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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
NOTIFICATION

The 3rd August 1945

No. 2159-C.—The following notification by the Government of Bengal is republished for general information.

By order of the Governor
R. A. E. WILLIAMS
Chief Secretary to Government

HOME DEPARTMENT
PRESS

The 25th June 1945

No. 410-Pr.—In exercise of the power conferred by section 99A of the Code of the Criminal Procedure, 1898 (Act V of 1898), the Governor is pleased to declare to be forfeited to His Majesty all copies, wherever found, of the book entitled "Scented Garden" by Dr. Benhard Stern, translated into English by David Berger and published from the Ethnological Press, New York, United States of America, on the ground that the said book contains matter which is deliberately and maliciously intended to outrage the religious feelings of a class of His Majesty's subjects by insulting the religious beliefs of that class, the publication of which matter is punishable under section 295A of the Indian Penal Code (Act XLV of 1860).

By order of the Governor
R. A. DUTCH
Addl. Secy. to the Govt. of Bengal

FINANCE DEPARTMENT
NOTIFICATION

The 8th August 1945

No. 4792-F.—The following Office Memorandum, issued by the Government of India in the Finance Department, is republished in the *Orissa Gazette* for general information.

By order of the Governor
B. MUKERJI
Dy. Secy. to Government

Simla, 17th July 1945

No. F. 46 (10)-R.II/45—The undersigned is directed to say that the following questions have been raised in connection with the interpretation of rule 5A of the Defence Savings Provident Fund Rules:—

(a) Whether the expression "deposit such amount in the fund" occurring in that rule means that a Government servant on re-employment after retirement should deposit in the Defence Savings Provident Fund the whole amount to his credit at the time of his retirement in any Government or Railway Provident Fund or may he deposit only a portion thereof;

(b) Whether the term "immediately on withdrawal" in the rule permits the deposit in the Defence Savings Provident Fund of the amount already withdrawn from the other fund by an officer who is re-employed after retirement; and

(c) Whether a person who has withdrawn 90 per cent of his accumulations in a Railway Provident Fund during leave preparatory to retirement can on his re-employment transfer the balance to the Defence Savings Provident Fund.

2. The undersigned is to communicate the following decision arrived at, in consultation with the Auditor-General on each of these questions:—

(1) The expression "deposit such amount" means deposit the whole amount standing to the credit of a re-employed Government servant at the time of his retirement in a Government or Railway Provident Fund.

(2) The term "immediately on withdrawal" bars the deposit in the Defence Savings Provident Fund of any amount withdrawn by an officer from another Fund before his re-employment, and

(3) A person who has withdrawn 90 per cent of his accumulations in the Railway Provident Fund may only transfer the remaining 10 per cent which is at his credit at the time of his re-employment.

A. HAMID
Assistant Secy. to the Govt. of India

LAW DEPARTMENT
NOTIFICATION

The 2nd August 1945

No. 3500-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, 21st July 1945
ORDINANCE No. XXVI of 1945

AN
ORDINANCE

temporarily to regulate the Andaman and Nicobar Islands Police Force

WHEREAS an emergency has arisen which renders it necessary to make temporary provision to regulate the Andaman and Nicobar Islands police force while it is elsewhere in British India, and in particular to provide for the maintenance of discipline among members of the said police 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 Andaman and Nicobar Islands Police Force (Temporary Provisions) Ordinance, 1945.

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

(3) It shall come into force at once.

2 **Temporary provisions for Andaman and Nicobar Islands Police Force**—During the continuance of this Ordinance and notwithstanding anything to the contrary in any other law but subject to any orders which the Central Government may make in this behalf, members of the Andaman and Nicobar Islands police force shall have, within the Province in which they for the time being are, such powers, duties, privileges and liabilities, including liability to discipline, as have members of the police force of that Province:

Provided that the exercise of powers and jurisdiction in any Province by members of the Andaman and Nicobar Islands police force shall be subject to the general or special consent of the Government of that Province.

WAVELL
Viceroy and Governor-General

DEPARTMENT OF SUPPLY AND TRANSPORT
NOTIFICATIONS

The 8th August 1945

No. 19383-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, 21st June 1945

No. 1-SC(1)15—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 Sugar and Sugar Products Control Order, 1943, namely:—

In the said Order—

1. In clause 3.—

(a) the words "after such date as the Controller may notify in this behalf" shall be omitted, and

(b) the words "in pursuance of any agreement entered into on or before such date" shall be omitted.

2: For clause 6, the following clause shall be substituted:—

"(1) The Controller may, from time to time, fix by notification in the *Gazette of India* the price or maximum price at which any sugar or sugar product may be sold or delivered, and different prices may be so fixed by him for different areas or different types or grades of sugar or sugar products.

(2) Where the price or the maximum 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 not exceed the price or the maximum price as the case may be fixed under sub-clause (1) for sale *ex-factory* plus 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 higher than that fixed under the provisions of sub-clause (1)".

3. In the proviso to sub-clause (1) of clause 7, for the word "price", wherever it occurs, the words "price or maximum price" shall be substituted.

4. For sub-clause (1) of clause 8, the following sub-clause shall be substituted, namely:—

(1) No sugar shall be transported, or offered or accepted for transport, whether by rail, road or water, and whether by a railway servant, common carrier or other person, except under and in accordance with the terms of—

(a) a general or special permit issued by the Controller in this behalf; or

(b) a Military credit note.

Provided that nothing in this sub-clause shall apply to the transport of sugar not exceeding 20 seers as part of the personal luggage of a *bona fide* traveller."

B. R. SEN

Secy. to the Govt. of India

Simla, 29th June 1945

No. 35-SC(1)/45—In pursuance of sub-clause (1) of clause 8 of the Sugar and Sugar Products Control Order, 1943, and in supersession of the Sugar Controller's notification No. 35-SC(1)/43, dated the 29th May 1943, I hereby issue the following general permit:—

Subject to the provisions of any local or provincial orders regulating transport of sugar, sugar may be transported without a special permit from the Sugar Controller for India, whether by rail, road or water, from any place in a province specified in the first column of the schedule hereto annexed to any place in the area specified against that province in the second column of the said Schedule.

SCHEDULE

Province	Area
1. Madras ..	Madras, Coorg, Pudukotta and the French Settlements of Pondicherry, Karikal and Mahe.
2. Bombay	Bombay, the Gujarat States, the Deccan States, the States of Idar, Radhanpur and Vijayanagar and the Portuguese Settlements in India.
3. Bengal ..	Bengal, the States of Tripura and Cooch Behar and the French Settlement of Chandernagore.
4. The United Provinces.	The United Provinces and the States of Rampur, Benares and Tehri-Garhwal.
5. The Punjab	The Punjab and Punjab States, excluding Tehri-Garhwal and Khairpur.

Province	Area
6. Bihar ..	Bihar
7. The Central Provinces and Berar.	The Central Provinces and Berar and the Chhattisgarh States.
8. Assam ..	Assam and Assam States
9. North-West Frontier Province.	The North-West Frontier Province and the States of Dir, Swat and Chitral.
10. Orissa ..	Orissa and the Eastern States excluding the States specified above against items 3 and 7.
11. Sind ..	Sind and Khairpur State
12. British Beluchistan	British Beluchistan and the States of Kalat and Las Bela.
12. Delhi ..	Delhi
14. Ajmer-Merwara ..	Ajmer-Merwara

V. SAHAY

Sugar Controller for India

The 8th August 1945

No. 19385-S.T.—The following notifications, issued by the Government of India in the Department of Industries and Civil Supplies, are republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

Bombay, 21st June 1945

No. 1/2(65)/45-CG(CS)—It is hereby notified for public information that in pursuance of the proviso to sub-section (2) of section 6 of the Hoarding and Profiteering Prevention Ordinance, 1943 (Ordinance XXXV of 1943) and with reference to clause (b) of the said sub-section and in partial modification of the Controller-General of Civil Supplies Notification No. 1/2(143)/44-CG(CS), dated the 14th November 1944 I have sanctioned the addition to the landed cost of each of the articles specified in column 1 of the Schedule below, of a sum representing the percentage of such landed cost specified in the corresponding entry in column 2 of the said Schedule, for the purpose of determining the maximum retail price of such article (inclusive in the case of the articles specified in items 1 and 2 of the packing charges), provided that where the article is sold to a dealer the seller shall allow a discount at the minimum rate specified in the corresponding entry in column 3 of the Schedule.

SCHEDULE

1	2	3
Description of the article	Sanctioned addition to the landed cost permitted for determining the selling price of the article	Percentage of discount to be allowed when the sale is made to a dealer
1. Surgical Instruments (Imported)	50% of the landed cost.	12½% of the maximum retail selling price.
2. Hospital Appliances (Imported)	40% of the landed cost.	10% of the maximum retail selling price.
3. Hospital Furniture (Imported)	50% of the landed cost.	12½% of the maximum retail selling price.

Bombay, 21st June 1945

No. 1/2(66)/45-CG(CS)—It is hereby notified for public information that in pursuance of proviso to sub-section (2) of section 6 of the Hoarding and Profiteering Prevention Ordinance, for the purpose of determining:

(1) the *ex-factory* price of any of the articles specified in column (1) of the Schedule hereto appended, I have sanctioned the addition, to the cost of production thereof, of a sum representing the percentage of such cost of production specified in the corresponding entry in column (2) of the Schedule;

(2) the maximum price at which a dealer may sell any of such article, I have sanctioned the addition to the *ex-factory* price of a sum representing the percentage of such price specified in the corresponding entry in column (3) of the said Schedule, provided that where the sale is made to a retail dealer the seller shall allow a discount on the retail price at a minimum rate specified in the corresponding entry in column (4) of that Schedule.

Explanation: For the purpose of his notification the price of an article included in any of item 1 or 2 specified in column (1) of the said Schedule shall be deemed to include packing charges, if any.

SCHEDULE

(1)	(2)	(3)	(4)
Description of the article	Sanctioned addition to the cost of production to determine the ex-factory price	Sanctioned addition to the ex-factory price to determine the maximum retail price	Minimum discount to be allowed where the sale is made to a retail dealer
1. Surgical Instruments	.. 10% of the cost of production ..	50% of the ex-factory price ..	12½% of the maximum retail price
2. Hospital Appliances	.. 7½% of the cost of production ..	40% of the ex-factory price ..	10% of the maximum retail price
3. Hospital Furniture	.. 10% of the cost of production ..	50% of the ex-factory price ..	12½% of the maximum retail price

Bombay, 26th June 1945

No. 1/2(67)/45-CG(CS)—In exercise of the powers conferred upon me by proviso to sub-section (2) of section 6 of the Hoarding and Profiteering Prevention Ordinance, 1943 (No. XXXV of 1943) and with reference to clause (b)

of the said sub-section, I direct that the following amendment shall be made in the Department of Industries and Civil Supplies Notification No. 1/2(28)/45-CG(CS), dated 21st April 1945, namely:—

In the Schedule appended to the said Notification after item 13, add the following as item 14:—

1	2	3	4	5
14. Crucibles 33 1/3% of the landed cost, less 15% of the total.	33 1/3% of the landed cost, less 15% of the total.	..	33 1/3% of the landed cost, provided that when 2000 or more Crucible numbers* of the same type are sold at one time by the importer to a consumer the maximum permitted addition shall be 15% of the landed cost.

* "2000 Crucible numbers" means for instance, 20 Crucibles of Type No. 100, or 40 Crucibles of Type No. 50, or 100 Crucibles of Type No. 20. etc.

C. C. DESAI
Contlr. Genl. of Civil Supplies

The 8th August 1945

No. 19387-S.T.—The following notifications issued by the Government of India in the Department of Industries and Civil Supplies are republished for general information.

By order of the Governor

C. S. JHA

Secretary to Government

Bombay, 26th June 1945

No. 58-TA/44—In exercise of the powers conferred on me by clause (b) of sub-rule (2) of rule 81 of the Defence of India Rules read with the Notification of the Government of India, Department of Industries and Civil Supplies No. 78-Tex (B)/43(ii), dated the 4th December 1943, and in supersession of the Notification of the Textile Commissioner, Government of India, Department of Industries and Civil Supplies No. 58-TA/44(ii), dated the 2nd December 1944, I hereby direct that no person shall sell or offer to sell ordinary loom pickers used in the textile industry for a price which exceeds a sum representing—

(i) in the case of pickers imported from outside India, their landed cost increased by 20 per cent, thereof;

(ii) in any other case, the cost of production increased by 33 1/3 per cent thereof:

Provided that the price charged shall in no case exceed the rate of Rs. 210 per gross.

2. I also direct with reference to sub-rule (1) of rule 119 of the Defence of India Rules that notice of this order shall be given by the publication of the same in the official Gazette and by the issue of a Press Note summarising and explaining its provisions.

M. K. VELLODI

Joint Secretary to Government of India

Bombay, 25th June 1945

No. T.C.(1)19/45—In exercise of the powers conferred on me by clause 21 of the Cotton Cloth and Yarn (Control) Order, 1943, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 34-Tex.A(15)1/43, dated the 27th December 1943, namely:—

In the table appended to the said Notification, in column 1, for entry No. 2, the following shall be substituted, namely:—

"2. Director of Textiles, and the Additional Director of Textiles."

Bombay, 26th June 1945

No. T.C.(14)12/45—In exercise of the powers conferred on me by clause 21 of the Cotton Cloth and Yarn (Control) Order, 1943, and with the sanction of the Central Government, I hereby direct that the following further

amendment shall be made in the Textile Commissioner's notification No. T. C.(14)/44, dated the 30th December 1944, namely:—

In the table appended to the said notification after entry No. 16, the following shall be added, namely:—

"17. Mr. B. C. Patel, Deputy Textile Commissioner (Distribution)—The whole of British India.

18. Mr. M. Sulaiman Sait, Additional Deputy Commissioner—The whole of British India."

Bombay, 26th June 1945

No. T.C.(9)5/45—In exercise of the powers conferred on me by clause 21 of the Cotton Cloth and Yarn (Control) Order, 1943, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No. T.C.(9)/44, dated the 30th May 1944, namely:—

In the said notification after entry No. (8) the following shall be added, namely:—

"(9) Mr. B. C. Patel, Deputy Textile Commissioner (Distribution).

(10) Mr. M. Sulaiman Sait, Additional Deputy Commissioner."

Bombay, 26th June 1945

No. T.C.(21)/45—In exercise of the powers conferred by sub-clause 1(b) of clause 18B of the Cotton Cloth and Yarn (Control) Order, 1943, I hereby direct that no manufacturer having no spinning plant shall sell or deliver any yarn except to such person or persons as the Textile Commissioner may specify.

Bombay, 26th June 1945

No. T.C.(22)/45—In exercise of the powers conferred on me by clause 21 of the Cotton Cloth and Yarn (Control) Order, 1943, and with the sanction of the Central Government, I hereby authorise each of the following officers of the Department of Industries and Civil Supplies in the Office of the Textile Commissioner, Bombay to discharge on my behalf the function of the Textile Commissioner to grant special permission to manufacturers under sub-clause (1) of clause 18-A of the said Order, namely:—

1. Mr. B. C. Patel, Deputy Textile Commissioner (Distribution).

2. Mr. M. Sulaiman Sait, Additional Deputy Commissioner.

Bombay, 26th June 1945

No. T.C.(23)/45—In exercise of the powers conferred on me by clause 21 of the Cotton Cloth and Yarn (Control) Order, 1943, and with the sanction of the Central Government, I hereby authorise Mr M. R. Kazimi, Additional Deputy Commissioner, to discharge on my behalf the function of the Textile Commissioner under clause 15 to exempt by special order any cloth or yarn from the provisions of clause 14 of the said Order.

Bombay, 28th June 1945

No. T.C.(6)/45—In exercise of the powers conferred on me by sub-clause (c) of clause 10 of the Cotton Cloth and Yarn (Control) Order, 1945. I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No. T.C.(6)/44, dated the 19th February 1944, namely:—

In the proviso to clause 3 of the said notification the words "or cheese" wherever they occur shall be deleted.

Bombay, 7th July 1945

No. T.C.(24)/45—In pursuance of the authority conferred on me by clause 11 of the Cotton Cloth (Control of Printing) Order, 1945. I hereby exempt all printers and dealers from the restriction specified in clauses 8 and 9 of the said Order in so far as these restrictions apply in relation to handloom cloth the count of warp yarn employed wherein is 36s or lower.

M. K. VELLODI

Textile Commissioner

New Delhi, 7th July 1945

No. TB(2)/45—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules and in supersession of the notification of the Government of India in the Department of Industries and Civil Supplies No. 64-TB/45, dated the 6th March 1945, the Central Government is pleased to make the following Order and to direct with reference to sub-rule (1) of rule 119 of the said Rules that notice of the Order shall be given by the publication of the same in the Official Gazette and by the issue of a Press Note summarising and explaining its provisions:—

1. (1) This Order may be called the Cotton Cloth (Control of Printing) Order, 1945.

(2) It shall apply 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 principal officer appointed by the Provincial Government for the administration of textile control and includes any officer authorised by him to exercise any of his functions under this Order;

(b) "machine-print" means to print cloth by any mechanical process, and "hand-print" means to print cloth by any other process;

(c) "print" means to print cloth by any process whatever;

(d) "printer" means a person engaged in printing cloth;

(e) "printing machine" means a machine for the printing of cloth;

(f) "producer" means a person engaged in the production of cloth on powerlooms, whether or not in conjunction with any process ancillary to such production such as dyeing, bleaching and printing;

(g) the expressions "cloth", "manufacturer", "dealer" and "Textile Commissioner" shall have the meanings respectively attributed to them in the Cotton Cloth and Yarn (Control) Order, 1945.

3. No person shall buy or otherwise acquire possession of, or sell or otherwise dispose of a printing machine whether or not in performance of a contract made before the date of this Order.

4. No producer or printer shall work a printing machine or cause or permit it to work continuously during any one day for more than eleven hours or for more than a single shift.

5. No producer shall—

(a) cause or permit his cloth to be printed by another producer or printer;

(b) hand-print his cloth.

6. No person shall machine-print or cause or permit to be so printed any cloth—

(a) the count of warp yarn of which is 48s or finer and of which the width after printing, would be 40 inches or less;

(b) in direct, basic, or other non-fast colours.

7. No producer or printer shall print or cause or permit to be printed—

(a) any split cloth which after splitting, printing and calendering would be less than 25 inches in width;

(b) any cloth which in the grey state had a reed lower than 44 or a pick lower than 36;

(c) any piece of standard cloth whether or not originally purchased by Government;

(d) any dhosi or other cloth with a woven coloured border of a width of 5/8 inch or less.

8. No printer shall buy for the purpose of printing, or sell after printing to any other person, any cloth whether or not in performance of a contract made before the date of this Order; provided that an artificer as defined in the Textile Commissioner's general permission No. TCS-42/1, dated the 10th August 1944 and eligible to purchase cloth thereunder direct from a manufacturer may so purchase such cloth and sell it after printing.

9. No dealer shall print any cloth or cause or permit it to be printed except with the written permission of the Controller.

10. No person shall work a printing machine which he had not in his possession, installed in working order, at some time during the month of January 1945.

11. The Textile Commissioner may, by a general or special order in writing and subject to such restrictions and conditions as he may therein specify, exempt any person or class of persons from the operation of any of the provisions of this Order.

12. (1) The Textile Commissioner may, by notification in the Official Gazette specify:—

(a) the maximum printing charges which any person may charge for printing cloth;

(b) the markings to be made by any person printing any cloth and the time and manner of making them;

(2) No person shall for printing cloth make a charge in excess of the printing charges specified under sub-clause (1) (a);

(3) Where the Textile Commissioner has specified under sub-clause (1) (b), the markings to be made and the time and manner of making them, every person printing any cloth shall cause such markings to be made on the cloth at the time and in the manner so specified.

13. The Textile Commissioner may with a view to securing compliance with this Order—

(a) require any person to give any information in his possession with respect to any business carried on by him or any other person;

(b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(c) enter and search or authorise any person to enter and search any premises, and seize or authorise any person to seize any cloth in respect of which he has reason to believe that a contravention of this Order has been committed.

14. Every producer and printer shall maintain records and submit returns on such dates and in such form as the Textile Commissioner may specify by a notification in the Official Gazette.

15. The Textile Commissioner may by a general or special order in writing authorise any person to discharge on his behalf all or any of his functions under his Order.

16. A Court trying any contravention of this Order may, without prejudice to any other sentence which it may pass, direct that any cloth in respect of which it is satisfied that such contravention has occurred, shall be forfeited to His Majesty.

17. No prosecution for the contravention of any of the provisions of this Order shall be instituted without the previous sanction of the Provincial Government or of such officer of the Provincial Government not below the rank of District Magistrate as the Provincial Government may by general or special order in writing authorise in this behalf.

N. O'H. O'NEILL,

Deputy Secy. to the Govt. of India
The 2nd August 1945

No. 953-T.—The following notifications, issued by the Government of India, War Transport Department, are republished for general information.

By order of the Governor
C. S. JHA

Secretary to Government

New Delhi, 30th June 1945

No. 15-LPC(S)/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 direct that the following further amendments shall be made in the Motor Vehicle Spare Parts Control Order, 1944, namely:—

In the said order—

I. after sub-clause (j) of clause 3, the following sub-clause shall be inserted, namely:—

"(k) 'Offer to sell' shall be deemed to include a reference to an intimation by a person of the price proposed by him for sale of a spare part, made by the publication of a price list, by exposing the spare part for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise however."

11. After clause 20, the following clause shall be inserted, namely:—

"20A. Where any spare part is sold, offered for sale or otherwise disposed of in contravention of any of the foregoing clauses, by a scheduled distributor, a registered dealer, an approved sub-dealer, or any other person dealing in spare parts, through any person employed by him or acting on his behalf, such person and also, unless he proves that he exercised due diligence to prevent such contravention, the scheduled distributor, registered dealer, approved sub-dealer or any other person dealing in spare parts, as the case may be, and any person having charge on behalf of the scheduled distributor, registered dealer, approved sub-dealer, or any other person dealing in spare parts, of the place where the contravention occurred, shall be deemed to have contravened the said provision or provisions of this Order."

New Delhi, 30th June 1945

No. 15-LPC(10)/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 direct that the following further amendment shall be made in the Motor Vehicle Spare Parts Control Order, 1944, namely:—

In the said Order, for sub-clause (g) of clause 3, the following shall be substituted, namely:—

"(g) The 'Provincial Motor Transport Controller' in relation to a Province means the Officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and includes any other Officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order."

New Delhi, 11th July 1945

No. 20-IPC(24)/44—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 Motor Vehicle Spare Parts Control Order, 1944, namely:—

In the Third Schedule annexed to the said Order:—

- (1) against "United Provinces" in column 1—
- (a) for the entry "22. Motor Cycle House, Lucknow", the following entry shall be substituted, namely:—
"23. Motor Cycle House, Lucknow";
- (b) after the entry "23. Motor Cycle House, Lucknow", the following entry shall be inserted, namely:—
"24. Sanghi Brothers, Lucknow";
- (2) against "Bihar" in column 1—
in the entry in column 4 against item 3, after the word "Patna", the words "and Calcutta" shall be inserted;
- (3) against "Assam" in column 1—
for the entry "7. Surma Valley Stock Ltd., Silchar Gauhati, Shillong and Sylhet", the following entry shall be substituted, namely:—
"7. Eastern Motors Ltd., Shillong, Silchar, Gauhati and Sylhet";
- (4) against "Baluchistan" in column 1—
for the existing words in column 4, the following shall be substituted, namely:—
"Quetta and Loralai"

The 30th June 1945

No. 15-LV(7)/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 direct that the following further amendment shall be made in the Civil Motor Transport Vehicles Control Order, 1944, namely:—

In the Second Schedule annexed to the said Order, under the sub-heading "Ford Vehicles" for the entry "34. Messrs. Surma Valley Stock, Ltd., Silchar (Assam)" the following entry shall be substituted, namely:—

"34. Messrs. Eastern Motors Ltd., Shillong."

New Delhi, 30th June 1945

No. 48-PR(1)/45—In exercise of the powers conferred by rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendment shall be made in the Motor Spirit Rationing Order, 1941, namely:—

In sub-clause (a) (ii) of clause 34 of the said Order, after the words "to the dealer", the following shall be inserted, namely:—

"Provided that if the Provincial Rationing Authority is satisfied that some special concession is necessary to make good cumulative loss of Motor Spirit in custody of the dealer arising out of evaporation, leakage, shrinkage or other cause beyond the control of the dealer, he may in such cases as are specified by him, permit the alternation of the figure 99 per cent to any figure not less than 98 per cent."

D. R. RUTNAM
Joint Secy. to the Govt. of India

The 4th August 1945

No. 982-T.—The following Order, issued by the Government of India in the Department of War Transport, is republished for general information.

By order of the Governor

S. V. SOHONI

Deputy Secretary to Government

New Delhi, 14th July 1945

No. 7-LV(10)/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:—

1. (1) This Order may be called the Civil Motor Cars Control Order, 1945.

(2) It shall come into force at once.

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

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

(a) "the Act" means the Motor Vehicles Act, 1939 (IV of 1939);

(b) "controlled motor car" means any unused motor car of a description given in the First Schedule imported into India after the first day of April 1945 either on Government account or commercially for civil use;

(c) "dealer" means a person appointed as such under clause 3 or clause 4 of this Order;

(d) "distributor" means any person whose name is for the time being specified in the Second Schedule to this Order;

(e) "motor car" has the meaning assigned to it in the Act;

(f) "offer to sell" shall be deemed to include a reference to an intimation by a person of the price proposed by him for a sale of a motor car, made by the publication of a price list, by exposing the motor car for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(g) "Provincial Motor Transport Controller" in relation to a province means the officer appointed by the Provincial Government to be the Provincial Motor Transport Controller for the purposes of this Order, and includes any other officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Order;

(h) "registering authority" means the authority empowered to register motor vehicles under Chapter III of the Act;

(i) "sale order" means an order in the form set out in the Third Schedule issued by a Provincial Motor Transport Controller;

(j) "schedule" means a schedule to this Order;

(k) "sub-dealer" means a person appointed as such under clause 3 or clause 4 of this Order.

3. A distributor may, by order in writing, in the form shown in the Fourth Schedule to this Order, appoint a dealer or a sub-dealer for controlled motor cars of any make or makes dealt in by him in respect of such areas as may be specified in the Order. The distributor may at any time, by order in writing revoke or modify any appointment of a dealer or sub-dealer. Copies of all orders made under this clause shall be forwarded to the War Transport Department of the Government of India, and to the Provincial Motor Transport Controller having jurisdiction in the area in respect of which the orders are made.

Provided that no such orders shall be issued in respect of controlled motor cars imported on Government account without the previous approval of the Central Government.

4. The Central Government may, by an order in writing, appoint dealers and sub-dealers in addition to those appointed under clause 3 of this Order and may, by an order in writing, revoke or modify appointments made under this clause.

5. Every distributor importing motor cars into India commercially for civil use shall, within a week of receiving a consignment submit a return in the form set out in the Fifth Schedule to the War Transport Department of the Government of India and to the Provincial Motor Transport Controller of the Province in which his main business premises are situated.

6. The Central Government may by notification in the Official Gazette specify the maximum retail price of controlled motor cars of any type and make, and may by general or special order regulate the prices at which and the conditions subject to which controlled motor cars may be sold by a distributor to a dealer or by a dealer to a sub-dealer.

7. Every dealer or sub-dealer shall, by notice in the form set out in the Sixth Schedule, prominently exhibited

on his business premises, indicate the maximum retail prices specified under clause 6 in respect of each type and make of controlled motor cars kept by him for sale.

8. (1) No person shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, a controlled motor car at a price exceeding the maximum retail price specified by the Central Government under clause 6, nor shall he demand or receive any other consideration in excess of the price so specified ;

Provided that a dealer or sub-dealer may charge, in addition to the retail price so specified such items of delivery charges of the controlled motor car from the premises of the distributor to the premises of the dealer or sub-dealer, as may be sanctioned by the Central Government from time to time.

(2) No person shall, as a consideration for the sale or disposal by him of a controlled motor car, take, or make allowance for, any other motor car, save a in accordance with the written orders of the Provincial Motor Transport Controller.

9. (1) Save as provided in sub-clauses (2) and (3) no person shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, any controlled motor car.

(2) The Central Government may by a special order require any distributor, dealer or sub-dealer to sell or otherwise dispose of any controlled motor car in his possession in such manner as may be specified in the order, and the distributor, dealer or sub-dealer, as the case may be, shall comply with the order.

(3) Subject to any order made under sub-clause (2) a controlled motor car may be sold or otherwise disposed of—

(a) by a distributor to a dealer or a sub-dealer to the extent authorised by the Central Government ; or

(b) by a dealer or sub-dealer in accordance with a sale order.

(4) No dealer or sub-dealer shall without good and sufficient cause fail to comply with any sale order issued upon him and presented by the person named therein.

10. No distributor, dealer or sub-dealer shall remove from a controlled motor car in his possession any part thereof or any accessory, tyre or tube pertaining thereto, except for the purpose of repairing or replacing it, or for the purpose of effecting necessary repairs to the motor car, or with the permission in writing of the Provincial Motor Transport Controller or the Central Government, and in every such case the distributor, dealer or sub-dealer, as the case may be, shall replace the part, accessory, tyre or tube so removed by a similar article not less serviceable than the original article.

11. (1) No person shall purchase or otherwise acquire, or attempt to purchase or otherwise acquire, a controlled motor car save in accordance with a sale order issued in his favour.

(2) No person shall have in his possession or under his control any controlled motor car that has not come into his hands in accordance with the provisions of this Order or a similar Order for the time being in force in an administered area or an Indian State.

(3) Save as otherwise provided by an order in writing of the Central Government no agreement of hire purchase shall be effected or be effective in relation to a controlled motor car.

12. (1) Part I of every sale order shall be retained by the Provincial Motor Transport Controller. The entries in Parts II and III of the sale order shall be appropriately filled in by the Provincial Motor Transport Controller, the dealer or the sub-dealer and the person in whose favour the order is made.

(2) Part II the sale order shall be retained by the dealer or sub-dealer as his record of authority for the sale. Parts III and IV shall be delivered by the person in whose favour the order is made to the registering authority with his application for registration.

13. Notwithstanding anything to the contrary in Chapter III of the Act, the following provisions shall apply in regard to the registration of a controlled motor car:—

(1) The applicant for registration shall attach to his application Parts III and IV of the sale order duly completed.

(2) The registering authority shall not register any motor car which he knows or has reason to believe to be a controlled motor car unless Parts III and IV of the sale order are duly produced before him.

(3) A controlled motor car shall not be registered in the name of any person other than the person in whose favour the sale order is made.

(4) Save as otherwise provided by an order in writing of the Central Government no note relating to any transaction of hire purchase shall be entered on the certificate of registration in Form G as set forth in the First Schedule to the Act.

(5) If the registering authority is satisfied that the controlled motor car may properly be registered, he shall, subject to the provisions of this Order, proceed to register it in accordance with the provisions of the Act, duly completing Parts III and IV of the sale order and shall—

(a) firmly attach Part III of the sale order to the certificate of registration ; and

(b) return Part IV of the sale order to the authority which issued it

14. No person shall transfer or attempt to transfer to any other person any sale order issued in his favour.

15. (1) Every distributor and every dealer shall keep such records and furnish such returns, in relation to controlled motor cars as the Central Government may from time to time by general or special order require.

(2) Every sub-dealer shall keep such records and furnish such returns in relation to controlled motor cars as the Provincial Motor Transport Controller may from time to time by general or special order require.

16. Every distributor, dealer or sub-dealer shall produce for inspection by any person authorised in writing in this behalf by the Central Government or the Provincial Motor Transport Controller at any reasonable time any controlled motor car in his possession, and any accounts, books or such other records that are maintained or are required to be maintained under clause 15.

17. Any officer empowered in this behalf by the Central Government or by the Provincial Government may, with a view to securing compliance with this Order—

(a) require a distributor, dealer or sub-dealer to furnish information relating to his business in motor cars ;

(b) inspect or cause to be inspected any books or other documents belonging to a distributor, dealer or sub-dealer ;

(c) enter and search, or authorise any person to enter and search, the business premises of a distributor, dealer or sub-dealer ; and

(d) seize, or authorise any person to seize, any article in respect of which the officer has reason to believe that a contravention of this Order has been committed and any books or other documents which are in his opinion relevant to prove the contravention, and thereafter take or authorise the taking of all measures necessary for securing the production of the article and documents in a Court.

18. Where any controlled motor car is sold, offered for sale or otherwise disposed of in contravention of any of the foregoing clauses, by a distributor, dealer or sub-dealer, through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention, the distributor, dealer or sub-dealer, as the case may be, and any person having charge, on behalf of the distributor, dealer or sub-dealer, of the place where the contravention occurred, shall be deemed to have contravened the said provision or provisions of this Order.

19. If in the opinion of the Central Government any distributor has—

(a) contravened any of the provisions of this Order or of the Used Motor Vehicles Control Order, 1944, or of the Motor Vehicles Spare Parts Control Order, 1944, or of any other order under the Defence of India Rules relating to motor vehicles or motor vehicle spare parts ; or

(b) made a false declaration or statement in relation to any transaction in controlled motor vehicles or controlled spare parts ; or

(c) committed any breach of the terms of any contract with the Central Government or a Provincial Government relating to the operation or maintenance of transport vehicles ; or

(d) been declared an insolvent ; or

(e) otherwise shown himself unfit to continue as a distributor,

the Central Government may, without prejudice to any other action that may be taken against him, direct the removal of his name from the Second Schedule to this Order whereupon such person shall cease to be a distributor, for purposes of this Order.

20. Any Court trying a contravention of this Order may direct that any motor car in respect of which the Court is satisfied that this Order has been contravened shall be forfeited to His Majesty.

21. The Central Government may by general or special Order exempt any motor car or class of motor cars from all or any of the provisions of this Order.

FIRST SCHEDULE

[Clause 2 (b)]

Descriptions of Motor Cars to which this Order applies

Serial No.	Make	Type
1	Austin	10 H.P.

SECOND SCHEDULE

[Clause 2 (d)]

List of Distributors

1	4	3	4	5
Serial No.	Name of Distributor	Place at which business premises of the distributor are situated	Description of the territory in which the distributor has a trading area	Description of motor cars in respect of which he has been appointed a distributor

THIRD SCHEDULE

[See Clause 2(i)]

CIVIL MOTOR CARS CONTROL ORDER, 1945

Sale Order Part I.

Office of the Provincial Motor Transport Controller.....
No.....
Date.....
To.....

Subject to tender of payment and to your having in your possession a controlled motor car not reserved for disposal in accordance with a prior order issued by me, you are hereby directed to deliver to.....

to whom this order has been given a controlled motor car as follows :—

Make
Type
Engine No.....

at the following price.....
plus delivery charges from the premises of the Distributor, to your premises as sanctioned by the Central Government, to be endorsed by you at the time of sale on Parts II, III and IV of this sale Order.

Parts III and IV of this sale order are to be duly filled in by you at the time of sale and to be delivered to the purchaser.

Take notice that if you demand or receive any payment or consideration in excess of the said sum of Rs..... plus delivery charges mentioned above you render yourself liable to disqualification for handling the material and to prosecution under the Defence of India Rules.

Instructions.

If on the expiry of ten days after the issue by you of a notice that a controlled motor car is available for delivery against this order, the person named herein shall have failed to tender to you the price named and delivery charges, this order shall be void. If having deposited the purchase money and delivery charges in full the purchaser fails to take delivery of the motor car you shall after the expiry of one week after the money has been deposited be entitled to recover storage charges at the rate of ten rupees per day.

Provincial Motor Transport Controller

CIVIL MOTOR CARS CONTROL ORDER, 1945

Sale Order Part II

Office of the Provincial Motor Transport Controller.....
No.....
Date.....
To.....

Subject to tender of payment and to your having in your possession a controlled motor car not reserved for disposal in accordance with a prior order issued by me, you are hereby directed to deliver to.....

to whom this order has been given a controlled motor car as follows :—

Make
Type
Engine No.....

at the following price.....
plus delivery charges from the premises of the Distributor, to your premises as sanctioned by the Central Government to be endorsed by you at the time of sale on Parts II, III and IV of this sale order.

Parts III and IV of this sale order are to be duly filled in by you at the time of sale and to be delivered to the purchaser.

Take notice that if you demand or receive any payment or consideration in excess of the said sum of Rs..... plus delivery charges mentioned above you render yourself liable to disqualification for handling the material and to prosecution under the Defence of India Rules.

Instructions

If on the expiry of ten days after the issue by you of a notice that a controlled motor car is available for delivery against this order, the person named herein shall have failed to tender to you the price named and delivery charges, this order shall be void. If having deposited the purchase money and delivery charges in full the purchaser fails to take delivery of the motor car you shall after the expiry of one week after the money has been deposited be entitled to recover storage charges at the rate of ten rupees per day.

Provincial Motor Transport Controller

(Copy to be retained by dealer or sub-dealer who is to complete entries on reverse and obtain signature of purchaser).

CIVIL MOTOR CARS CONTROL ORDER, 1945

Sale Order Part III

Office of the Provincial Motor Transport Controller.....
No.....
Date.....

An order bearing the above number and date has been issued by me upon

dealer directing him/them to sell a controlled motor car as follows :—

Make
Type
Engine No.....

to
payment not exceeding Rs..... plus delivery charges as sanctioned by the Central Government.

Provincial Motor Transport Controller

Sold on
to

Make
Type
Engine No.....
Price

Rs.....
Delivery charges by rail/sea/road from X.....
recovered Rs.

Dealer

Sub-dealer

The motor car has been registered by me as

Registering Authority.

Date

(To be pasted into the Registration Book.)

CIVIL MOTOR CARS CONTROL ORDER, 1945

Sale Order Part IV

Office of the Provincial Motor Transport Controller.....

No.....
Date.....

An order bearing the above number and date has been issued by me upon.....

dealer directing him/them to sell a controlled motor car as follows :—

Make
Type
Engine No.....

to
payment not exceeding Rs..... plus delivery charges as sanctioned by the Central Government.

Provincial Motor Transport Controller

In accordance with the said order I/we have on

a controlled motor car

Make.....
Type
Engine No.....
For Rs..... plus delivery charges by rail/sea/road from.....
recovered Rs.....

(Dealer or Sub-dealer.)

The above is a true statement

Purchaser.

Date.....

(Counterfoil to be retained in the office of Issue).

THIRD SCHEDULE—concl'd.

CIVIL MOTOR CARS CONTROL ORDER, 1945

Sale Order Part IV Reverse

The motor car has been registered by me as..... (Registration mark assigned) on.....

Part III of this Order has been pasted by me into the Registration Book issued in respect of the motor car described in this part.

Returned to the Provincial Motor Transport Controller....

Registering Authority

Date.....

CIVIL MOTOR CARS CONTROL ORDER, 1945

Sale Order Part II Reverse

In accordance with this Order I/we/ have on..... sold to..... controlled motor car Make..... Type..... Engine No..... For Rs..... plus delivery charges by rail sea/road from.....

Rs..... Dealer Sub-dealer

Date.....

The above statement is correct.

Purchaser.....

Date.....

FOURTH SCHEDULE

[Clause 2(c) & 2(k)]

I.....being a distributor under the Civil Motor Cars Control Order, 1945, appoint you.....to be a dealer/sub-dealer for the distribution of.....motor cars. Your place of business will be.....and the territory in which you have a trading area is.....

Distributor

Copy forwarded to the Provincial Motor Transport Controller..... War Transport Department, New Delhi.

Distributor

FIFTH SCHEDULE

(Clause 5)

Return of Controlled Motor Cars Received

Table with 8 columns: Description of motor cars (Make, Type), Quantity ordered, Quantity reported as received up to the last return, Now reported as received (Quantity, Date of receipt), Balance on order, Remarks.

Forwarded to the Secretary to the Government of India, War Transport Department

Date.....

Distributor

SIXTH SCHEDULE

(Clause 7)

Maximum Retail Prices of Controlled Motor Cars

Table with 4 columns: Make, Type, Maximum Retail Price, NOTE. The NOTE column contains text about authorized dealers and sub-dealers.

Date.....

Dealer Sub-dealer

PRESS NOTE

The 24th July 1945

Copy of Press Note, TCP Bombay, the 24th July 1945, from Government of India, Department of Industries and Civil Supplies, Office of the Textile Commissioner, Wittet Road, Ballard Estate.

By a notification in the Gazette of India, dated 14th July the Government of India have promulgated the Cotton Textiles (Dyes and Chemicals) Control Order, 1945, which requires every importer of dyes or chemicals to furnish to the Textile Commissioner within fifteen days of the arrival of any consignment of dyes or chemicals in India correct information regarding the description and

quantity of each such dye or chemical, the landed cost of each item together with invoices, etc. Importers should not sell or otherwise dispose of such dyes or chemicals unless they have been instructed by the Textile Commissioner. Those who desire to sell or deal in dyes or chemicals, can do so only after obtaining a licence from the Textile Commissioner for the purpose. Under the Order, the Textile Commissioner can prohibit the possession of dyes and chemicals in any specified area by any person unless he holds a permit granted by him in this behalf. He is also empowered to fix the maximum prices at which dyes and chemicals may be sold. This Order, which comes into force immediately, is in supersession of a similar order promulgated in 1944.