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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

COMMERCE AND LABOUR DEPARTMENT NOTIFICATION

The 9th June 1943

No. 11914-Com.-(C).—The following notifications, issued by the Government of India in the Finance Department (Central Revenues), are republished for general information.

By order of the Governor
W. W. DALZIEL
Secretary to Government

No. 9—In exercise of the powers conferred by the Indian Salt Act, 1882 (XII of 1889), the Central Government is pleased to make the following rules, namely:—

THE NORTH ORISSA SALT (VILLAGE MANUFACTURE AND STORAGE) RULES, 1943.

1. *Short title, extent and commencement*—(1) These rules may be called the North Orissa Salt (Village Manufacture and Storage) Rules, 1943.

(2) They extend to the areas specified in the Schedule annexed hereto.

(3) They shall come into force in such areas and on such dates as may be notified by the Government of Orissa in the *Orissa Gazette* in this behalf and different dates may be fixed for different areas.

2. *Definitions*—In these rules unless there is anything repugnant in the subject or context—

(i) "Collector" means the Collector of the district in which the special area referred to in rule 4 is situated, or where such area is situated in more than one district, the Collector of the district specified by the Provincial Government in this behalf;

(ii) "Contractor" means a person appointed as such in accordance with sub-rule (1) of rule 4;

(iii) "Salt" means salt manufactured in accordance with these rules;

(iv) "Hat depot" means a hat depot opened in accordance with sub-rule (2) of rule 5;

(v) "Warehouse" means a warehouse opened in accordance with sub-rule (1) of rule 5;

(vi) "Warehouse Officer" means an officer appointed as such in accordance with rule 7.

3. *Conditions for manufacture*—No person shall manufacture salt unless he ordinarily resides in an area in which these rules are for the time being in force, and unless he carries on the manufacture as a cottage industry; and no such manufacturer shall sell or otherwise dispose of salt so manufactured except in the manner specified in rule 6.

4. *Contractors*—(1) The Government of Orissa may for the purpose of purchase and storage of salt manufactured under these rules appoint a contractor for a special area on conditions prescribed by it and approved by the Central Government.

(2) A contractor appointed under sub-rule (1) may with the approval of the Collector appoint one or more collecting agents.

5. *Warehouses and Hat Depots*—(1) In each special area for which a contractor is appointed under rule 4, a warehouse shall be opened by the Collector for the storage of non-duty paid salt purchased from the persons manufacturing it within such area without a licence.

(2) A contractor may with the approval of the Collector open hat depots at such places as may be convenient within his special area for the temporary storage of salt as aforesaid until its removal to a warehouse.

(3) The total quantity of salt stored in a hat depot shall at no time exceed 50 maunds. The salt so stored shall be removed by the Collecting agent to the warehouse without undue delay.

6. *Sale of salt only in specified manner*—Every manufacturer of salt shall either bring it direct to the warehouse for sale to the contractor appointed under sub-rule (1) of Rule 4 for the special area, or to a hat depot for sale to a collecting agent appointed under sub-rule (2) of the said rule by the said contractor.

7. *Supervision of warehouses*—Each warehouse shall be under the supervision of an officer not below the rank of Excise and Salt Sub-Inspector appointed by the Government of Orissa, to be called "Warehouse Officer."

8. *Procedure at warehouse*—Immediately after arrival of each consignment of salt at a warehouse, the Warehouse Officer shall cause the same to be weighed in his presence, and after the recording of the result of the weighing in the prescribed registers to be stored in the storage godown of the warehouse.

9. *Keys of the Storage Godown*—The storage godown in each warehouse shall be locked with two locks, the key of one remaining with the contractor or his duly authorised agent, and the key of the other with the Warehouse Officer.

10. *Payment of duty*—(1) No salt shall be removed from a warehouse except on previous payment by or on behalf of the contractor of the prescribed duty thereon to the credit of the Central Excise and Salt Department, into a Government Treasury of the district in which the warehouse is situated, or any other Treasury approved by the Government of Orissa.

(2) The Warehouse Officer shall be responsible for the collection of the duty and he alone shall have the authority to issue salt from the warehouse. A certificate or a receipt from the Treasury showing the amount of the duty credited as aforesaid shall be produced before the Warehouse Officer, and he will then issue a pass in the prescribed form in favour of the contractor for the removal of salt to the extent of the quantity for which the duty has been paid. The salt will be then be weighed in the presence of the Warehouse Officer and the weighing shall be recorded in the prescribed register:

Provided that with the written sanction of the Collector any salt without such payment may be removed for destruction at some convenient place outside the warehouse under the supervision of the officer specified in the written sanction.

11. *Penalty for breach of rules*—(1) Without prejudice to any punishment which may be imposed on a manufacturer of salt or a contractor in accordance with the provisions of the Indian Salt Act, 1882, (XII of 1882), the Collector may, after giving a reasonable opportunity of showing cause against the action proposed to be taken against him, take action as provided in sub-rule (2), (3) or (4) as the case may be:

Provided that it shall not be necessary to give an opportunity to show cause where the person concerned has been convicted of an offence under the Act aforesaid or where for some reasons to be recorded by the Collector, it is not reasonably practicable to give him such opportunity.

(2) Where a manufacturer of salt is guilty of persistent breach of these rules the Collector may prohibit him from manufacturing salt either absolutely or for a specified period.

(3) Where in any village a large number of manufacturers of salt are guilty of breach of these rules, the Collector, may prohibit all persons in the village for manufacturing salt either absolutely or for a specified period.

(4) Where a contractor is guilty of breach of any of these rules, or of any of the conditions prescribed under rule 4 involving loss of duty to the Central Government, the Collector may cancel the appointment of the Contractor, and debar him from such appointment either absolutely or for a specified period.

12. *Appeals*—(1) A manufacturer, or the villagers or a contractor, against whom an order has been passed under the last preceding rule may appeal to the Commissioner of Excise and Salt, Orissa, against the order :

Provided that where an order was passed under sub-rule (3) of rule 11, the appeal may be filed by any three persons of the village manufacturing salt.

(2) An appeal shall lie from any order of the Commissioner of Excise and Salt, Orissa, to the Central Board of Revenue.

(3) No appeal shall lie from any order passed by the Central Board of Revenue.

13. An appeal under rule 12 shall be accompanied by an authenticated copy of the order against which the appeal is made and shall be submitted through the officer against whose orders it is an appeal.

14. No appeal under rule 12 shall be admitted unless submitted within three months of the date of the order against which the appeal is made.

15. *Forms and registers to be prescribed by the Commissioner of Excise and Salt*—The Commissioner of Excise and Salt, Orissa, shall prescribe the forms of the pass and registers mentioned in these rules and other forms necessary for the working of these rules.

SCHEDULE

Areas lying in—

1. District Cuttack—

(a) Union No. VII of Balikuda police-station, (b) The whole of Ersama police-station, except Union No. 1, (c) Union Nos. V and VI of Tirtole police-station, (d) the whole of Mahakalpara police-station, (e) Union Nos. V, VI, VII of Pattamundai police-station, (f) Union Nos. IV, V, VI, VII, VIII, of Patkura Police-station, (g) Union Nos. V and VI of Kendrapara police-station, (h) Union No. XX of Jajpur police-station, (i) Union No. IX of Aul police-station, and (j) the whole of Rajanagar police-station.

2. District Balasore—

(a) Union Nos III, IV and V of Baliapal police-station, (b) Union Nos. I, II, III, IV, V, and VI of Bhograipal police-station, (c) Union No. VI of Basta police-station, (d) Union No. V of Singla police-station, (e) Union Nos. VI and VII of Soro police-station, (f) the whole of Chandbali police-station, (g) The whole of Basudebpur police-station, except Union No. II, and (h) Union Nos. VII, VIII, IX and X of Balasore police-station

3. District Puri—

(a) The whole of Krishna Prasad police-station, (b) The whole of Kakatpur police-station, (c) Union Nos. XI, XII, XIII, and XIV of Nimapara police-station, (d) the whole of Gop police-station, excepting the portion lying to the west of the road leading from Puri to Gope, (e) The whole of Brahmagiri police-station, excepting Union Nos. IV and VIII, (f) The portion of Union Nos. IV, V, VI and VII of Banapur police-station lying between Chilka lake and the Bengal-Nagpur Railway line, (g) the portion of Union Nos. I, II, III, IV and V of Tangi police-station lying between Chilka lake and the Bengal-Nagpur Railway line.

M SLADE

Joint Secretary to the Government of India

No. 10—In exercise of the powers conferred by the Indian Salt Act, 1882 (XII of 1882), the Central Government is pleased to direct that the following further amendment shall be made in the rules regarding manufacture storage and sale of salt under licence published with the notification of the Government of India in the Finance Department (Central Revenues) No. 21, dated the 19th May 1934 namely—

In rule 1 of the said rules for the words "These rules shall apply to the districts of the Orissa Division only" the following words and figures shall be substituted, namely :—

"These rules shall apply to to the districts of Balasore, Cuttack, Puri and Sambalpur :

Provided that nothing in these rules shall apply to persons manufacturing salt or to salt manufactured in accordance with the North Orissa Salt (Village Manufacture and Storage) Rules, 1943.

No. 11—In exercise of the powers conferred by section 27 of the Indian Salt Act, 1882 (XII of 1882), the Central Government is pleased to direct that the following amendment shall be made in the Rule published with the notification of the Government of India in the Finance Department (Central Revenues) No. 5-Salt, dated the 14th February 1942, namely :—

To the said Rule, the following shall be added at the end, namely :—

"or unless satisfactory proof is forthcoming that the salt in question is being transported to a warehouse or a 'hat' depot in accordance with rules prescribed in the North Orissa Salt (Village Manufacture and Storage) Rules, 1943.

K. K. CHETTUR

Deputy Secretary to the Government of India

DEPARTMENT OF SUPPLY AND TRANSPORT NOTIFICATION

The 16th June 1943

No. 5136-S.T.—The following notification, issued by the Regional Food Commissioner, Eastern Region, is republished for general information.

By order of the Governor
B. MUKERJI

Deputy Secretary to Government

GOVERNMENT OF INDIA

DEPARTMENT OF FOOD

THE FOODGRAINS MOVEMENT AND CONTROL ORDER

(EASTERN REGION), 1943

The 24th May 1943

No. FD-ER/1—In exercise of the powers conferred on the Central Government by clauses (a) and (f) of sub-rule (2) of rule 81 of the Defence of India Rules and by virtue of the delegation by the Central Government to the Regional Commissioner, Eastern Region, of all such powers as aforesaid within the Provinces of Assam, Bengal, Bihar and Orissa in relation to foodgrains and their products, the Regional Commissioner, Eastern Region, hereby makes the following Order, namely :—

1. (1) This Order may be called the Foodgrains Movement and Control Order (Eastern Region), 1943.

(2) It extends to the Provinces of Assam, Bengal, Bihar and Orissa.

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

(1) The "Eastern Region" means for the purposes of this Order the Provinces of Assam, Bengal, Bihar and Orissa, as for the time being constituted.

(2) "Export" means to take out or move, or cause or allow to be taken out or moved, from the Eastern Region to any province in British India not included in the Eastern Region or to any Indian State, except the States of the Eastern States Agency other than Kawardha, Khairagarh, Chhuikhadan, Nandgaon, Kanker, Bastar, Patna and Kalahandi.

(3) "Foodgrains" means wheat, rice (including paddy), jowar, bajra, gram, barley, maize and include all products of foodgrains.

(4) "Director of Food Supplies" means the officer appointed by the Provincial Government to administer this Order and includes any officer for the time being officiating for a Director of Food Supplies and any person authorised by a Director of Food Supplies to exercise all or any of the powers delegated to a Director of Food Supplies pursuant to this Order.

3. (1) As from the date of this Order no person shall export any foodgrains from the Eastern Region except under and in accordance with a Permit issued in that behalf by the Regional Commissioner, Eastern Region, or of a Director of Food Supplies duly authorised under sub-clause (1) (b) of this clause in that behalf by the Regional Commissioner, Eastern Region :

Provided that nothing in this clause shall apply to the export of foodgrains—

(a) not exceeding two maunds in weight in the aggregate by, and accompanied by, a *bona fide* traveller as part of his luggage ;

(b) under and in accordance with a military credit note ;

(c) under and in accordance with a Permit actually issued prior to the 18th day of May 1943 by a Provincial

Government of the Eastern Region or any officer duly authorized by a Provincial Government:

Provided further that the Regional Commissioner, Eastern Region, may—

(a) by general or special order exempt from the provisions of this clause the export of foodgrains or any of them to such extent, from such part or parts of the Eastern Region, to such other part or parts of India, in such manner and for such period as may be specified in the Order ;

(b) by order delegate to any Director of Food Supplies the power to issue Permits under this clause for export from his province or any part of it and whether generally or limited in respect of particular consignments, localities or destinations and from time to time to revoke the same.

(2) If for any reason it appears to the Regional Commissioner, Eastern Region, or to any Director of Food Supplies to whom powers have been delegated under sub-clause (1)(b) hereof, that any Permit issued under this clause ought to be cancelled, because it has not been, or is unlikely to be used or for any other reason which appears to him in his discretion to be sufficient, the Regional Commissioner or Director of Food Supplies, as the case may be, may, without assigning any reason, cancel such Permit and, upon such cancellation, the holder thereof shall forthwith be bound to return it to the Regional Commissioner or the Director of Food Supplies, as the case may be, who issued it.

5. Applications for Permits to export foodgrains during any calendar month shall, subject as hereinafter mentioned, be made in writing in such form, if any, as may from time to time be prescribed, not later than the fifteenth day of the month preceding the month in which the foodgrains are proposed to be exported, to the Regional Commissioner, Eastern Region, or to any Director of Food Supplies to whom he shall have delegated his powers under sub-clause (1)(b) of clause 4 hereof and shall specify —

(1) the consignor's name, business and address ;

(2) the consignee's name, business and address ;

(3) the quantity and character of the consignment ;

(4) the means of transport proposed and the proposed port or station (if any) of despatch, including the district and province in which it is situated ;

(5) the port or station or place of destination, including the district and province in which it is situated ;

(6) whether the consignment, or any part thereof, has been sold, and, if so, at what price and to whom ; and

(7) any other reason for the proposed export ;

Provided that applications for Permits to export foodgrains during the period from the date of this Order until the 30th day of June 1943 may be made at any time before the expiration of that period.

6. Where any foodgrains are exported by rail in accordance with a Permit issued in pursuance of this Order, the Permit shall be returned by the consignor to the issuing authority on completion of the despatch of the quantity to which the Permit relates, duly endorsed in respect of each consignment showing the date, place and quantity of despatch, or of each despatch as the case may be, certified by the Station Master on the Permit.

7. Where any foodgrains are exported by sea in accordance with a Permit issued under this Order, the consignor shall deliver the Permit to the Customs Collector, who shall return it to the issuing authority after the consignment, or last consignment as the case may be, has been despatched.

8. Where any foodgrains are exported otherwise than by rail or sea in accordance with a Permit issued under this Order, the Permit shall, on completion of the export, be endorsed by the holder with a note signed by him of the date or dates and means of the despatch or despatches of the foodgrains to which the Permit relates, and the Permit, so endorsed, shall be forthwith returned to the authority issuing the same.

H. B. L. BRAUND

Regional Commissioner, Eastern Region

LAW DEPARTMENT
NOTIFICATION

The 17th June 1943

No. 12404—Misc.(C).-25/42-L.(C).—The following Ordinance, promulgated by the Governor-General, is republished for general information.

By order of the Governor
W. W. DALZIEL
Secretary to Government

New Delhi, 5th June 1943

ORDINANCE No. XIX of 1943

AN

ORDINANCE

to repeal the Special Criminal Courts Ordinance, 1942, and to provide for certain matters in connection with such repeal

WHEREAS an emergency has arisen which makes it necessary to repeal the Special Criminal Courts Ordinance, 1942 (II of 1942), and to provide for certain matters in connection with such repeal;

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 Special Criminal Courts (Repeal) Ordinance, 1943.

(2) It shall come into force at once.

2. *Repeal of Ordinance II of 1942*—The Special Criminal Courts Ordinance, 1942 (hereinafter referred to as the said Ordinance) is hereby repealed.

3. *Confirmation and continuance, subject to appeal, of sentences*—(1) Any sentence passed by a Special Judge, a Special Magistrate or a Summary court in exercise of jurisdiction conferred or purporting to have been conferred by or under the said Ordinance shall have effect, and subject to the succeeding provisions of this section, shall continue to have effect, as if the trial at which it was passed had been held in accordance with the Code of Criminal Procedure, 1898 (V of 1898), by a Sessions Judge, an Assistant Sessions Judge or a Magistrate of the first

class respectively, exercising competent jurisdiction under the said Code.

(2) Notwithstanding anything contained in any other law, any such sentence as is referred to in sub-section (1) shall, whether or not the proceedings in which the sentence was passed were submitted for review under section 8, and whether or not the sentence was the subject of an appeal under section 13 or section 19, of the said Ordinance, be subject to such rights of appeal as would have accrued, and to such powers of revision as would have been exercisable under the said Code if the sentence had at a trial so held been passed on the date of the commencement of this Ordinance.

(3) Where any such sentence as aforesaid has been altered in the course of review or on appeal under the said Ordinance, the sentence as so altered shall for the purposes of this section be deemed to have been passed by the Court which passed the original sentence.

4. *Disposal of pending cases*—Where the trial of any case pending before a Court constituted under the said Ordinance has not concluded before the date of the commencement of this Ordinance, the proceedings of such Court in the case shall be void; and the case shall be deemed to be transferred, in a Presidency-town to the Chief Presidency Magistrate, or elsewhere to the Sub-divisional Magistrate, who may either—

(i) inquire into or try the case himself, or

(ii) transfer the case for inquiry or trial to any Magistrate subordinate to him,—
in accordance with the Code of Criminal Procedure, 1898 (V of 1898).

5. *Indemnity*—No suit, prosecution or other legal proceedings shall lie in any Court against any servant of the Crown for or on account of or in respect of any sentence passed or any act ordered or done by him whether in exercise of any jurisdiction or power conferred or purporting to have been conferred on him by or under the said Ordinance, or in carrying out any sentence passed by any Court in exercise of any such jurisdiction as aforesaid.

LINLITHGOW
Viceroy and Governor General