

# **Rameshwar Lal Radha Krishan vs State Of U.P. And Ors. on 11 December, 1952**

**Equivalent citations: AIR1953ALL459, AIR 1953 ALLAHABAD 459**

**Author: V. Bhargava**

**Bench: V. Bhargava**

## **JUDGMENT**

Malik, C.J.

1. This is a writ application in which the applicant complains that the opposite party have wrongfully prevented him from taking delivery of 250 bags of sea-salt which he had imported to Basti from Bombay under a licence issued by the Bombay Government. The argument of learned counsel for the applicant is that the U. P. Salt Control Order, 1947, does not apply to sea-salt and he was, therefore, not required to take out a licence.

2. The applicant has relied on Annexure A to his affidavit. That is a notification of the U. P. Food and Civil Supplies, dated 5-10-1949, published in the U. P. Government Gazette (Extraordinary). It is urged that that notification shows that the restriction related only to rock salt imported from Pakistan and not to sea-salt. This argument is misconceived 'Salt' is defined in the U. P. Salt Control Order of 1947 as meaning:

"any salt except 'khari' and saltpetre duly certified as such by the District Magistrate and bitters, denatured salt and black salt."

By an order of the Government dated 3-8-1948, the U. P. Salt Control Order of 1947 was made inapplicable to rock salt imported from Khewra, Warcha and Kalabagh. Later by the notification dated 5-10-1949, the previous notification dated 3-8-1948 was cancelled and the U. P. Salt Control Order thus again applied to rock salt imported from Khewra, Warcha and Kala-bagh as it was included in the definition.

3. The next contention of learned counsel is that sea-salt is 'khari', or bitters, or denatured salt and thus excluded. We have looked into the meanings of the various words mentioned in the Order and we find that sea-salt does not come under the exception. 'Khari' in Fallon's Hindustani-English Dictionary- means:

"an alkaline salt; a kind of sulphate of soda, used in medicine and for the adulteration of the common salt."

Saltpetre clearly is not sodium chloride and 'Khari' or saltpetre before it can be exempted has to be duly certified as such by the District Magistrate. As regards the other two terms, 'bitterns', according to Webster's Dictionary means:

"the bitter mother liquor that remains in saltworks after the salt has crystallised out and from it are obtained magnesium chloride and sulphate, sodium sulphate, and bromides and iodides."

'Denatured salt' according to the same dictionary is a salt which had been rendered unfit for human consumption. The meaning of the word 'denature' is given in the dictionary as follows:

"To deprive of natural qualities; to change the nature of; to render unfit for eating or drinking."

The compiler goes on to say that "Spirits are denatured by the addition of small amounts of some substance that will render the liquid unwholesome or unpalatable."

Denatured salt, therefore, is a salt in which something has been mixed to make it not fit for human consumption. Sea-salt, therefore, clearly comes under the definition of salt and cannot be said to be exempt.

4. In the rejoinder affidavit it is stated that several other persons had imported sea-salt and the District Supply Officer had not insisted on their taking out a licence. Even if that allegation be true, we cannot, in the exercise of our jurisdiction under Article 226 of the Constitution, interfere unless we are satisfied that the applicant had a right to import sea-salt without a licence.

5. The result, therefore, is that this application has no force and is dismissed with costs.