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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 21st July 1943

No. 15237-A.(C).—The following notification, issued by the Government of India, Legislative Department, is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government
New Delhi the 30th June 1943

No. F.28/43-C. & G.—His Excellency the Governor General, in exercise of the power conferred by sub-section (2) of section 63D of the Government of India Act, 1935, is pleased to direct that a session of the Council of State shall commence at New Delhi on Monday, the 2nd August 1943.

G. H. SPENCE

Secy. to the Govt. of India

The 16th July 1943

No. 2185-C.—The following notification by the Government of United Provinces is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government

HOME DEPARTMENT (POLICE)

MISCELLANEOUS

Lucknow, 9th July 1943

No. 947-Z/VIII-999-43—In exercise of the powers conferred by section 90-A of the Criminal Procedure Code, the Governor is pleased to declare the booklet in Hindi entitled "Punjab Ki Maharani" (pages 78), written by Pandeya Bechan Sharma 'Ugra', printed at the Ganga Fine Art Press, Lucknow, and published by the Ganga Pustakmala Karyalaya, Lucknow, every copy thereof and all other documents containing copies, reprints and translations of, or extracts from, the said document, forfeited to His Majesty, on the ground that the said booklet contains matter the publication of which is punishable under sections 124-A and 153-A of the Indian Penal Code.

By order
D. S. BARRON
Secretary

The 20th July 1943

No. 2229-C.—The following notification by the Government of Madras is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government

PUBLIC (GENERAL) DEPARTMENT

The 12th July 1943

No. 1934—Whereas in the opinion of the Government of Madras the book in Tamil entitled "Makkal Vayirril Adikkade", written by P. T. Ranadive, printed at the "Janasakthi Press", Madras, and published by the Janasakthi Prasuralayam, contains prejudicial reports; and whereas, therefore, in exercise of the powers conferred by clauses (d) and (e) of sub-rule (1) of rule 40 of the Defence of India Rules, His Excellency the Governor of Madras is hereby pleased to prohibit the further publication, sale or distribution of the said book and to declare to be forfeited to His Majesty all copies, wherever found, of the said book and all other documents containing copies, reprints or translations of, or extracts from, the said book.

By order of His Excellency the Governor
G. W. PRIESTLEY

Chief Secretary to Government

The 21st July 1943

No. 2239-C.—The following notification by the Government of Bombay is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government

HOME DEPARTMENT (POLITICAL)

Bombay Castle, 12th July 1943

No. 1279-Poll.—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931, the Government of Bombay is pleased to declare all copies; wherever found, of the book in Gujarati entitled "Ladat Ango Narhari Parikhna Panch Patro (i.e., Five Letters On The Movement by Narhari Parikh)", written and published by Narhari Dwarkadas Parikh, and all other documents containing copies, reprints, translations of or extracts from the said book, to be forfeited to His Majesty on the ground that it appears to the Government of Bombay that the said book contains words of the nature described in clause (bb), (d) and (f) of section 4(1) of the said Act.

By order of the Governor of Bombay
D. SYMINGTON
Secy. to Government

COMMERCE AND LABOUR DEPARTMENT

NOTIFICATIONS

The 14th July 1943

No. 14650-Com.(C).—The following notifications, issued by the Government of India, Department of Commerce, are republished for general information.

By order of the Governor
W. W. DALZIEL

Secretary to Government

COMMERCE—WAR

New Delhi, 10th April 1943

No. 91-C. W. (1)/43—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Department of Commerce, No. 91-C.W. (1)/43, dated the 6th March 1943, namely:—

In the Schedule annexed to the said notification:—

I. in Part A—

(a) in item 7—

(1) for entry (ii), the following entry shall be substituted, namely:—

"(ii) Dry salted cow hides other than those known as Daccas, from 9 lb. upwards."

(2) after entry (ii), the following entry shall be inserted, namely:—

"(ii-a) Dry (arsenicated or otherwise) framed cow hides from 6 lb. upwards."

(b) in item 11, for entries (ii) and (iii), the following entries shall be substituted, namely:—

"(ii) All classes of vegetable tanned leather produced from cow hides or kips weighing 5 lb. or over as hides and 4 lb. or over as sides other than East India Kips.

(iii) All chrome tanned upper leather produced from cow or buffalo hides and having a minimum substance of 1.5 mm. and/or a minimum area of 11 sq. ft. per half hide (side) or 22 sq. ft. per full hide."

(c) after item 16, the following item shall be inserted, namely:—

"16A. Starch, dextrine and farina."

II. in Part C, in item 26, entry (iii) shall be omitted.

III. in Part D—

(a) after item 18, the following item shall be inserted, namely :—

"18A. Hydraulic brake fluid for automobiles."

(b) item 36 shall be omitted.

(c) in item 38, for entry (iii), the following entry shall be substituted, namely :—

"(iii) Cotton manufactures, all sorts (including cotton twist and yarn, piecegoods, hosiery and sewing thread) other than those specified in Part C."

(d) for item 38A, the following item shall be substituted, namely :—

"38A. Tobacco, manufactured,

(i) fine cured tobacco,

(ii) cigarettes."

S. N. RAY

Joint Secy. to the Govt. of India

New Delhi, 2nd January 1943

No. 91-C.W. (10)/42—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules and in supersession of the notification of the Government of India in the Department of Commerce No. 65-C.W. (154)/40, dated the 4th December 1940, the Central Government is pleased to prohibit the export to any place in the French Colonies or mandated territories, other than the French Establishment in India, French Cameroons, New Caledonia, French Oceania (Tahiti), Syria, Lebanon, Madagascar and French Equatorial Africa including Chad and Gabon, of any goods other than goods of the description specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, No. 91-C.W. (1)/42, dated the 7th February 1942, unless they are covered by a special permit issued by the Central Government in the Department of Commerce.

E. S. KRISHNAMOORTHY

Deputy Secretary to the Government of India
New Delhi, 10th April 1943

No. 91-C.W. (10)/42—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Commerce No. 91-C.W. (10)/42, dated the 2nd January 1943, namely :—

For the words "Madagascar and French Equatorial Africa including Chad and Gabon" occurring in the said notification, the following words shall be substituted, namely :—

"French Equatorial Africa including Chad and Gabon, French Somaliland Reunion, Madagascar and dependencies of Madagascar."

S. N. RAY

Joint Secy. to the Govt. of India

The 21st July 1943

No. 15244—W-10/43-Com.(C).—The following notification, issued by the Government of India, Department of Commerce, is republished for general information.

By order of the Governor

W. W. DALZIEL

Secretary to Government

COMPANY LAW

New Delhi, 26th June 1943

No. 24 (8)-Tr. (C.L.)/43—In pursuance of sub-section (2) of section 1 of the Indian Companies (Second Amendment) Act, 1942 (XXI of 1942), the Central Government is pleased to appoint the 1st November 1943, as the date on which the said Act shall come into force.

S. N. RAY

Joint Secretary to Government

DEPARTMENT OF SUPPLY AND TRANSPORT NOTIFICATION

The 17th July 1943

No. 5805-S.T.—The following notification, issued by the Government of India, Department of Food, is republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

SUGAR AND SUGAR PRODUCTS CONTROL ORDER

New Delhi, 1st July 1943

No. 1-SC.(1)/43—In exercise of the powers conferred by the sub-rule (2) of rule 81 of the Defence of India rules and in supersession of the Sugar Control Order, 1942, published with the notification of the Government of India in the Department of Commerce, No. 1-SC(6)/42, dated

the 29th June 1942 and modified by subsequent notifications the Central Government is pleased to make the following Order, namely :—

1. (1) This order may be called the Sugar and Sugar Products Control Order, 1943.

(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 to the subject or context—

(a) "Controller" means the person appointed as the Sugar 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 sugar or sugar products.

(c) "ex-factory price" means the price of sugar including excise duty, packed in accordance with the usual market practice, and loaded at the buyer's option, on to carts, lorries or other means of transport, or into railway wagons at the railway station or siding generally used by the producer, and all incidental charges including those for siding and forwarding, being on account of the ex-factory seller ;

(d) "producer" means a person carrying on the business of manufacturing sugar or sugar products or both with the aid of electrical energy or any other form of energy which is mechanically transmitted, and is not generated by human or animal agency ;

(e) "recognised dealer" means a dealer who has been recognised as such by the Controller for the purposes of this Order ;

(f) "sugar" means any form of sugar containing more than 90 per cent of sucrose ;

(g) "sugar product" means any article manufactured from, and containing, sugar not less than 50 per cent by its weight.

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 or before such date make delivery of, any sugar, except—

(i) to or through a recognised dealer, or

(ii) to a person specially authorised in this behalf by the Controller to acquire sugar on behalf of the Central Government or of a Provincial Government or of an Indian State.

4. (1) If the Controller has reason to believe that the production of special types of sugar or sugar products is likely to affect adversely the production of adequate quantities of ordinary sugar, he may, by general or special order, prohibit, or limit to such quantities as may be specified in the order, the manufacture by any producer or by producers generally of such types or grades of sugar or sugar products as the order may specify, and no producer to whom such order applies shall manufacture any sugar or sugar products in contravention thereof.

(2) For the purposes of sub-clause (1) "producer" includes a person carrying on the business of manufacturing any form of sugar containing more than 90 per cent of sucrose including Khandsari sugar, Desi sugar and Burra.

5. Every producer and dealer shall comply with the directions regarding the sales, stocks or distribution of sugar or sugar products as may from time to time be issued to him by the Controller.

6. (1) The Controller may, from time to time, fix the price at which any sugar or sugar product may be sold or delivered.

(2) Where the price has been so fixed—

(a) the price at which such sugar or sugar product may be sold for delivery otherwise than ex-factory shall be the price fixed under sub-clause (1) for sale ex-factory, and such charges in respect of transport to or in specified areas and other incidental charges as are approved by the Controller ;

(b) no person shall sell or purchase or agree to sell or purchase such sugar or sugar product at a price different from that fixed under the provisions of sub-clause (1) ;

(c) no such sugar or sugar product shall be delivered or accepted in pursuance of an agreement entered into before such fixing of prices which provides for the payment of a price different from that fixed under the provision of sub-clause (1) unless the agreement is by consent of the Controller revised so as to substitute for the price originally agreed to the price so fixed.

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

(i) allow quotas of sugar or sugar products or of any other article for the requirements of any specified province, or area or market ;

(ii) issue directions to any producer or dealer to supply sugar or sugar products to such provinces, areas or markets or such persons or organisations, in such quantities, of such types or grades, at such times, at such prices and in such manner as may be specified by the Controller; and

(iii) require any producer or dealer to keep in reserve stocks of sugar or sugar products in such quantities and of such types and grades as he may direct from time to time.

Provided that where price of any sugar or sugar product has been fixed in accordance with sub-clause (1) of clause (i) the Controller shall in respect of such sugar or sugar product specify the price under para. (ii) of this clause accordingly.

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

(3) (1) No sugar shall, after such date as the Controller may notify in this behalf, be offered for transport by railway or in any manner whatsoever by land or river by a consignor or accepted by a railway servant or by any person whatsoever for transport except under a permit issued by the Controller in such form and subject to such conditions and in respect of such areas as he may from time to time prescribe:

Provided that this clause shall not apply to the transport by railway or in any manner whatsoever by land or river of 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 of this notification.

Explanation—For the purposes of this clause sugar not intended for the personal use of the traveller and members of his family shall not be deemed to be his personal luggage.

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

(3) For the purposes of this clause "sugar" means sugar manufactured by any process, including sugar made in vacuum pan factories from cane or gur or palmyra jaggery, as well as Khandsari sugar, sugar-candy (*misri*) and Bura.

9. The Controller may, by notification in the official Gazette, make rules for carrying into effect the purposes and objects of this Order.

10. Notwithstanding the supersession of the Sugar Control Order, 1942, all notifications, rules, orders, authorizations, quotas, requirements and directions issued thereunder shall, so far as they are not inconsistent with this Order, be deemed to have been made hereunder, and they shall continue in force until rescinded or modified hereunder.

E. WOOD
Secretary

LAW DEPARTMENT
NOTIFICATION
The 21st July 1943

No. 15264—Misc.(G.)-25/42-L.(C).—The following Ordinances, promulgated by the Governor General are republished for general information.

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

New Delhi, 2nd July 1943
ORDINANCE No. XXI of 1943

AN
ORDINANCE

to provide for the maintenance and control of foreigners required to reside in parole centres

WHEREAS an emergency has arisen which makes it necessary to provide for the maintenance and control of foreigners required to reside in parole centres;

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 Parole Centres Ordinance, 1943.

(2) It extends to the whole of British India

(3) It shall come into force at once

2. *Maintenance and control of foreigners in parole centres*—Any foreigner in respect of whom there is in force an order under clause (e) of sub-section (2) of section 3 of the Foreigners Act, 1940 (II of 1940), requiring him to reside in a place set apart for the residence under supervision of a number of foreigners, shall while residing therein be subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Central Government may from time to time by order determine.

3. *Application of Act II of 1940 not barred*—The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1940.

LINLITHGOW
Viceroy and Governor General

New Delhi, 2nd July 1943
ORDINANCE No. XXII of 1943

AN
ORDINANCE

to constitute a special police force for the investigation of certain offences committed in connection with Departments of the Central Government, with power to investigate such offences wherever committed in British India; and to provide for the superintendence and administration of the said force.

WHEREAS an emergency has arisen which makes it necessary to constitute a special police force for the investigation of certain offences committed in connection with Departments of the Central Government, with power to investigate such offences wherever committed in British India; and to provide for the superintendence and administration of the said force;

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 Special Police Establishment (War Department) Ordinance, 1943.

(2) It extends to the whole of British India

(3) It shall come into force at once

2. *Constitution and powers of Special Police Establishment (War Department)*—(1) The Central Government may constitute a police force to be called the Special Police Establishment (War Department) to exercise throughout British India the powers and jurisdiction exercisable in a Province by members of the police force of the Province.

(2) Subject to any orders which the Central Government may make in this behalf, members of the said Police Establishment shall have throughout British India, in relation to the investigation of offences made over to them for investigation under this Ordinance and to the arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers of a Province have in connection with the investigation of offences committed in the Province.

(3) Any member of the said Police Establishment of or above the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise anywhere in British India any of the powers of the officer in charge of a police station in the area in which he is for the time being, and when so exercising any such powers shall, subject to any such order as aforesaid, be deemed to be an officer in charge of a police station, discharging the functions of such an officer within the limits of his station.

3. *Offences to be investigated by Special Police Establishment*—The Central Government may by general or special order specify the offences or classes of offences committed in connection with Departments of the Central Government which are to be investigated by the Special Police

Establishment (War Department), or may direct any particular offence committed in connection with a Department of the Central Government to be so investigated.

4. *Superintendence and administration of Special Police Establishment*—(1) The superintendence of the Special Police Establishment (War Department) shall vest in the Central Government.

(2) The administration of the Special Police Establishment (War Department) shall vest in an officer appointed in this behalf by the Central Government, who shall exercise in respect of the said Police Establishment such of the powers exercisable by an Inspector General of Police in respect of the police force in a Province as the Central Government may specify in this behalf.

LINLITHGOW

Viceroy and Governor General

New Delhi, 15th July 1943

ORDINANCE No. XXIII of 1943

AN

ORDINANCE

Further to amend the Civil Pioneer Force Ordinance, 1942

WHEREAS an emergency has arisen which makes it necessary further to amend the Civil Pioneer Force Ordinance, 1942 (X of 1942), 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 Civil Pioneer Force (Amendment) Ordinance, 1943.

(2) It shall come into force at once.

2. *Amendment of section 5, Ordinance X of 1942*—In section 5 of the Civil Pioneer Force Ordinance, 1942 (X of 1942):—

(a) for clause (1) of sub-section (1), the following shall be substituted, namely:—

“(i) commissioned officers—

- (a) Controllers,
- (b) Commandants Grade I,
- (c) Commandants,
- (d) Captains,
- (e) Lieutenants,
- (f) Second Lieutenants:

Provided that no Controller or Commandant Grade I shall be appointed for the unit or units constituted for any Province unless the Central Government has, by notification in the official Gazette, directed that such appointment shall be made.”;

(b) after sub-section (3), the following sub-sections shall be added, namely:—

“(4) The Provincial Government may authorise a Commandant Grade I to exercise, in respect of any unit or units or part of a unit or units placed under his control by the Provincial Government, the powers vested by or under this Ordinance in a Commandant; and thereupon the Commandant Grade I shall be deemed to be a Commandant for all the purposes of this Ordinance in respect of each such unit or part, and the Commandant of each such unit or part shall be subject to the orders and control of the Commandant Grade I in all matters respecting the unit or part.

(5) The Provincial Government may vest a Controller with any of the powers which under sub-section (4) it may authorise a Commandant Grade I to exercise, and may also, with the previous approval of the Central Government, delegate to a Controller any of the powers vested in the Provincial Government by this Ordinance or the rules and regulations made thereunder, except the power to discharge or dismiss commissioned officers, to reduce commissioned officers from one class of commissioned rank to another and to order forfeiture of service by a commissioned officer.”

LINLITHGOW

Viceroy and Governor General

New Delhi, 15th July 1943
ORDINANCE No. XXIV of 1943

AN

ORDINANCE

to make certain provisions relating to the discipline of seamen

WHEREAS an emergency has arisen which renders necessary to make certain provisions relating to the discipline of seamen;

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 Discipline of Seamen Ordinance, 1943.

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

(3) It shall come into force at once.

2. *Definitions*—In this Ordinance—

(a) “authorised officer” means any one of the following, namely:—

the master of a ship, any mate of a ship, any person having the management of a ship, any police officer below the rank of Sub-Inspector, any commissioned officer in His Majesty's forces, and any Shipping Master with the meaning of section 6 of the Indian Merchant Shipping Act, 1923 (XXI of 1923);

(b) “ship to which this Ordinance applies” means—

(i) any ship belonging to His Majesty, or a ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty, or any ship registered in British India under the provisions of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60);

(ii) any ship in respect of which there is for the time being in force a pass granted in pursuance of section 23 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60);

(iii) any ship in respect of which there is for the time being in force a licence granted in pursuance of order made under rule 65 of the Defence of India Rules.

3. *Absence without leave, desertion and failure to join ship*—(1) Whoever being lawfully engaged to serve on board any ship to which this Ordinance applies—

(a) neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship, or

(b) deserts or is absent without leave from his ship, or

(c) is absent without leave from his duty at any time,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to the amount of two months' pay, or with both.

(2) Nothing in this section shall be taken to prejudice the provisions of section 221 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60) or section 100 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), relating to forfeiture of effects or wages for desertion or absence without leave.

4. *Drunkenness when joining or whilst on board ship*—Whoever being lawfully engaged to serve on board a ship to which this Ordinance applies joins his ship, or whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to the amount of one month's pay, or with both.

5. *Conveyance of deserter on board ship*—(1) Where an authorised officer has reason to believe that any person has, in British India, contravened the provisions of section 3, that person may be conveyed on board his ship by or under the direction of that officer.

(2) This section shall, in relation to ships to which this Ordinance applies, have effect in the case of a British ship in substitution for the provisions of section 222 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60) and sub-sections (1) to (4) of section 101 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), as the case may be.

LINLITHGOW

Viceroy and Governor General