) was prior to the commencement of this Ordinance recruited in British India for service in the Force, and who is in receipt of pay as a member of the Force and is borne on the rolls of the Force, shall be deemed to be a member of the Force, notwithstanding that he has not signed an agreement to serve therein, or that such an agreement signed by him is not in the form set out in the Schedule to this Ordinance;

(c) "the Police Force Enactment" means the Federated Malay States Police Force Enactment (Chapter 34 of 1924);

(d) "superior police officer", "subordinate police officer" and "peace officer" have the meanings respectively assigned to them in the Police Force enactment.

3. **Powers of command**—The Commandant and every gazetted officer shall possess and may exercise such power and authority over the superior and subordinate police officers and men of the Force at any time under their respective commands as are provided by or under this Ordinance.

4. **Appointments**—(1) The appointment of all superior and subordinate police officers and men of the Force shall rest with the Commandant who may exercise in this behalf all such powers as are vested in the Inspector-General of Police by or under the Police Force Enactment.

(2) Every person who after the commencement of this Ordinance engages to serve in the Force and is selected for such service by the Commandant shall sign an agreement of service in the form set out in the Schedule to this Ordinance, and every person referred to in the proviso to clause (b) of section 2 shall be deemed to have signed an agreement in the said form on the date on which he engaged himself to serve in the Force.

5. Application of Federated Malay States Police Force Enactment in British India—The provision of the Federated Malay States Police Force Enactment (Chapter 34 of 1924) and of the Police Regulations made thereunder shall, subject to the provisions of this Ordinance and in so far as they may be applicable, have effect in British India in relation to the appointment and discipline of members of the Force as if such provisions were laws of British India, and notwithstanding anything contained in the Army Act, all members of the Force shall be subject in all matters concerning discipline to the said Police Force Enactment and the Police Regulations made thereunder:

Provided that in having such effect as aforesaid, the said provisions shall be construed as if references therein to—

(i) the High Commissioner or the Federal Secretary were references to His Majesty's Principal Secretary of State for War or an officer authorised by him in this behalf;

(ii) the Inspector-General of Police were references to the Commandant;

(iii) Other classes of officers were references to the officers of equivalent rank in the Force;

(iv) dollars were references to rupees.

6. Summary powers of punishment—Without prejudice to the powers conferred on the Commandant by or under the Police Force Enactment, where any act, not being grave in character which constitutes an offence against any law of British India is committed by a member of the Force within the precincts of the depot, camp or other place in which the Force or any detachment thereof is for the time being located, the Commandant may deal with the offender in the manner provided in the Police Regulations made under the Police Force Enactment, and may, in lieu of or in addition to any punishment provided in the said Enactment, sentence the offender to imprisonment in cells for a term not exceeding twenty-eight days.

7. Resignation and withdrawal from the Force—(1) No member of the Force shall, without the permission in writing previously obtained of the Commandant, resign his appointment during the term of his engagement or withdraw himself from all or any of the duties of his appointment, and any member of the Force who contravenes the provisions of this sub-section shall be deemed to have deserted within the meaning of section 25 of the Police Force Enactment.

(2) The grant of permission referred to in sub-section (1) shall be within the absolute discretion of the Commandant whose decision in the matter shall be final.

8. Jurisdiction of British Indian Courts—Any act committed in British India by a member of the Force which if committed in the Federated Malay States by a peace officer would be punishable under any law of the Federated Malay States for the Government of the police, shall be punishable in British India as if the act constituted an offence under the law of British India and as if the law of the Federated Malay States for the government of the

police was a law of British India for the government of the Force.

9. Saving of jurisdiction of British Indian Courts—Nothing in the foregoing provisions of this Ordinance shall affect the jurisdiction of any criminal Court in British India to try any member of the Force for any act constituting an offence under the law of British India.

10. Validation of past disciplinary action and bar to legal proceedings—All punishments awarded before the commencement of this Ordinance under any Police Regulation (by whatsoever name called) made or purporting to have been made under the Police Force Enactment shall be deemed for all purposes to have been as validly awarded as if this Ordinance had been in force at the time when the punishments were awarded and undergone, and as if the said Police Regulation had been duly made under section 47 of the Police Force Enactment as having effect in British India by virtue of this Ordinance; and no suit, prosecution or other legal proceeding whatsoever shall be brought or maintained against any person for anything in good faith done or ordered to be done, whether before or after the commencement of this Ordinance, in furtherance of the maintenance and enforcement of discipline and good order among members of the Force.

THE SCHEDULE

[See section 4 (2)]

Agreement

I AGREE to serve faithfully under the provisions of the Federated Malay States Police Force Enactment (Chapter 34 of 1924) and to obey all lawful orders issued to me by my superior officers and I undertake not to resign my appointment within five years without the permission in writing previously obtained of the Commandant.

Date.....

Signature or left thumb print
of recruit in the presence of
the enrolling officer.

Under the provisions of section 10 of the Federated Malay States Police Force Enactment (Chapter 34 of 1924), I HEREBY APPOINT.....

a Peace Officer in the Civil Affairs (Malaya) Police Force.

Date.....

Commandant.

JOHN COLVILLE

Viceroy and Acting Governor General

New Delhi, 19th May 1945
ORDINANCE No. XVI of 1945

AN ORDINANCE

to amend the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944

WHEREAS an emergency has arisen which makes it necessary to amend the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944 (XLV of 1944), for the purpose 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 (26 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 Income-tax and Excess Profits Tax (Validity of Notices) Amendment Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XLV of 1944—In section 2 of the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944, after the words "commencement of this Ordinance" where they occur for the first time, the words and figures "but not later than the 19th day of May 1945" shall be inserted.

JOHN COLVILLE

Viceroy and Acting Governor-General
The 5th June 1945

No. 2494-L.R.—The following Ordinance, promulgated by the Governor-General, is hereby republished for general information:

By order of the Governor
J. F. MAHER

Secretary to Government

New Delhi, 26th May 1945

ORDINANCE No. XVII of 1945

AN

ORDINANCE

further to amend the Indian Mines Act, 1923

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Mines Act, 1923 (IV of 1923), 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 (26 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 Mines (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 30, Act IV of 1923—In section 30 of the Indian Mines Act, 1923, after clause (b) the following clause shall be inserted, namely:—

"(bb) for requiring the maintenance in mines wherein any women are ordinarily employed of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women ordinarily employed in the mine, the number and standards of such rooms, and the nature and extent of the supervision to be provided therein ;".

3. Amendment of section 31, Act IV of 1923—To section 31 of the Indian Mines Act, 1923, the following sub-section shall be added, namely:—

"(5) The provisions of sub-sections (1), (2) and (3A) shall not apply to the first occasion on which rules referred to in clause (bb) of section 30 are made."

JOHN COLVILLE

Viceroy and Acting Governor-General

DEPARTMENT OF SUPPLY AND TRANSPORT

PRESS NOTE

The Textile Industry (Rationalisation of Production) Order, 1945 has been promulgated by the Central Government and published in the *Gazette of India, Extraordinary*, dated the 18th May 1945. The order requires all manufacturers to take certain measures from the 1st of June 1945 calculated to increase the output of utility cloth, consisting mostly of dhoties, sarees, long cloth, shirtings, drills, twills, etc. The Order lays down that manufacturers shall utilise not less than 90 per cent of their civilian production capacity on the manufacture of utility cloth. The Order also limits the number of varieties to be produced by the manufacturers.

PRESS NOTE

By a notification in the *Gazette of India*, dated the 19th May 1945, the Government of India have included in the Schedule to the Foreign Cotton Control Order, 1944, Peruvian Pima Cotton and all other American cottons. This Schedule already includes cotton from Egypt, Sudan, Kanya, Uganda and Tanganyika and the addition, in effect, means that all foreign cotton, except Afghanistan, in which business is or might be practicable in this country is brought within the scope of the Foreign Cotton Control Order, the provisions of which are already well known to the cotton trade.

PRESS NOTE

With effect from the 15th May 1945, the Textile Commissioner to the Government of India has prohibited manufacturers from selling cloth in retail to consumers either from the manufacturing premises or from mill retail shops. A circular to this effect has been addressed to all the mills. Sales, however, to mill employees only have been permitted under certain conditions. Manufacturers, who had retail sales organisations prior to the introduction of textile control, may apply to the Textile Commissioner for a special permission authorising sales from such shops. Each such application will be considered on its merits.