



The Orissa Gazette

EXTRAORDINARY

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CUTTACK, THURSDAY, AUGUST 20, 1942.

HOME DEPARTMENT.

SPECIAL SECTION.

NOTIFICATION.

The 19th August 1942.

No. 2620-G.—The following notification by the Government of India is republished for general information.

By order of the Governor,
J. BOWSTEAD,
Chief Secretary to Government.

DEFENCE DEPARTMENT.

New Delhi, 8th August 1942.

No. 1536-SM/42.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After rule 38A of the said Rules, the following rule shall be inserted, namely:—

“38B. (1) If in the opinion of the Provincial Government any local authority has used or is likely to use its local fund, or has employed or permitted or is likely to employ or permit, any of its officers, members or servants to act, in furtherance

Control of local authorities.

of any activity prejudicial to the defence of British India, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community, or has passed any resolution approving of or supporting any such activity, or has failed to carry out any orders or direction lawfully made or given to it, the Provincial Government may by order supersede the local authority for such period as may be specified in the order.

(2) When an order of supersession has been made under sub-rule (1)—

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members ;

(b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local authority shall, until the local authority is reconstituted in pursuance of an order under clause (b) or clause (c) of sub-rule (3), be exercised and performed by such person or persons as the Provincial Government may direct ;

(c) all property vested in the local authority shall, until the local authority is reconstituted in pursuance of an order under clause (b) or clause (c) of sub-rule (3), vest in the Provincial Government.

(3) On the expiration of the period of supersession specified in the order under sub-rule (1), the Provincial Government may—

(a) extend the period for such further term as it may consider necessary ;

(b) by order direct that the local authority shall be reconstituted in the manner provided for the constitution of the authority by or under the law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (2) shall not be deemed disqualified for election, appointment or nomination, unless in any particular case the Provincial Government in the order so directs ;
or

(c) by order direct that the local authority shall subject to any exception which may be specified in the order (any vacancy occasioned by such exception being regarded as a casual vacancy) be reconstituted by the persons who vacated their offices under clause (a) of sub-rule (2), and shall recommence functioning as if it had not been superseded :

Provided that the Provincial Government may at time before the expiration of the period of supersession, whether as originally specified under sub-rule (1) or as extended under this sub-rule, make an order under clause (b) or clause (c) of this sub-rule."

C. MACI. G. OGILVIE,

Secretary to the Government of India.