

PUBLISHED BY AUTHORITY

No. 24

CUTTACK, FRIDAY, JUNE 15, 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

LAW DEPARTMENT NOTIFICATION

The 13th June 1945

No. 2619-L.R.—The following Ordinance, promulgated by the Governor-General, is hereby republished for general information.

By order of the Governor
J. E. MAHER
Secretary to Government

New Delhi, 2nd June 1945

ORDINANCE No. XVIII OF 1945

AN

ORDINANCE

further to amend the Indian Explosives Act, 1884

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Explosives Act, 1884 (IV of 1884), 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 Explosives (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 8, Act IV of 1884—(1) Section 8 of the Indian Explosives Act, 1884 (hereinafter referred to as the said Act) shall be renumbered as sub-section (1) of that section, and in the said section as so renumbered, for the words "forthwith give notice thereof" the words "within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the Chief Inspector of Explosives in India and" shall be substituted.

(2) To the said section as so renumbered the following sub-section shall be added, namely:—

"(2) Whoever in contravention of sub-section (1) fails to give notice of any accident shall be punishable with fine which may extend to five hundred rupees or if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months, or with fine, or with both."

3. Substitution of new sections for section 9, Act IV of 1884—For section 9 of the said Act the following sections shall be substituted, namely:—

"9. *Inquiry into accidents*—(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with any place, carriage or vessel under the control of any of His Majesty's Forces, an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate (or in a Presidency-town, the Commissioner of Police) shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an inquiry.

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the Code of Criminal Procedure, 1898 (V of 1898), and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(3) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances.

(4) The Central Government may make rules—

(a) to regulate the procedure at inquiries under this section;

(b) to enable the Chief Inspector of Explosives in India to be present or represented at any such inquiry;

(c) to permit the Chief Inspector of Explosives in India or his representative to examine any witnesses at the inquiry;

(d) to provide that where the Chief Inspector of Explosives in India is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him;

(e) to prescribe the manner in which and the time within which notices referred to in section 8 shall be given.

9A. *Inquiry into more serious accidents*—(1) The Central Government may, where it is of opinion, whether or not it has received the report of an inquiry under section 9, that an inquiry of more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the Chief Inspector of Explosives in India or any other competent person to hold such inquiry, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) where the Central Government orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

(3) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1860).

(4) Any person holding an inquiry under this section may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(5) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the Central Government shall cause every report so made to be published at such time and in such manner as it may think fit.

(6) The Central Government may make rules for regulating the procedure at inquiries under this section".

4. Substitution of new section for section 14, Act IV of 1884—For section 14 of the said Act the following section shall be substituted, namely:—

"14. *Saving and power to exempt*—(1) Nothing in this Act, except sections 8, 9 and 9A, shall apply to the manufacture, possession, use, transport or importation of any explosive—

(a) by any of His Majesty's Forces in accordance with rules or regulations made by His Majesty's Government in the United Kingdom or the Central Government;

(b) by any person employed under any Government in British India in execution of this Act.

(2) The Central Government may by notification in the official Gazette exempt, absolutely or subject to any such conditions as it may think fit to impose, any explosive from all or any of the provisions of this Act."

5. Temporary amendment of section 18, Act IV of 1884— During the continuance of this Ordinance, sub-sections (1), (2), (3) and (4) of section 18 of the said Act shall be deemed to be omitted.

JOHN COLVILLE
Viceroy and Acting Governor-General

DEPARTMENT OF SUPPLY AND TRANSPORT
NOTIFICATION

The 7th May 1945

No. 13969-S.T.—The following notification, issued by the Government of India in the Department of Industries and Civil Supplies, is hereby republished for general information.

By order of the Governor
C. S. JHA
Secretary to Government

New Delhi, 4th May 1945

No. 308-PA(98)/54—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 that the following further amendments shall be made in the Paper Price Control Order, 1944, namely:—

I. In the said Order—

(1) After clause 5, the following clause shall be inserted, namely:—

“5A. No person to or through whom sale of paper is effected by any manufacturer shall sell or offer to sell any scheduled variety of paper—

(a) to any dealer in paper at a price which exceeds the controlled mill price thereof, and

(b) to any person other than a dealer in paper at a price which exceeds the controlled mill price thereof by more than 10 per cent.

Provided that in respect of sales for delivery at places other than those specified in Schedule II an additional charge not exceeding 3 pies per lb. may be made by the seller.”

(2) In clause 6, after the word “person” the words “other than a manufacturer or a person to or through whom sale of paper is effected by any manufacturer” shall

be inserted and in the “Explanation”, for the words “ream lots or roll lots” the words “ream, roll or reel lots” shall be substituted.

(3) In clause 6A—

(i) after the words “outer packing of each ream”, the words “roll or reel, as the case may be,” shall be inserted;

(ii) in sub-clauses (b) and (c), after the words “rolls” and “roll”, wherever they occur, the words “or reels” and “or reel” respectively, shall be inserted;

(iii) for paragraph (iii) to sub-clause (e) the following paragraph shall be substituted, namely:—

“(iii) per ream of 500 sheets and per quire of 25 sheets or, in the case of paper, in rolls or reels, the price per lb. and”.

(4) In clause 8, after the figure “5” the figure and letter “5A” shall be inserted.

II. In the Schedule appended to the said Order—

(1) In Schedule I—

(i) in the heading in column (2), after the words “price per lb.”, the words “except when otherwise stated” shall be inserted;

(ii) in column (1), in item (7) under the sub-heading “I. Writing and printing (except newsprint) papers”, for the figures “16½ × 21” the figures “18½ × 16½” shall be substituted;

(iii) in column (2), under the sub-heading “VI. Boards (Solid, haste or combination)” for the figures against items (e), (f), (g), (h), (2), (3) and (4) the figures and words “0-11-0”, “0-11-0”, “0-9-0”, “0-6-9”, “0-0-7”, “0-1-6” and “0-0-3½” per sq. ft. respectively, shall be substituted.

(2) In Schedule II—

(i) to the entries under “United Provinces, Central India and Central Provinces”, the entry “Chandausi” shall be added;

(ii) to the entries under “Rajputana” the entry “Maihar” shall be added;

(iii) to the entries under “Punjab and N.-W.F. Provinces”, the entry “Patiala” shall be added;

(iv) to the entry under “Sind”, the entries “Sukkur” and “Hyderabad” shall be added; and

(v) to the entries under “Bombay Presidency”, the entries “Ahmedabad”, “Baroda”, “Surat”, “Bhavnager”, “Belgaum” and “Sholapur” shall be added.

B. N. KAUL

Deputy Secy. to the Govt. of India