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GOVERNMENT OF ORISSA.

LAW AND COMMERCE DEPARTMENTS.

NOTIFICATIONS.

The 1st April 1936.

No. 43.—The following regulation which has been approved by the Governor-General in Council and assented to by the Governor-General and has been published in the *Gazette of India* of the 1st April 1936 is published under sub-section (2) of section 71 of the Government of India Act.

By order of the Governor,

C. GOVINDAN NAIR,

Secretary to Government.

REGULATION NO. IV OF 1936.

**A Regulation to provide for the peace and good government
of the Khondmals District.**

Whereas it is expedient to constitute the area known as the Khondmals into a district and to consolidate and amend the law providing for the peace and good government of the said district; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Khondmals Laws Short title
and com-
mencement.
Regulation, 1936.

(2) It shall come into force on such day as the Local Government may, by notification in the local official Gazette, direct.

2. In this Regulation and in every enactment in force in the Definitions.
district, unless there is anything repugnant in the subject or context,—

- (a) "accountant" means any person charged with the duty of keeping the accounts of any demand due to the Government and accruing within the district;
- (b) "Deputy Collector and Deputy Magistrate" includes any Sub-Deputy Collector and Sub-Deputy Magistrate who is specially empowered by the Commissioner to discharge the functions of a Deputy Collector and Deputy Magistrate;
- (c) "Deputy Commissioner" means the officer appointed by the Local Government to hold chief executive charge of the district, by whatever other title he may be designated;
- (d) "district" means the area known as the Khondmals;
- (e) "District Court" and "District Judge" mean the Court of the Deputy Commissioner and the Deputy Commissioner, respectively;
- (f) "High Court" means with reference to criminal proceedings against European British subjects or persons jointly charged with such subjects, the High Court of Judicature at Patna, and, in any other case, the Court of the Commissioner;

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- (g) " Sub-divisional Officer " means the Officer appointed by the Local Government to exercise and perform the powers and duties conferred or imposed on the Sub-divisional Officer by or under this Regulation ;
- (h) " Superintendent of Police " means the officer appointed by the Local Government to be in charge of the Khondmals District Police, by whatever other title he may be designated.

CHAPTER II.

LAW APPLICABLE IN THE DISTRICT.

Enactments
in force in
the district.

3. (1) So much of each of the enactments specified in the Schedule as is at the commencement of this Regulation in force in the territories to which the enactment generally applies shall, in the form in which it is for the time being so in force, be deemed to be in force in the district, subject to any modifications made by this Regulation.

(2) An enactment not comprised in the Schedule shall not be deemed to be in force in the district, unless it is, after the commencement of this Regulation, declared in force therein or extended thereto in exercise of the powers conferred by section 5 of this Regulation or by any other enactment for the time being in force in the district.

Explanation.—Enactments not comprised in the Schedule, and not declared in force or extended as aforesaid, shall not be deemed to be in force in the district merely on the ground that they are referred to in some enactment which is so in force.

Power to
exempt the
district
from
operation of
enactment.

4. Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, declare that any enactment which is comprised in the Schedule shall no longer be in force in the district, and, on the publication of such notification, such enactment shall be repealed in the said district.

Power to
declare
other enact-
ments
to be in
force.

5. Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, declare that any enactment not comprised in the Schedule shall be in force in the district, and, on the publication of such notification, such enactment shall be deemed to be comprised in the Schedule.

Power to
construe
enactments
with neces-
sary alter-
ations.

6. For the purpose of facilitating the application of any enactment for the time being in force in the district, any Court may construe such enactment with such alterations, not affecting the substance thereof, as may be necessary or proper to adapt it to the matter before the Court.

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7. Notwithstanding anything in this Regulation or in the enactments comprised in the Schedule, no finding, sentence, judgment, decree or order of any Court shall be reversed, set aside or modified on appeal, revision or otherwise, by reason of any irregularity in procedure, unless such irregularity has, in the opinion of the Court, caused a failure of justice.

Proceedings when not vitiated for irregularities.

8. Any person liable to be imprisoned in any prison in the district or to be transported, under any order or sentence passed by any officer or Court duly empowered under this Regulation, may be confined in any prison in British India, or may be transported to any place which the local Government may select.

Execution, outside the district, of sentences passed therein.

CHAPTER III.

CONSTITUTION AND JURISDICTION OF COURTS.

9. There shall be the following Courts in or for the district, and they shall be subject to the general superintendence and control of the Local Government :—

Ordinary Courts.

- (1) the Court of the Subdivisional Officer;
- (2) the Court of the Deputy Commissioner; and
- (3) the Court of the Commissioner.

10. The Local Government may establish any other Court and may invest it with such powers as it may prescribe to be exercised in the district.

Establishment of other Courts.

11. (1) The immediate control and supervision of the Court of the Deputy Commissioner and of any other Court of equal or similar powers that may hereafter be established in accordance with the provisions of section 10 shall be vested in, and every such Court shall be subordinate to, the Court of the Commissioner.

Control over Courts.

(2) The immediate control and supervision of the Court of the Subdivisional Officer and of any other similar Court that may hereafter be established under section 10, shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner.

12. The Local Government may, by notification in the local official Gazette, define the local limits of the jurisdiction and the powers of any Court constituted under this Regulation, or of any officer of the Government employed in the district.

Local jurisdiction and powers of Courts and officers.

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13. (1) The Courts mentioned in section 9 shall ordinarily have the powers specified in the following table :—

Name of Court.	Revenue Powers.	Criminal powers.	Civil powers.
1	2	3	4
<p>I.—The Court of the Sub-divisional Officer.</p> <p>V of 1898.</p>	<p>Powers corresponding to those of a Deputy Collector under any law for the time being in force in the district.</p>	<p>The ordinary powers of a Sub-divisional Magistrate of the first class, as defined in the Code of Criminal Procedure, 1898</p>	<p>Powers corresponding to those of a civil Court under the Code of Civil Procedure, 1908, to try original civil suits of which the value does not exceed five hundred rupees. IX of 1908.</p> <p>Powers of a Court of Small Cause under the Provincial Small Cause Courts Act, 1887, the limit of powers in each case to be fixed by the Local Government. IV of 1877.</p>
<p>II.—The Court of the Deputy Commissioner.</p> <p>V of 1898.</p>	<p>Powers corresponding to those of a Collector under any law for the time being in force in the district.</p>	<p>The ordinary powers of a District Magistrate and of a Sessions Judge, under the Code of Criminal Procedure, 1898.</p>	<p>Powers corresponding to those of a District Judge, under the Code of Civil Procedure, 1908, to try original civil suits and appeals without limit as respects the value. V of 1908.</p>
<p>III.—The Court of the Commissioner.</p> <p>V of 1898.</p>	<p>Powers corresponding to those of a Commissioner and of the Board of Revenue under any law for the time being in force in the district.</p>	<p>The ordinary powers of a High Court under the Code of Criminal Procedure, 1898, except in regard to criminal proceedings against European British subjects or persons jointly charged with European British subjects.</p>	<p>Powers corresponding to those of a High Court under the Code of Civil Procedure, 1908. IX of 1908.</p>

(2) The Local Government may, by notification in the local official Gazette, confer upon any Court mentioned in column 1 of the foregoing table any further powers in addition to those specified in respect of such Court in that table.

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CHAPTER IV.

ADMINISTRATION OF CRIMINAL JUSTICE.

14. The district shall be a sessions division, the Court of the Deputy Commissioner shall be the Court of Session, and the Deputy Commissioner shall be the Judge of that Court.

Court of Session.

15. As Sessions Judge, the Deputy Commissioner may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him for trial by a Magistrate, and, when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

Power of Court of Session to take cognizance of offences as a Court of original jurisdiction.

16. A trial before a Court of Session may be without a jury or the aid of assessors.

Sessions trials without jury or assessors.

17. (1) The police-officer of highest rank present at a police-station shall be deemed to be the officer in charge of such police-station.

Officer in charge of a police-station.

(2) Any police-officer may exercise the powers conferred, by section 55 of the Code of Criminal Procedure, 1898, on an officer in charge of a police-station.

18. (1) Notwithstanding anything contained in section 57 or section 61 of the Code of Criminal Procedure, 1898, an officer in charge of a police-station may detain a person arrested without warrant for such time as in all the circumstances of the case is reasonable.

Detention by police.

(2) When such officer of his own authority detains any such person in custody for a longer period than twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Court, he shall, in the report prescribed by section 62 of the Code of Criminal Procedure, 1898, state his reasons for prolonging the detention of such person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 of the said Code was submitted may, by general or special order, direct.

19. Nothing in the first paragraph of sub-section (1) of section 162 of the Code of Criminal Procedure, 1898, shall be construed to apply to a statement made to a police-officer who is also a Magistrate.

Statement made to police-officer.

20. Notwithstanding anything in any law for the time being in force, a prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person

Prosecution for State offences or for false

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- evidence by person to whom pardon has been tendered. who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the Deputy Commissioner.
- Tender of pardon. **21.** Any Magistrate tendering a pardon to an accomplice under section 337 of the Code of Criminal Procedure, 1898, may, notwithstanding anything contained in that section, try the case himself. V of 1898.
- Limitation of appeal. **22.** Notwithstanding anything contained in the Indian Limitation Act, 1908, the period of limitation for an appeal from any sentence or order in any criminal case shall be thirty days from the date of such sentence or order. IX of 1908.
- Restrictions on appeal. **23.** Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no appeal shall lie in any case in which the Deputy Commissioner, exercising the powers of a District Magistrate or of a Court of Session, passes a sentence of imprisonment for a term not exceeding three months, or of fine not exceeding one hundred rupees, or of whipping only. V of 1898.
- Contempt and offences against public justice or relating to documents. **24.** Where an offence referred to in section 195 of the Code of Criminal Procedure, 1898, is committed before the presiding officer of a criminal Court, or in contempt of his authority, or is brought to his notice in the course of a judicial proceeding, he may himself try for such offence the person accused thereof. V of 1898.
- Conduct of prosecution. **25.** Notwithstanding anything contained in section 495 of the Code of Criminal Procedure, 1898, any Court may allow any police-officer to conduct a prosecution. V of 1898.
- Adjournment on application for transfer of case. **26.** Any Court may, for reasons stated in writing, refuse to exercise, in the manner mentioned in sub-section (8) of section 526 of the Code of Criminal Procedure, 1898, the power of postponement or adjournment given by section 344 of that Code. V of 1898.
- Commissioner's and Deputy Commissioner's power of revision. **27.** In the case of any proceeding the record of which has been called for and examined by himself, or which has been reported for orders under section 435 of the Code of Criminal Procedure, 1898, or which otherwise comes to his knowledge, the Deputy Commissioner or the Commissioner may, in his discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428 of that Code, and may, for sufficient reasons to be recorded, enhance the sentence :
 Provided that—
 (1) no order under this section shall be made to the prejudice of the accused, unless he has had an opportunity of being heard in his defence;

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(2) nothing in this section shall apply to an entry made under section 273 of that Code, or shall be deemed to authorize the conversion of a finding of acquittal into one of conviction.

28. Nothing in this Chapter with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom, or the period of limitation for such appeals or to the enhancement or execution of sentences, shall be construed to affect the Code of Criminal Procedure, 1898, or the Indian Limitation Act, 1908, in its application to European British subjects or to persons jointly charged with such subjects.

V of 1898.
IX of 1908

Saving of provisions relating to European British subjects.

CHAPTER V.

ADMINISTRATION OF CIVIL JUSTICE.

29. (1) When in any civil proceeding it is necessary to decide any question regarding succession, inheritance, pre-emption, caste, special property of females, betrothal, marriage, adoption, guardianship, minority, bastardy, family relationship, wills, legacies, gifts, partitions or any other religious or social usage or institution,

Law to be administered.

the Buddhist law, in cases where the parties are Buddhists, the Muhammadan law, in cases where the parties are Muhammadans, and the Hindu law, in cases where the parties are Hindus, shall form the rule of decision,

except in so far as such law has, by any enactment in force in the district, been amended or abolished, or is opposed to any custom having the force of law in the district.

(2) In cases not provided for by sub-section (1), or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

30. In any suit instituted after the commencement of this Regulation,—

Interest.

(a) interest on any debt or liability for a period exceeding one year shall not be decreed at a higher rate than two *per cent per mensem*, notwithstanding any agreement to the contrary, and no compound interest arising from any adjustment of account which is not final, or from any claim by bond, decree or otherwise, which has been increased on renewal without the passing of fresh consideration, shall be decreed; and,

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(b) the total interest decreed on any loan or debt shall not exceed one-fourth of the principal sum, if the period be not more than one year, and shall not in any other case exceed the principal of the original loan or debt.

Reference
by Court
to village
panchayat.

31. The Court may at any time, of its own motion, for reasons to be recorded in writing, refer any matter arising in any suit to the arbitration of any village *panchayat* which has been vested by the Deputy Commissioner with powers in this behalf.

Reference
by Court to
arbitration.

32. Where any suit involves—

- (a) the examination or adjustment of accounts, or
- (b) questions of pedigree or local caste or of local or family custom, or
- (c) any other question of family law,

the Court may, of its own motion or on the application of any of the parties, and after recording its reasons in writing, refer to arbitration any matter of difference between the parties.

Bar to
arbitration
in certain
cases, and
limitation
of awards.

33. Notwithstanding anything contained in Schedule II of the Code of Civil Procedure, 1908,—

V of 1908.

- (a) no matter in which any settlement proceeding or any interest of the Government is involved shall be referred to arbitration;
- (b) no award which is contrary to any of the provisions of this Regulation shall have any effect.

Number
and ap-
pointment
of arbitra-
tors.

34. (1) Whenever any matter is referred to arbitration, under section 32 or under the Second Schedule to the Code of Civil Procedure, 1908, three arbitrators shall be appointed: namely, one by the plaintiff, one by the defendant, and one by the Court.

V of 1908.

(2) The Court shall consider any objection that may be made by the plaintiff or the defendant to any appointment within seven days from the date of such appointment, and may, if it thinks fit, direct that a fresh appointment be made.

Application
of Second
Schedule
of Code
of Civil
Procedure,
1908.

35. Subject to the modifications contained in sections 31 to 34, the provisions of the Second Schedule of the Code of Civil Procedure, 1908, shall, so far as may be, apply to all references to arbitration made in accordance with the provisions of this Regulation.

V of 1908.

Use and
control of
rivers, etc.

36. The Crown shall be presumed, until the contrary is proved, to be entitled to the exclusive use and control of—

- (a) the water of all rivers and streams flowing in natural channels,

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(b) all natural collections of water, and

(c) all tanks and irrigation-embankments belonging to, or constructed wholly or in part by, or at the expense of, the Government,

within the district.

37. (1) An original decree or order made by the Court of the Subdivisional Officer in any civil or revenue suit, the value of which does not exceed fifty rupees, shall, subject to the provisions of this Regulation with respect to revision, be final. Appeal.

(2) From every other decree or order made by the Court of the Subdivisional Officer, and from every decree or order made in any civil or revenue suit by any other similar Court subordinate to the Court of the Deputy Commissioner, an appeal shall lie to the Court of the Deputy Commissioner.

(3) An original decree or order made by the Court of the Deputy Commissioner in any civil or revenue suit, the value of which does not exceed five hundred rupees, shall, subject to the provisions of this Regulation with respect to revision, be final.

(4) From every other original decree or order made by the Court of the Deputy Commissioner in any civil or revenue suit, an appeal shall lie to the Court of the Commissioner.

(5) Save as provided by sub-section (6), and subject to the provisions of this Regulation with respect to revision, every appellate decree or order of the Court of the Deputy Commissioner in any civil or revenue suit shall be final.

(6) An appeal from an appellate decree or order of the Court of the Deputy Commissioner in a civil or revenue suit, the value of which exceeds one thousand rupees, and in which the Deputy Commissioner has reversed or modified the orders of the Lower Court, shall lie to the Court of the Commissioner.

38. The Commissioner or the Deputy Commissioner may, of his own motion or otherwise, call for the record of any civil or revenue case decided by any Court under his control and supervision, and may pass such order thereon as he may think fit. Revision.

CHAPTER VI.

RECOVERY OF PUBLIC DEMANDS.

39. Whenever—

(a) any sum due to the Government, or

Certificate
that public
demand is
in arrear.

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(b) any rent due to a *sarbarakar* who, under the terms of the settlement made with him, has previously paid the amount thereof to the Government, - or

(c) any plough-contribution due to a *sardar* or *mutha malik* who has previously paid the amount thereof to the Government, remains unpaid on the date next following that on which payment is due, the accountant shall certify in writing to the Subdivisional Officer the fact of the arrear and the amount due.

Issue of notice.

40. (1) On receipt of any such certificate the Subdivisional Officer may, after making such inquiry as he thinks fit and if he be satisfied that the demand specified in the certificate or any part thereof is justly due, issue a notice to the defaulter ordering him within a given time,—

(a) to pay the amount specified in the notice, or

(b) to appear before him and state any objection he may have to paying such amount or any part thereof.

(2) When any objection is made under clause (b) of sub-section (1), the Subdivisional Officer shall, after making such inquiry as may be necessary, determine the same.

Mode of realization.

41. The Subdivisional Officer may recover any amount ascertained to be due in accordance with the provisions of section 40, together with all costs of realizing the same, by attachment and sale of any property belonging to the defaulter.

Sale of immoveable property of *raiyat*.

42. (1) The Subdivisional Officer shall not proceed against any immoveable property of a *raiyat*, unless and until he has satisfied himself that the *raiyat* has no moveable property by the sale of which the sum due from him can be realized.

(2) Before any immoveable property of a *raiyat* is sold under the provisions of this Chapter, the case shall be reported for the orders of the Deputy Commissioner. On receipt of such report, the Deputy Commissioner may—

(a) order the sale of such property, or

(b) attach such property and make such arrangements as he thinks fit to liquidate the debt.

Deputy Commissioner's and Commissioner's powers of revision.

43. All proceedings of the Subdivisional Officer under this Chapter shall be subject to revision by the Deputy Commissioner and the Commissioner, and all proceedings of the Deputy Commissioner shall be subject to revision by the Commissioner; and the Commissioner may set aside or modify, in any way he thinks fit, any order of the Subdivisional Officer or the Deputy Commissioner, and the

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Deputy Commissioner may set aside or modify, in any way he thinks fit, any order of the Subdivisional Officer, but there shall be no appeal as a matter of right either to the Deputy Commissioner or to the Commissioner.

44. The Subdivisional Officer shall keep, in such form as may be prescribed by the Commissioner, a register of his proceedings under this Chapter; and every payment made by any defaulter shall be duly entered in such register.

CHAPTER VII.

POLICE.

45. Subject to the approval of the Deputy Commissioner, the Superintendent of Police may, after consulting the house-holders of any village, appoint any person to be a village-*chaukidar*, and may, for any misconduct or neglect of duty, dismiss any village-*chaukidar*.

46. (1) The Deputy Commissioner may, from time to time by written order,—

(a) declare any local area or group of dwellings to be a village for the purposes of this Chapter, and

(b) direct each house-holder of the village to make a monthly or annual payment, in money or in grain, or in both, of such amount as may be fixed by the Deputy Commissioner, after consulting such house-holders, to defray the cost of the salary and uniform of the village-*chaukidar*.

(2) The said payments shall be made to the headman, *sarbarakar* or other person appointed by the Deputy Commissioner in this behalf.

(3) It shall be the duty of the person so appointed to see that the said payments are punctually made, and duly to account for the same; and the Deputy Commissioner may impose a fine not exceeding ten rupees on any person who neglects to perform such duty.

(4) All arrears of the said payments may be realized from the said house-holders, under the written order of the Deputy Commissioner in each case, by sale of the defaulter's moveable property.

(5) The Deputy Commissioner may authorize the Subdivisional Officer to exercise all or any of his powers under this section.

47. Every village-*chaukidar* who—

(a) withdraws from the duties of his office without the express permission of the Superintendent of Police or of some officer duly authorized by him to grant such permission, or

Penalty for village-*chaukidar* withdrawing from his duties, etc.

Regulation No. IV of 1936.

(b) resigns his office without the permission of the Superintendent of Police, unless he has given at least two months' notice of his intention to resign, or

(c) is guilty of cowardice,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten rupees :

Provided that no prosecution shall be instituted against any village-*chaukidar* under this section without the previous sanction of the Deputy Commissioner.

Power to
fine village-
chaukidars
depart-
mentally.

48. Any village-*chaukidar* who is guilty of any wilful misconduct in his office or neglect of his duty,

such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, or of section 47, and not being of so grave a character as, in the opinion of the Superintendent of Police, to require his dismissal from his office, ^{XLV of 1860.}

shall be liable, under the orders of such Superintendent, to a fine not exceeding three rupees.

Duties of
village-
chaukidar.

49. Every village-*chaukidar* appointed under this Regulation shall perform the following duties, namely :—

- (i) he shall give immediate information to the officer in charge of the police-station within the limits of which the village of which he is a *chaukidar* is situated, of all the matters specified in section 45 of the Code of Criminal Procedure, 1898, which may occur within such village or which may come to his notice otherwise; ^{V of 1898.}
- (ii) he shall keep the police informed of all disputes which are likely to lead to any riot or serious affray;
- (iii) he shall arrest—
 - all proclaimed offenders and escaped convicts,
 - all persons whom he may find in the act of committing any of the offences specified in section 45 of the Code of Criminal Procedure, 1898, and
 - any person against whom a reasonable suspicion exists of his having been concerned in any offence so specified, whether such offence has been or is being committed within or outside his village;
- (iv) he shall observe, and from time to time, report to the officer in charge of the police-station within the limits of which such village is situated,—
 - the movements of all bad characters in such village,

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the movements of any other person who may be lurking in such village without any ostensible means of subsistence, or who cannot give a satisfactory account of himself;

- (v) he shall report to the officer in charge of the said police-station the arrival of any suspicious characters or vagrants or wandering gangs in the neighbourhood;
- (vi) he shall present himself at the said police-station at such intervals as the Deputy Commissioner may direct;
- (vii) he shall supply any local information which the Deputy Commissioner or the Superintendent of Police may require; and
- (viii) he shall obey the orders of the Deputy Commissioner and of the Superintendent of Police with respect to—
the place where he is to reside, keeping watch in the village, and other matters connected with his duties as village-*chaukidar*.

50. Whenever a village-*chaukidar* arrests any person, he shall forth-
with take the person so arrested to the police-station within the limits
of which the village of which he is a *chaukidar* is situated :

Procedure
on arrest
by village-
chaukidar.

Provided that, if the arrest is made at night, such person may be so taken as soon as convenient on the following morning.

51. An appeal shall lie to the Deputy Commissioner from every
order of the Superintendent of Police punishing a village-*chaukidar*
with fine or dismissal; and, subject to the general power of revision of
the Commissioner, the order which the Deputy Commissioner may pass
on such appeal shall be final.

Appeal from
order of
Superinten-
dent of
Police.

52. The district shall be deemed to be a general police-district
within the meaning of the Police Act, 1861, as modified by the
Police Act, 1869; and, except in so far as the Local Government other-
wise directs, the Commissioner shall exercise in it all powers and
authorities conferred on an Inspector-General of Police.

V of 1861.
Ben. Act
VII of 1869.

Application
of the
Police Act,
1861.

53. (1) The Local Government may make rules—

- (a) to regulate the appointment, and to prescribe additional duties,
of village-*chaukidars*,
- (b) to regulate the grant of rewards to village-*chaukidars*, village
officers and *panchayats*,
- (c) to prescribe the duties and powers of *sarbarakars*, *sardars*,
mutha maliks and other village headmen, and members of
panchayats, as officers of police,
- (d) to prescribe the manner in which village-officers shall watch
and inspect bad characters, and

Power to
make rules.

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(e) to prescribe penalties for the breach of rules made under clause (c) or clause (d) of this section.

(2) The penalties prescribed under clause (e) may be fine extending to fifty rupees, or imprisonment extending to three months, or both.

CHAPTER VIII.

REGISTRATION OF DOCUMENTS.

Sub-
Registrars.

54. (1) The Subdivisional Officer shall be *ex-officio* Sub-Registrar :

Provided that the Deputy Commissioner may, with the approval of the Commissioner, direct any other gazetted officer to perform the duties of Sub-Registrar instead of the Subdivisional Officer; and any officer to whom such a direction is given shall thereupon be a Sub-Registrar *ex-officio*.

(2) The Local Government may appoint such other persons as it thinks proper to be Sub-Registrar for any part of the district.

(3) Every Sub-Registrar shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of
1860.

Registrar.

55. (1) The Deputy Commissioner shall be *ex-officio* Registrar of the district; and all Sub-Registrars appointed by or under section 54 shall be subject to his general control and superintendence.

(2) The Deputy Commissioner may, by order in writing, delegate for such period and subject to such conditions as may be specified in the order, his powers as Registrar to any Sub-Registrar.

Power to
direct
compulsory
registration
in certain
cases,

56. All documents may be registered at the option of the parties by or in whose favour such documents are executed; but the Local Government may, by notification in the local official Gazette, declare, with respect to documents of any class described in such notification,—

(a) that documents of that class executed on or after a date to be prescribed by the said notification, and purporting or operating to create, declare, assign or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent to or in immoveable property situate in any part of the district specified in the notification, shall be registered in accordance with the provisions of this Regulation, and

(b) that no such document shall affect any property comprised or referred to therein, or shall be received in evidence of any transaction affecting such property unless it has been so registered.

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57. (1) The Local Government may make rules to regulate the registration of documents under this Regulation. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Local Government may make rules—

- (a) to define the time, place and mode of presenting documents for registration;
- (b) to regulate the duties and powers of registering officers and of the Deputy Commissioner as *ex-officio* Registrar, and to specify the cases in which those officers may enforce the appearance of executants and witnesses; and
- (c) to fix the fees payable for registration, searches and copies, and the time when fees shall be payable.

(3) All such rules shall be published in the local official Gazette.

XVI of
1908.

(4) The provisions of sections 81 and 82 of the Indian Registration Act, 1908, regarding offences by registering officers and other persons, shall, so far as they can be made applicable, apply to like offences when committed with respect to the registration of documents under this Regulation.

CHAPTER IX.

LANDLORD AND TENANT.

58. In this Chapter, the word "*raiyat*," as used with reference to any land, includes a village *sarbarakar* as regards land possessed and cultivated by him. Meaning of "*raiyat*."

59. No Court shall enforce or recognize any contract which affects the rent payable by a *raiyat* for his holding— Raising of rent of *raiyati* land.

- (a) where there has been a settlement, by enhancing the rent recorded at such settlement or by making such rent payable in a manner different from that recorded at the settlement, or
- (b) where there has been no settlement, by enhancing the rent to an amount exceeding that which the Court considers fair and equitable,

unless the contract or agreement has been made with the written permission of the Deputy Commissioner.

60. (1) No transfer or charge (whether permanent or temporary) by a tenure-holder or *raiyat* of his right in his tenure or holding or any portion thereof, whether by mortgage, lease, sale, gift, exchange or otherwise, shall be valid unless it is made with the written consent of the Deputy Commissioner. Restrictions on transfer of their rights by tenure-holders or *raiyats*.

Regulation No. IV of 1936.

(2) No transfer or charge in contravention of sub-section (1) shall be registered, or shall be in any way recognized as valid by any Court, in the exercise of civil or revenue jurisdiction.

(3) If any tenure-holder or *raiyat* transfers his right in his tenure or holding or any portion thereof in contravention of sub-section (1), the Deputy Commissioner may, in his discretion, eject the person in possession of the land in respect of which such transfer was made, and may either—

- (a) restore the land to the tenant who transferred it, or to any of his heirs, or
- (b) re-settle the land with another tenant.

Explanation.—For the purpose of this sub-section a mortgage with possession shall be deemed to be a transfer.

(4) No suit shall be maintainable in any Court in respect of such ejectment; but an appeal shall lie to the Commissioner if presented within three months from the date of the order of ejectment, and his decision shall be final :

Provided that nothing in this section shall affect the validity of any transfer of a *raiyat's* right in his holding or any portion thereof made before the first day of January, 1897.

Restrictions
on sale of
raiyat's
rights under
order of
Court.

61. No decree or order shall be passed by any Court for the sale of the right of a *raiyat* in his holding, nor shall any such right be sold in execution of any decree or order :

Provided that :—

- (a) any holding may, subject to the restrictions imposed by section 42, be sold, in execution of a decree of a competent Court, to recover an arrear of rent which has accrued in respect of the holding;
- (b) nothing in this section shall prevent the sale of a holding under Chapter VI, and
- (c) nothing in this section shall affect the right to execute a decree for sale of a holding passed, or the terms or conditions of any contract registered, before the first day of January, 1905.

Procedure
on surrender
or abandon-
ment of
holding.
Ejectment.

62. If a *raiyat* surrenders or abandons his holding, the Deputy Commissioner may, in his discretion, settle the holding with any heir or relation of such *raiyat*, or with any other *raiyat*.

63. A tenant shall not be ejected from his tenure or holding without an order of the Deputy Commissioner.

Regulation No. IV of 1936.

64. With the previous sanction of the Commissioner, the Deputy Commissioner may delegate all or any of his powers under this Chapter to the Subdivisional Officer. Delegation of powers of Deputy Commissioner.

65. All proceedings of the Deputy Commissioner or Subdivisional Officer under this Chapter shall be subject to revision by the Commissioner. Control by Commissioner.

66. The Local Government may make rules— Power to make rules.

- (a) to regulate the conduct of inquiries respecting changes in tenancies;
- (b) to prescribe the duties of *sardars*, *mutha maliks* and heads of villages as to reporting changes in tenancies;
- (c) to regulate the maintenance of survey and settlement records;
- (d) to prescribe the duties of village *sarbarakars*, *kanungos* and revising officers;
- (e) to guide the Deputy Commissioner or Subdivisional Officer in the exercise of any of his powers under this Chapter; and
- (f) to prescribe a penalty which may extend to a fine of one hundred rupees for the breach of any rule made under clauses (a), (b), (c) and (d) of this section.

CHAPTER X.

SANITATION.

67. (1) The Local Government may, by notification in the local official Gazette, declare that any area specified in such notification shall be subject to Sanitary and Municipal control, and may make rules to provide for such control. Power to make rules as to sanitation.

(2) Such rules may provide for—

- (i) preventing nuisances affecting the public health, safety or convenience;
- (ii) regulating the disposal of night-soil, the contents of privies, drains and cesspools, offensive matter, carcasses of animals and rubbish and the management of privies, drains and cesspools;
- (iii) regulating cremations and burials and the disposal of corpses;
- (iv) regulating the use of and preventing nuisances in regard to public water-supply, bathing and washing places, rivers, streams, reservoirs, tanks and wells;
- (v) regulating traffic on roads, and preventing obstructions, encroachments and nuisances on or near roads;

Regulation No. IV of 1936.

(vi) preventing damage to, or encroachment on public lands or grounds;

and may provide that the breach of any such rule shall be punishable with fine which may extend to twenty rupees.

CHAPTER XI.

MISCELLANEOUS.

68. (1) The Deputy Commissioner may require, or authorize the Subdivisional Officer to require, any proprietor, farmer, rent collector, *sarbarakar*, *sardar*, *mutha malik* or occupier of land,

(a) to furnish such information, accounts and documents as he may be capable of furnishing, and

(b) to supply provisions and labour at market rates for the use of troops and officers of the Government marching in or through the district on the public service.

(2) Any such person failing to comply with any such requisition shall be punishable with fine which may extend to one hundred rupees.

(3) Any person aggrieved by any order of the Deputy Commissioner under this section may appeal to the Commissioner, whose orders shall be final.

69. (1) Whenever any property is sold by public auction by or under the orders of a public servant competent to cause the sale of such property, the auction-purchaser of such property shall be bound to pay the amount for which such property is sold, at such time and at such place as may be notified at the time of sale, and shall be bound to conform to all the conditions under which the sale is made.

(2) If the auction-purchaser fails to pay the amount for which the property is sold, at such time or place as is notified at the time of sale, or fails to comply with any of the conditions under which the sale is made, the officer by or under whose orders the property is sold may direct the re-sale of such property.

(3) Such re-sale shall be made at the risk of the auction-purchaser at the first sale; and the difference between any bid made by him and the proceeds of the second sale rendered necessary in consequence of his default shall be recoverable from him, together with all costs incurred, as a sum due to the Government.

Explanation.—The expression "public servant" as used in this section, has the same meaning as in the Indian Penal Code.

70. The Deputy Commissioner may hold his court for the trial of XLV of cases under Chapter IV, V, and IX at any place in the Khondmals or at 1860. of such places outside the Khondmals as the Local Government may direct.

Power of Deputy Commissioner to summon land-holders, etc.

Auction-sales and liability of auction-purchasers.

Sitting of Deputy Commissioner's court.

Regulation No. IV of 1936.

71. The Deputy Commissioner may, with the sanction of the Control of
Commissioner, make rules to regulate the writing of petitions and the agents and
conduct of cases in his Court and in the Courts subordinate to him. petition-
writers.

72. The Local Government may make rules to prohibit, restrict or Legal prac-
regulate the appearance of legal practitioners in cases arising in the titioners.
district.

VII of 1870. **73.** Notwithstanding anything contained in the Court-fees Act, Power of
1870, the presiding officer of any Court may, in special cases, by an Court to
order in writing and for the reasons to be recorded therein, exempt any grant
document from the payment of such fees. exemption
from pay-
ment of
court-fees.

X of 1873. **74.** Notwithstanding anything contained in the Indian Oaths Act, Oath or
1873, any form of oath or solemn affirmation which is common amongst, solemn
or is held binding by, the persons of the race or persuasion to which affirmation.
any witness in, or party to, any judicial proceeding (not being the
accused in any criminal proceeding) belongs, and is not repugnant to
justice or decency, and does not purport to affect any third person, may
be administered to such witness or party.

III of 1913. **75.** The Angul Laws Regulation, 1913, the Angul Laws (Amend- Repeals.
VI of 1922. ment) Regulation, 1922, and the Angul Laws (Amendment) Regulation,
II of 1933. 1933, are hereby repealed.

Regulation No. IV of 1936.

THE SCHEDULE.

ENACTMENTS DECLARED IN FORCE IN THE DISTRICT OF THE KHONDMAHS.

(See Section 3.)

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART I—Bengal Regulations.</i>			
1793	II	The Bengal Land Revenue Regulation, 1793.	Section 7 and clause tenth of section 8.
1806	XI	The Bengal Troops Transport and Travellers Assistance Regulation, 1806.	The whole.
1812	XI	The Bengal Foreign Immigrants Regulation, 1812.	Ditto.
1818	III	The Bengal States Prisoners Regulation, 1818.	Ditto.
1822	XI	The Bengal Government Indemnity Regulation, 1822.	Section 38.
1825	VI	The Bengal Troops Transport Regulation, 1825.	The whole.
1829	XVIII	The Bengal Sati Regulation, 1829 ..	Ditto.
PART II.—Acts of the Governor General of India in Council and of the Indian Legislature.			
1850	XVIII	The Judicial Officers' Protection Act, 1850.	The whole.
1850	XXXIV	The State Prisoners Act, 1850 ..	Ditto.
1855	XII	The Legal Representatives Suits Act, 1855.	Ditto.
1855	XIII	The Indian Fatal Accidents Act, 1855	Ditto.
1856	XV	The Hindu Widows' Re-marriage Act, 1856.	Ditto.
1858	III	The State Prisoners Act, 1858 ..	Ditto.
1860	XLV	The Indian Penal Code ..	Ditto.
1861	V	The Police Act, 1861	Ditto.
1864	III	The Foreigners Act, 1864 ..	Ditto.
1867	XXV	The Press and Registration of Books Act, 1867.	Ditto.

Regulation No. IV of 1936.

THE SCHEDULE—*contd.*

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART I.—Acts of the Governor-General of India in Council and of the Indian Legislature—contd.</i>			
1869	IV	The Indian Divorce Act ..	The whole.
1871	I	The Cattle-trespass Act, 1871 ..	Ditto.
1871	V	The Prisoners Act, 1871 ..	Section 15.
1872	I	The Indian Evidence Act, 1872 ..	The whole.
1872	III	The Special Marriage Act, 1872 ..	Ditto.
1873	V	The Government Savings Bank Act, 1873.	Ditto.
1873	X	The Indian Oaths Act, 1873 ..	Ditto.
1874	XI	The European Vagrancy Act, 1874 ..	Ditto.
1874	XIV	The Scheduled Districts Act, 1874 ..	Ditto.
1878	I	The Opium Act, 1878 ..	Ditto.
1878	VI	The Indian Treasure-trove Act, 1878	Ditto.
1878	VIII	The Sea Customs Act, 1878 ..	Sections 144—154.
1878	XI	The Indian Arms Act, 1878 ..	The whole except section 15.
1883	XIX	The Land Improvement Loans Act, 1883.	The whole.
1885	XIII	The Indian Telegraph Act, 1885 ..	Ditto.
1885	XVIII	The Land Acquisition (Mines) Act, 1885.	Ditto.
1887	IX	The Provincial Small Cause Court Act, 1885.	Ditto.
1890	I	The Revenue Recovery Act, 1890 ..	Ditto.
1890	VI	The Charitable Endowments Act, 1890	Ditto.
1890	VIII	The Guardian and Wards Act, 1890 ..	Ditto.
1890	XI	The Prevention of Cruelty to Animals Act, 1890.	Section 2 except subsection (2), section 5, so much of section 8 as relates to section 5 and sections 9 and 11.

*Regulation No. IV of 1936.*THE SCHEDULE—*contd.*

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART II.—Act of the Governor-General of India in Council and of the Indian Legislature—contd.</i>			
1890	XIII	The Excise (Malt Liquors) Act, 1890..	Section 9.
1894	I	The Land Acquisition Act, 1894 ..	The whole.
1894	IX	The Prisons Act, 1894 ..	Ditto.
1897	III	The Epidemic Diseases Act, 1897 ..	Ditto.
1897	VIII	The Reformatory Schools Act, 1897 ..	Ditto.
1897	X	The General Clauses Act, 1897 ..	Ditto.
1897	XIV	The Indian Short Titles Act, 1897 ..	Ditto.
1898	III	The Lepers Act, 1898 ..	Ditto.
1898	V	The Code of Criminal Procedure, 1898	Ditto.
1898	VI	The Indian Post Office Act, 1898 ..	Ditto.
1899	VIII	The Indian Petroloun Act, 1899 ..	Ditto.
1899	XIII	The Glanders and Farcy Act, 1899 ..	Ditto.
1900	III	The Prisoners Act, 1900 ..	Ditto.
1903	I	The Amending Act, 1903 ..	Ditto.
1903	VII	The Indian Works of Defence Act, 1903.	Ditto.
1903	XV	The Indian Extradition Act, 1903 ..	Ditto.
1904	VII	The Ancient Monuments Preservation Act, 1904.	Ditto.
1906	III	The Indian Coinage Act, 1906 ..	Ditto.
1908	V	The Code of Civil Procedure, 1908 ..	Ditto.
1908	VI	The Explosive Substance Act, 1908 ..	Ditto.
1908	XVI	The Indian Registration Act, 1908 ..	Sections 81 and 82.
1909	IV	The Whipping Act, 1909 ..	The whole.
1910	V	The Dourine Act, 1910 ..	Ditto.
1911	VIII	The Indian Army Act, 1911 ..	Ditto.

Regulation No. IV of 1936.

THE SCHEDULE—*contd.*

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART II.—Acts of the Governor-General of India in Council and of the Indian Legislature—contd.</i>			
1912	IV	The Indian Lunacy Act, 1912	.. The whole except Chapter IV.
1914	III	The Indian Copyright Act, 1914	.. The whole.
1914	VIII	The Indian Motor Vehicles Act, 1914	Ditto.
1917	V	The Destruction of Records Act, 1917	Ditto.
1917	XVI	The Patna University Act, 1917	.. Ditto.
1917	XVIII	The Post Office Cash Certificate Act, 1917.	Ditto.
1918	XXII	The Bronze Coin (Legal) Tender Act, 1918.	Ditto.
1918	XXIII	The Cotton Cloth Act, 1918	.. Ditto.
1919	XII	The Poisons Act, 1919	.. .. Ditto.
1920	X	The Indian Securities Act, 1920	.. Ditto.
1920	XIV	The Charitable and Religious Trusts Act, 1920.	Ditto.
1920	XV	The Indian Red Cross Societies Act, 1920.	Ditto.
1920	XXXIII	The Identification of Prisoners Act, 1920.	Ditto.
1920	XXXIV	Indian Pasports Act, 1920	Ditto.
1920	XLVIII	The Indian Territorial Force Act, 1920	Ditto.
1920	XLIX	The Auxilliary Force Act, 1920	.. Ditto.
1922	XI	The Indian Income-tax Act, 1922	.. Ditto.
1922	XXII	The Police (Incitement to Disaffection) Act, 1922.	Ditto.
1923	IV	The Indian Mines Act, 1923	.. Ditto.
1923	VIII	The Workmen's Compensation Act, 1923.	Ditto.
1925	XIX	The Provident Funds Act, 1925	.. Ditto.
1927	XVI	The Indian Forest Act, 1927	.. Ditto.
1932	XXII	The Tea District Emigrants Labour Act	Ditto.
1932	XXIII	The Criminal Law Amendment Act, 1932.	Ditto.
1935	..	The Criminal Law Amendment Act, 1935.	Ditto.

Regulation No. IV of 1936.

THE SCHEDULE—concl'd.

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART III.—Regulation made under section 71 of the Government of India Act.</i>			
1936	II	The Orissa Medical Regulation, 1936..	The whole.
<i>PART IV.—Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1875	V	The Bengal Survey Act, 1875 ..	The whole.
1876	III	The Bengal Irrigation Act, 1876 ..	Ditto.
1906	III	The Bengal Disorderly Houses Act, 1906.	Ditto.
<i>PART V.—Acts of the Lieutenant-Governor of Bihar and Orissa in Council and of the Local Legislature of Bihar and Orissa.</i>			
1917	I	The Bihar and Orissa General Clauses Act, 1917.	The whole.
1920	VIII	The Bihar and Orissa Kamiauti Agreements Act.	Ditto.
1923	VI	The Bihar and Orissa State Aid to Industries Act, 1923.	Ditto.
1926	III	The Bihar and Orissa Highways Act, 1926.	Ditto.
1928	II	The Bihar and Orissa Opium Smoking Act, 1928.	Ditto.
1930	II	The Bihar and Orissa Motor Vehicles Taxation Act, 1930.	Ditto.
1933	I	The Bihar and Orissa Public Safety Act, 1933.	Sections 2 to 5 and 13 to 15.
1935	VI	The Bihar and Orissa Co-operative Societies Act, 1935.	The whole.
<i>PART VI.—Acts of the Governor of Madras in Council and of the Local Legislature of Madras.</i>			
1886	I	The Madras Abkari Act, 1886 ..	The whole.
1931	III	The Madras Motor Vehicles Taxation Act, 1931.	Ditto.

I assent to this Regulation.

WILLINGDON,

Viceroy and Governor-General,

The 1st April 1936.

The 1st April 1936.

No. 44.—The following regulation which has been approved by the Governor-General in Council and assented to by the Governor-General and has been published in the *Gazette of India*, of the 1st April 1936, is published under sub-section (2) of section 71 of the Government of India Act.

By order of the Governor,
C. GOVINDAN NAIR,
Secretary to Government.

REGULATION NO. V OF 1936.

A Regulation to provide for the peace and good government of the Angul District.

Whereas it is expedient to constitute the Angul subdivision into a district and to consolidate and amend the law providing for the peace and good government of the said District; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Angul Laws Regulation, 1936; and Short title
and com-
mencement.

(2) It shall come into force on such day as the Local Government may, by notification in the local official Gazette, direct.

2. In this Regulation and in every enactment in force in the district, unless there is anything repugnant in the subject or context,— Definitions.

- (a) "accountant" means any person charged with the duty of keeping the accounts of any demand due to the Government and accruing within the district;
- (b) "Deputy Collector and Deputy Magistrate" includes any Sub-Deputy Collector and Sub-Deputy Magistrate who is specially empowered by the Commissioner to discharge the functions of a Deputy Collector and Deputy Magistrate;
- (c) "Deputy Commissioner" means the officer appointed by the Local Government to hold chief executive charge of the district, by whatever other title he may be designated;
- (d) "district" means the area included in the Angul Government Estate.
- (e) "District Court" and "District Judge" means the Court of the Deputy Commissioner and the Deputy Commissioner, respectively;
- (f) "High Court" means with reference to criminal proceedings against European British subjects or persons jointly charged with such subjects, the High Court of Judicature at Patna; and, in any other case, the Court of the Commissioner;

Regulation No. V of 1936.

- (g) " Sub-divisional Officer " means the Officer appointed by the Local Government to exercise and perform the powers and duties conferred or imposed on the Sub-divisional Officer by or under this Regulation; and
- (h) " Superintendent of Police " means the officer appointed by the Local Government to be in charge of the Angul District Police, by whatever other title he may be designated.

CHAPTER II.

LAW APPLICABLE IN THE DISTRICT.

Enactments
in force in
the district.

3. (1) So much of each of the enactments specified in the Schedule as is at the commencement of this Regulation in force in the territories to which the enactment generally applies shall, in the form in which it is for the time being so in force, be deemed to be in force in the district, subject to any modifications made by this Regulation.

(2) An enactment not comprised in the Schedule shall not be deemed to be in force in the district, unless it is, after the commencement of this Regulation, declared in force therein or extended thereto in exercise of the powers conferred by section 5 of this Regulation or by any other enactment for the time being in force in the district.

Explanation.—Enactments not comprised in the Schedule, and not declared in force or extended as aforesaid, shall not be deemed to be in force in the district merely on the ground that they are referred to in some enactment which is so in force.

Power to
exempt the
district
from
operation of
enactment.

4. Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, declare that any enactment which is comprised in the Schedule shall no longer be in force in the district; and, on the publication of such notification, such enactment shall be repealed in the said district.

Power to
declare
other enact-
ments
to be in
force.

5. Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, declare that any enactment not comprised in the Schedule shall be in force in the district and, on the publication of such notification, such enactment shall be deemed to be comprised in the Schedule.

Power to
construe
enactments
with neces-
sary alter-
ations.

6. For the purpose of facilitating the application of any enactment for the time being in force in the district, any Court may construe such enactment with such alterations, not affecting the substance thereof, as may be necessary or proper to adapt it to the matter before the Court.

Regulation No. V of 1936.

7. Notwithstanding anything in this Regulation or in the enactments comprised in the Schedule, no finding, sentence, judgment, decree or order of any Court shall be reversed, set aside or modified on appeal, revision or otherwise, by reason of any irregularity in procedure, unless such irregularity has, in the opinion of the Court, caused a failure of justice. Proceedings when not vitiated for irregularities.

8. Any person liable to be imprisoned in any prison in the district or to be transported, under any order or sentence passed by any officer or Court duly empowered under this Regulation, may be confined in any prison in British India, or may be transported to any place which the Local Government may select. Execution, outside the district, of sentences passed therein.

CHAPTER III.

CONSTITUTION AND JURISDICTION OF COURTS.

9. There shall be the following Courts in or for the district, and they shall be subject to the general superintendence and control of the Local Government :— Ordinary Courts.

- (1) the Court of the Honorary Magistrate or Bench of Magistrates;
- (2) the Court of the Sub-Deputy Collector and Sub-Deputy Magistrate;
- (3) the Court of the Deputy Collector and Deputy Magistrate;
- (4) the Court of the Sub-divisional Officer;
- (5) the Court of the Deputy Commissioner; and
- (6) the Court of the Commissioner.

10. The Local Government may establish any other Court and may invest it with such powers as it may prescribe to be exercised in the district. Establishment of other Courts.

11. (1) The immediate control and supervision of the Court of the Deputy Commissioner and of any other Court of equal or similar powers that may hereafter be established in accordance with the provisions of section 10 shall be vested in, and every such Court shall be subordinate to, the Court of the Commissioner. Control over Courts.

(2) The immediate control and supervision of the Courts mentioned in clauses (1) to (4) of section 9, and of any other similar Court that may hereafter be established under section 10, shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner.

Regulation No. V of 1936.

Local jurisdiction and powers of Courts and officers.

12. The Local Government may, by notification in the local official Gazette, define the local limits of the jurisdiction and the powers of any Court constituted under this Regulation, or of any officer of the Government employed in the district.

Powers of Courts.

13. (1) The Courts mentioned in section 9 shall ordinarily have the powers specified in the following table:—

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
V of 1898, I.—The Court of the Honorary Magistrate or Bench of Magistrates.	...	The ordinary powers of a Magistrate of the third class, as defined in the Code of Criminal Procedure, 1898.	...
V of 1898, II.—The Court of the Sub-Deputy Collector and Sub-Deputy Magistrate.	Powers corresponding to those of a Deputy Collector under any law for the time being in force in the district.	The ordinary powers of a Magistrate of the second class, as defined in the Code of Criminal Procedure, 1898.	...
III.—The Court of the Deputy Collector and Deputy Magistrate.	Ditto ...	Ditto ...	Powers corresponding to those of a Civil Court under the Code of Civil Procedure, 1908, to try V of 1908. original civil suits of which the value does not exceed one hundred rupees.
V of 1898, IV.—The Court of the Sub-divisional Officer.	Powers corresponding to those of a Deputy Collector under any law for the time being in force in the district.	The ordinary powers of a Sub-divisional Magistrate of the first class, as defined in the Code of Criminal Procedure, 1898.	Powers corresponding to those of a Civil Court, under the Code of Civil Procedure, 1908, to try V of 1908. original civil suits of which the value does not exceed five hundred rupees. Powers of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887; IX of 1887. the limit of powers in each case to be fixed by the Local Government.

Regulation No. V of 1936.

Name of Court.	Revenue powers.	Criminal powers.	Civil powers.
1	2	3	4
V of 1898. V.—The Court of the Deputy Commissioner.	Powers corresponding to those of a Collector under any law for the time being in force in the district.	The ordinary powers of a District Magistrate and of a Sessions Judge, under the Code of Criminal Procedure, 1898.	Powers corresponding to those of a District Judge, under the Code of Civil Procedure, 1908, to try original civil suits and appeals without limit as respects the value. V of 1908.
V of 1898. VI.—The Court of the Commissioner	Powers corresponding to those of a Commissioner and of the Board of Revenue under any law for the time being in force in the district.	The ordinary powers of a High Court, under the Code of Criminal Procedure, 1898, except in regard to criminal proceedings against European British subjects or persons jointly charged with European British subjects.	Powers corresponding to those of a High Court under the Code of Civil Procedure, 1908. V of 1908.

(2) The Local Government may, by notification in the local official Gazette, confer upon any Court mentioned in column 1 of the foregoing table any further powers in addition to those specified in respect of such Court in that table.

CHAPTER IV.

ADMINISTRATION OF CRIMINAL JUSTICE.

14. The district shall be a sessions division, the Court of the Deputy Commissioner shall be the Court of Session, and the Deputy Commissioner shall be the Judge of that Court. Court of Session.

15. As Sessions Judge, the Deputy Commissioner may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him for trial by a Magistrate, and, when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates. Power of Court of Session to take cognizance of offences as a Court of original jurisdiction.

Regulation No. V of 1936.

- Sessions trials without jury or assessors.** **16.** A trial before a Court of Session may be without a jury or the aid of assessors.
- Officer in charge of a police-station.** **17.** (1) The police-officer of highest rank present at a police-station shall be deemed to be the officer in charge of such police-station.
(2) Any police-officer may exercise the powers conferred, by section 55 of the Code of Criminal Procedure, 1898, on an officer in charge of a police-station. V of 1898.
- Detention by police.** **18.** (1) Notwithstanding anything contained in section 57 or section 61 of the Code of Criminal Procedure, 1898, an officer in charge of a police-station may detain a person arrested without warrant for such time as in all the circumstances of the case is reasonable. V of 1898.
(2) When such officer of his own authority detains any such person in custody for a longer period than twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Court, he shall, in the report prescribed by section 62 of the Code of Criminal Procedure, 1898, state his reasons for prolonging the detention of such person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under the aforesaid section 62 was submitted may, by general or special order, direct. V of 1898.
- Statement made to police-officer.** **19.** Nothing in the first paragraph of sub-section (1) of section 162 of the Code of Criminal Procedure, 1898, shall be construed to apply to a statement made to a police-officer who is also a Magistrate. V of 1898.
- Prosecution for State offences or for false evidence by person to whom pardon has been tendered.** **20.** Notwithstanding anything in any law for the time being in force, a prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the Deputy Commissioner.
- Tender of pardon.** **21.** Any Magistrate tendering a pardon to an accomplice under section 337 of the Code of Criminal Procedure, 1898, may, notwithstanding anything contained in that section, try the case himself. V of 1898.
- Limitation of appeal.** **22.** Notwithstanding anything contained in the Indian Limitation Act, 1908, the period of limitation for an appeal from any sentence or order in any criminal case shall be thirty days from the date of such sentence or order. IX of 1908
- Restrictions on appeal.** **23.** Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no appeal shall lie in any case in which the Deputy Commissioner, exercising the powers of a District Magistrate or of a V of 1898.

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Court of Session, passes a sentence of imprisonment for a term not exceeding three months, or of fine not exceeding one hundred rupees, or of whipping only.

V of 1898. **24.** Where an offence referred to in section 195 of the Code of Criminal Procedure, 1898, is committed before the presiding officer of a criminal Court, or in contempt of his authority, or is brought to his notice in the course of a judicial proceeding, he may himself try for such offence the person accused thereof.

Contempt and offences against public justice or relating to documents.

V of 1898. **25.** Notwithstanding anything contained in section 495 of the Code of Criminal Procedure, 1898, any Court may allow any police-officer to conduct a prosecution.

Conduct of prosecution.

V of 1898. **26.** Any Court may, for reasons stated in writing, refuse to exercise, in the manner mentioned in sub-section (8) of section 526 of the Code of Criminal Procedure, 1898, the power of postponement or adjournment given by section 344 of that Code.

Adjournment on application, for transfer of case.

V of 1898. **27.** In the case of any proceeding the record of which has been called for and examined by himself, or which has been reported for orders under section 435 of the Code of Criminal Procedure, 1898, or which otherwise comes to his knowledge, the Deputy Commissioner or the Commissioner may, in his discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428 of that Code, and may, for sufficient reasons to be recorded, enhance the sentence :

Commissioner's and Deputy Commissioner's power of revision.

Provide that—

(1) no order under this section shall be made to the prejudice of the accused, unless he has had an opportunity of being heard in his defence;

(2) nothing in this section shall apply to an entry made under section 273 of that Code, or shall be deemed to authorize the conversion of a finding of acquittal into one of conviction.

V of 1898. **28.** Nothing in this Chapter with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom, or the period of limitation for such appeals or to the enhancement or execution of sentences, shall be construed to affect the Code of Criminal Procedure, 1898, or the Indian Limitation Act, 1908, in its application to European British subjects or to persons jointly charged with such subjects.

Saving of provisions relating to European British subjects.

CHAPTER V.

ADMINISTRATION OF CIVIL JUSTICE.

29. (1) When in any civil proceeding it is necessary to decide any question regarding succession, inheritance, pre-emption, caste, special

Law to be administered.

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property of females, betrothal, marriage, adoption, guardianship, minority, bastardy, family relationship, wills, legacies, gifts, partitions or any other religious or social usage or institution,

the Buddhist law, in cases where the parties are Buddhists, the Muhammadan law, in cases where the parties are Muhammadans, and the Hindu law, in cases where the parties are Hindus, shall form the rule of decision,

except in so far as such law has, by any enactment in force in the district, been amended or abolished, or is opposed to any custom having the force of law in the district.

(2) In cases not provided for by sub-section (1), or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Interest.

30. In any suit instituted after the commencement of this Regulation,—

(a) interest on any debt or liability for a period exceeding one year shall not be decreed at a higher rate than two *per cent per mensem*, notwithstanding any agreement to the contrary, and no compound interest arising from any adjustment of account which is not final, or from any claim by bond, decree or otherwise, which has been increased on renewal without the passing of fresh consideration, shall be decreed; and,

(b) the total interest decreed on any loan or debt shall not exceed one-fourth of the principal sum, if the period be not more than one year, and shall not in any other case exceed the principal of the original loan or debt.

Reference
by Court
to village
panchayat.

31. The Court may at any time, of its own motion, for reasons to be recorded in writing, refer any matter arising in any suit to the arbitration of any village *panchayat* which has been vested by the Deputy Commissioner with powers in this behalf.

Reference
by Court to
arbitration.

32. Where any suit involves—

(a) the examination or adjustment of accounts, or

(b) questions of pedigree or local caste or of local or family custom, or

(c) any other question of family law,

the Court may, of its own motion or on the application of any of the parties, and after recording its reasons in writing, refer to arbitration any matter of difference between the parties.

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- 33.** Notwithstanding anything contained in Schedule II of the Code of Civil Procedure, 1908,—
- (a) no matter in which any settlement proceeding or any interest of the Government is involved shall be referred to arbitration;
- (b) no award which is contrary to any of the provisions of this Regulation shall have any effect.
- 34.** (1) Whenever any matter is referred to arbitration, under section 32 or under the Second Schedule to the Code of Civil Procedure, 1908, three arbitrators shall be appointed, namely, one by the plaintiff, one by the defendant, and one by the Court.
- (2) The Court shall consider any objection that may be made by the plaintiff or the defendant to any appointment within seven days from the date of such appointment, and may, if it thinks fit, direct that a fresh appointment be made.
- 35.** Subject to the modifications contained in sections 31 to 34, the provisions of the Second Schedule of the Code of Civil Procedure, 1908, shall, so far as may be, apply to all references to arbitration made in accordance with the provisions of this Regulation.
- 36.** The Crown shall be presumed, until the contrary is proved, to be entitled to the exclusive use and control of—
- (a) the water of all rivers and streams flowing in natural channels,
- (b) all natural collections of water, and
- (c) all tanks and irrigation-embankments belonging to, or constructed wholly or in part by, or at the expense of, the Government,
- within the district.
- 37.** (1) An original decree or order made by the Court of the Subdivisional Officer in any civil or revenue suit, the value of which does not exceed fifty rupees, shall, subject to the provisions of this Regulation with respect to revision, be final.
- (2) From every other decree or order made by the Court of the Subdivisional Officer, and from every decree or order made in any civil or revenue suit by any other Court subordinate to the Court of the Deputy Commissioner, an appeal shall lie to the Court of the Deputy Commissioner.
- (3) An original decree or order made by the Court of the Deputy Commissioner in any civil or revenue suit, the value of which does not exceed five hundred rupees, shall, subject to the provisions of this Regulation with respect to revision, be final.

Bar to arbitration in certain cases, and limitation of awards.

Number and appointment of arbitrators.

Application of Second Schedule of Code of Civil Procedure, 1908.

Use and control of rivers, etc.

Appeal.

Regulation No. V of 1936.

(4) From every other original decree or order made by the Court of the Deputy Commissioner in any civil or revenue suit, an appeal shall lie to the Court of the Commissioner.

(5) Save as provided by sub-section (6), and subject to the provisions of this Regulation with respect to revision, every appellate decree or order of the Court of the Deputy Commissioner in any civil or revenue suit shall be final.

(6) An appeal from an appellate decree or order of the Court of the Deputy Commissioner in a civil or revenue suit, the value of which exceeds one thousand rupees, and in which the Deputy Commissioner has reversed or modified the orders of the lower Court, shall lie to the Court of the Commissioner.

Revision.

38. The Commissioner or the Deputy Commissioner may, of his own motion or otherwise, call for the record of any civil or revenue case decided by any Court under his control and supervision, and may pass such order thereon as he may think fit.

CHAPTER VI.

RECOVERY OF PUBLIC DEMANDS.

39. Whenever—

- (a) any sum due to the Government, or
- (b) any rent due to a *sarbarakar* who, under the terms of the settlement made with him, has previously paid the amount thereof to the Government, or
- (c) any plough-contribution due to a *sardar* or *mutha malik* who has previously paid the amount thereof to the Government,

remains unpaid on the date next following that on which payment is due, the accountant shall certify in writing to the Subdivisional Officer the fact of the arrear and the amount due.

Issue of notice.

40. (1) On receipt of any such certificate the Subdivisional Officer may, after making such inquiry as he thinks fit and if he be satisfied that the demand specified in the certificate or any part thereof is justly due, issue a notice to the defaulter ordering him within a given time,—

- (a) to pay the amount specified in the notice, or
- (b) to appear before him and state any objection he may have to paying such amount or any part thereof.

(2) When any objection is made under clause (b) of sub-section (1), the Subdivisional Officer shall, after making such inquiry as may be necessary, determine the same.

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41. The Subdivisional Officer may recover any amount ascertained to be due in accordance with the provisions of section 40, together with all costs of realizing the same, by attachment and sale of any property belonging to the defaulter. Mode of realization.

42. (1) The Subdivisional Officer shall not proceed against any immovable property of a *raiyat*, unless and until he has satisfied himself that the *raiyat* has no movable property by the sale of which the sum due from him can be realized. Sale of immovable property of raiyat.

(2) Before any immovable property of a *raiyat* is sold under the provisions of this Chapter, the case shall be reported for the orders of the Deputy Commissioner. On receipt of such report, the Deputy Commissioner may,

(a) order the sale of such property, or

(b) attach such property and make such arrangements as he thinks fit to liquidate the debt.

(3) The Deputy Commissioner may delegate all or any of his powers under sub-section (2) to the Subdivisional Officer.

43. All proceedings of the Subdivisional Officer under this Chapter shall be subject to revision by the Deputy Commissioner and the Commissioner, and all proceedings of the Deputy Commissioner shall be subject to revision by the Commissioner, and the Commissioner may set aside or modify in any way he thinks fit any order of the Subdivisional Officer or the Deputy Commissioner, and the Deputy Commissioner may set aside or modify in any way he thinks fit any order of the Subdivisional Officer, but there shall be no appeal as a matter of right either to the Deputy Commissioner or to the Commissioner. Deputy Commissioner's and Commissioner's powers of revision.

44. The Subdivisional Officer shall keep, in such form as may from time to time be prescribed by the Commissioner, a register of his proceedings under this Chapter; and every payment made by any defaulter shall be duly entered in such register. Register of proceedings.

45. The Deputy Commissioner may authorise any officer not below the rank of Deputy Collector to exercise and perform all or any of the powers or duties of the Subdivisional Officer under this Chapter. Delegation of powers of Subdivisional Officer.

CHAPTER VII.

POLICE.

46. Subject to the approval of the Deputy Commissioner, the Superintendent of Police may, after consulting the house-holders of any village, appoint any person to be a village-*chaukidar*, and may, for any misconduct or neglect of duty, dismiss any village-*chaukidar*. Power to appoint and dismiss village-chaukidars.

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Constitution
of villages
and realiza-
tion of
chaukidari
dues.

47. (1) The Deputy Commissioner may, from time to time by written order,—

(a) declare any local area or group of dwellings to be a village for the purposes of this Chapter, and

(b) direct each house-holder of the village to make a monthly or annual payment, in money or in grain, or in both, of such amount as may be fixed by the Deputy Commissioner, after consulting such house-holders, to defray the cost of the salary and uniform of the village-*chaukidar*.

(2) The said payments shall be made to the headman, *sarbarakar* or other person appointed by the Deputy Commissioner in this behalf

(3) It shall be the duty of the person so appointed to see that the said payments are punctually made, and duly to account for the same; and the Deputy Commissioner may impose a fine not exceeding ten rupees on any person who neglects to perform such duty.

(4) All arrears of the said payments may be realized from the said house-holders, under the written order of the Deputy Commissioner in each case, by sale of the defaulter's movable property.

(5) The Deputy Commissioner may authorize the Subdivisional Officer to exercise all or any of his powers under this section.

Penalty for
village-
chaukidar
with-
drawing
from his
duties, etc.

48. Every village-*chaukidar* who—

(a) withdraws from the duties of his office without the express permission of the Superintendent of Police or of some officer duly authorized by him to grant such permission, or

(b) resigns his office without the permission of the Superintendent of Police, unless he has given at least two months' notice of his intention to resign, or

(c) is guilty of cowardice,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten rupees :

Provided that no prosecution shall be instituted against any village-*chaukidar* under this section without the previous sanction of the Deputy Commissioner.

Power to
fine village-
chaukidars
depart-
mentally.

49. Any village-*chaukidar* who is guilty of any wilful misconduct in his office or neglect of his duty,

such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, or of section 48, and not being of so grave a character as, in the opinion of the Superintendent of Police, to require his dismissal from his office, ^{XLV of 1860.}

Regulation No. V of 1936.

shall be liable, under the orders of such Superintendent, to a fine not exceeding three rupees.

50. Every village-*chaukidar* appointed under this Regulation shall perform the following duties, namely :—

Duties of
village-
chaukidar.

V of 1898.

(i) he shall give immediate information to the officer in charge of the police-station within the limits of which the village of which he is a *chaukidar* is situated, of all the matters specified in section 45 of the Code of Criminal Procedure, 1898, which may occur within such village or which may come to his notice otherwise ;

(ii) he shall keep the police informed of all disputes which are likely to lead to any riot or serious affray ;

(iii) he shall arrest—

all proclaimed offenders and escaped convicts,

all persons whom he may find in the act of committing any of the offences specified in section 45 of the Code of Criminal Procedure, 1898, and

V of 1898.

any person against whom a reasonable suspicion exists of his having been concerned in any offence so specified, whether such offence has been or is being committed within or outside his village ;

(iv) he shall observe, and from time to time, report to the officer in charge of the police-station within the limits of which such village is situated,—

the movements of all bad characters in such village, the movements of any other person who may be lurking in such village without any ostensible means of subsistence, or who cannot give a satisfactory account of himself ;

(v) he shall report to the officer in charge of the said police-station the arrival of any suspicious characters or vagrants or wandering gangs in the neighbourhood ;

(vi) he shall present himself at the said police-station at such intervals as the Deputy Commissioner may direct ;

(vii) he shall supply any local information which the Deputy Commissioner or the Superintendent of Police may require ; and

(viii) he shall obey the orders of the Deputy Commissioner and of the Superintendent of Police with respect to—

the place where he is to reside, keeping watch in the village, and other matters connected with his duties as village-*chaukidar*.

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Procedure
on arrest
by village-
chaukidar.

51. Whenever a village-*chaukidar* arrests any person, he shall forthwith take the person so arrested to the police-station within the limits of which the village of which he is a *chaukidar* is situated :

Provided that, if the arrest is made at night, such person may be so taken as soon as convenient on the following morning.

Appeal from
order of
Superin-
tendent of
Police.

52. An appeal shall lie to the Deputy Commissioner from every order of the Superintendent of Police punishing a village-*chaukidar* with fine or dismissal; and, subject to the general power of revision of the Commissioner, the order which the Deputy Commissioner may pass on such appeal shall be final.

Application
of the
Police Act,
1861.

53. The district shall be deemed to be a general police-district within the meaning of the Police Act, 1861, as modified by the Bengal Police Act, 1869; and, except in so far as the Local Government otherwise directs, the Commissioner shall exercise in it all powers and authorities conferred on an Inspector-General of Police.

v of 1861.
Ben. Act
VII of
1869.

Power to
make rules.

54. (1) The Local Government may make rules—

- (a) to regulate the appointment, and to prescribe additional duties, of village-*chaukidars*,
- (b) to regulate the grant of rewards to village-*chaukidars*, village officers and *panchayats*,
- (c) to prescribe the duties and powers of *sarbarakars*, *sardars*, *mutha maliks* and other village headmen, and members of *panchayats*, as officers of police,
- (d) to prescribe the manner in which village-officers shall watch and inspect bad characters, and
- (e) to prescribe penalties for the breach of rules made under clause (c) or clause (d) of this section.

(2) The penalties prescribed under clause (e) may be fine extending to fifty rupees, or imprisonment extending to three months, or both.

CHAPTER VIII.

REGISTRATION OF DOCUMENTS.

Sub-
Registrars.

55. (1) The Subdivisional Officer shall be *ex-officio* Sub-Registrar of the district :

Provided that the Deputy Commissioner may, with the approval of the Commissioner, direct any other gazetted officer to perform the duties of Sub-Registrar instead of the Subdivisional Officer; and any officer to whom such a direction is given shall thereupon be Sub-Registrar *ex-officio*.

Regulation No. V of 1936.

(2) The Local Government may appoint such other person as it thinks proper to be a Sub-Registrar, for any part of the district.

XLV of
1860. (3) Every Sub-Registrar shall be deemed to be a public servant within the meaning of the Indian Penal Code.

56. (1) The Deputy Commissioner shall be *ex-officio* Registrar of the district; and all Sub-Registrars appointed by or under section 55 shall be subject to his general control and superintendence. Registrar.

(2) The Deputy Commissioner may, by order in writing, delegate for such period and subject to such conditions as may be specified in the order, his powers as Registrar to any Sub-Registrar.

57. All documents may be registered at the option of the parties by or in whose favour such documents are executed; but the Local Government may, by notification in the Local Official Gazette, declare, with respect to documents of any class described in such notification,— Power to direct compulsory registration in certain cases.

(a) that documents of that class executed on or after a date to be prescribed by the said notification, and purporting or operating to create, declare, assign or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent to or in immovable property situate in any part of the district specified in the notification, shall be registered in accordance with the provisions of this Regulation, and

(b) that no such document shall affect any property comprised or referred to therein, or shall be received in evidence of any transaction affecting such property unless it has been so registered.

58. (1) The Local Government may make rules to regulate the registration of documents under this Regulation. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Local Government may make rules—

(a) to define the time, place and mode of presenting documents for registration;

(b) to regulate the duties and powers of registering officers and of the Deputy Commissioner as *ex-officio* Registrar, and to specify the cases in which those officers may enforce the appearance of executants and witnesses; and

(c) to fix the fees payable for registration, searches and copies, and the time when fees shall be payable.

(3) All such rules shall be published in the Local Official Gazette.

Regulation No. V of 1936.

(4) The provisions of sections 81 and 82 of the Indian Registration^{XVI} of Act, 1908, regarding offences by registering officers and other persons,^{1908.} shall, so far as they can be made applicable, apply to like offences when committed with respect to the registration of documents under this Regulation.

CHAPTER IX.

LANDLORD AND TENANT.

59. In this Chapter, the word "*raiyat*," as used with reference to any land, includes a village *sarbarakar* as regards land possessed and cultivated by him.

60. No Court shall enforce or recognize any contract which affects the rent payable by a *raiyat* for his holding—

(a) where there has been a settlement, by enhancing the rent recorded at such settlement or by making such rent payable in a manner different from that recorded at the settlement, or

(b) where there has been no settlement, by enhancing the rent to an amount exceeding that which the Court considers fair and equitable,

unless the contract or agreement has been made with the written permission of the Deputy Commissioner.

61. (1) No transfer or charge (whether permanent or temporary) by a tenure-holder or *raiyat* of his right in his tenure or holding or any portion thereof, whether by mortgage, lease, sale, gift, exchange or otherwise, shall be valid unless it is made with the written consent of the Deputy Commissioner.

(2) No transfer or charge in contravention of sub-section (1) shall be registered, or shall be in any way recognized as valid by any Court, in the exercise of civil or revenue jurisdiction.

(3) If any tenure-holder or *raiyat* transfers his right in his tenure or holding or any portion thereof in contravention of sub-section (1), the Deputy Commissioner may, in his discretion, eject the person in possession of the land in respect of which such transfer was made, and may either—

(a) restore the land to the tenant who transferred it, or to any of his heirs, or

(b) re-settle the land with another tenant.

Explanation.—For the purpose of this sub-section a mortgage with possession shall be deemed to be a transfer.

Regulation No. V of 1936.

(4) No suit shall be maintainable in any Court in respect of such ejection; but an appeal shall lie to the Commissioner if presented within three months from the date of the order of ejection, and his decision shall be final.

62. No decree or order shall be passed by any Court for the sale of the right of a *raiyat* in his holding, nor shall any such right be sold in execution of any decree or order:

Provided that:—

(a) any holding may, subject to the restrictions imposed by section 42, be sold, in execution of a decree of a competent Court, to recover an arrear of rent which has accrued in respect of the holding; and

(b) nothing in this section shall prevent the sale of a holding under Chapter VI.

63. If a *raiyat* surrenders or abandons his holding, the Deputy Commissioner may, in his discretion, settle the holding with any heir or relation of such *raiyat*, or with any other *raiyat*.

64. A tenant shall not be ejected from his tenure or holding without an order of the Deputy Commissioner.

65. With the previous sanction of the Commissioner, the Deputy Commissioner may delegate all or any of his powers under this Chapter to the Subdivisional Officer.

66. All proceedings of the Deputy Commissioner or Subdivisional Officer under this Chapter shall be subject to revision by the Commissioner.

67. The Local Government may make rules—

(a) to provide for the recording of changes occurring in tenancies in the district, and the conduct of inquiries respecting such changes;

(b) to prescribe the duties of *sardars*, *mutha maliks* and heads of villages as to reporting changes in tenancies;

(c) to regulate the maintenance of survey and settlement records;

(d) to prescribe the duties of village *sarbarakars*, *kanungos* and revising officers;

(e) to guide the Deputy Commissioner or Subdivisional Officer in the exercise of any of his powers under this Chapter; and

(f) to prescribe a penalty which may extend to a fine of one hundred rupees for the breach of any rule made under clauses (a), (c) and (d) of this section.

Restrictions on sale of *raiyat's* rights under order of Court.

Procedure on surrender or abandonment of holding.

Ejection.

Delegation of powers of Deputy Commissioner.

Control by Commissioner.

Power to make rules.

Regulation No. V of 1936.

CHAPTER X.

SANITATION.

Power to
make rules
as to sani-
tation.

68. (1) The Local Government may, by notification in the local official Gazette, declare that any area specified in such notification shall be subject to Sanitary and Municipal control, and may make rules to provide for such control.

(2) Such rules may provide for—

- (i) preventing nuisances affecting the public health, safety or convenience;
- (ii) regulating the disposal of night-soil, the contents of privies, drains and cesspools, offensive matter, carcasses of animals and rubbish and the management of privies, drains and cesspools;
- (iii) regulating cremations and burials and the disposal of corpses;
- (iv) regulating the use of, and preventing nuisances in regard to, public water-supply, bathing and washing places, rivers, streams, reservoirs, tanks and wells;
- (v) regulating traffic on roads, and preventing obstructions, encroachments and nuisances on or near roads;
- (vi) preventing damage to, or encroachment on, public lands or grounds;

and may provide that the breach of any such rule shall be punishable with fine which may extend to twenty rupees.

CHAPTER XI.

MISCELLANEOUS.

Power of
Deputy
Commis-
sioner to
summon
land-holders,
etc.

69. (1) The Deputy Commissioner may require, or authorize the Subdivisional Officer to require, any proprietor, farmer, rent collector, *sarbarakar*, *sardar*, *mutha malik* or occupier of land,

- (a) to furnish such information, accounts and documents as he may be capable of furnishing, and
- (b) to supply provisions and labour at market rates for the use of troops and officers of the Government marching in or through the district on the public service.

(2) Any such person failing to comply with any such requisition shall be punishable with fine which may extend to one hundred rupees.

(3) Any person aggrieved by any order of the Deputy Commissioner under this section may appeal to the Commissioner, whose orders shall be final.

Regulation No. V of 1936.

70. (1) Whenever any property is sold by public auction by or under the orders of a public servant competent to cause the sale of such property, the auction-purchaser of such property shall be bound to pay the amount for which such property is sold, at such time and at such place as may be notified at the time of sale, and shall be bound to conform to all the conditions under which the sale is made.

Auction-
sales and
liability of
auction-
purchasers.

(2) If the auction-purchaser fails to pay the amount for which the property is sold, at such time or place as is notified at the time of sale, or fails to comply with any of the conditions under which the sale is made, the officer by or under whose orders the property is sold may direct the re-sale of such property.

(3) Such re-sale shall be made at the risk of the auction-purchaser at the first sale; and the difference between any bid made by him and the proceeds of the second sale rendered necessary in consequence of his default shall be recoverable from him, together with all costs incurred, as a sum due to the Government.

Explanation.—The expression "public servant," as used in this section, has the same meaning as in the Indian Penal Code.

XLV of
1860.

71. The Deputy Commissioner may hold his Court for the trial of cases under Chapters IV, V and IX at any place in Angul or in the district of Cuttack.

Sittings of
Deputy
Commis-
sioner's
Court.

72. The Deputy Commissioner may, with the sanction of the Commissioner, make rules to regulate the writing of petitions and the conduct of cases in his Court and in the Courts subordinate to him.

Control of
agents and
petition-
writers.

73. The Local Government may make rules to prohibit, restrict or regulate the appearance of legal practitioners in cases arising in the district.

Legal prac-
titioners.

VII of
1870.

74. Notwithstanding anything contained in the Court-fees Act, 1870, the presiding officer of any Court may, in special cases, by an order in writing and for reasons to be recorded therein, exempt any document from the payment of such fees.

Power of
Court to
grant ex-
emption
from pay-
ment of
court-fees.

X of 1873.

75. Notwithstanding anything contained in the Indian Oaths Act, 1873, any form of oath or solemn affirmation which is common amongst, or is held binding by, the persons of the race or persuasion to which any witness in, or party to, any judicial proceeding (not being the accused in any criminal proceeding) belongs and is not repugnant to justice or decency, and does not purport to affect any third person, may be administered to such witness or party.

Oath or
solemn
affirmation.

III of 1913.
VI of 1922.
II of 1933.

76. The Angul Laws Regulation, 1913, the Angul Laws (Amendment) Regulation, 1922, and the Angul Laws (Amendment) Regulation, 1933 are hereby repealed.

Repeals.

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THE SCHEDULE.

ENACTMENTS DECLARED IN FORCE IN THE DISTRICT OF ANGUL.

(See Section 3.)

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART I—Bengal Regulations.</i>			
1793	II	The Bengal Land Revenue Regulation, 1793.	Section 7 and clause tenth of section 8.
1806	XI	The Bengal Troops Transport and Travellers Assistance Regulation, 1806.	The whole.
1812	XI	The Bengal Foreign Immigrants Regulation, 1812.	Ditto.
1818	III	The Bengal States Prisoners Regulation, 1818.	Ditto.
1822	XI	The Bengal Government Indemnity Regulation, 1822.	Section 38.
1825	VI	The Bengal Troops Transport Regulation, 1825.	The whole.
1829	XVII	The Bengal Sati Regulation, 1829 ..	Ditto.
<i>PART II.—Acts of the Governor-General of India in Council and of the Indian Legislature.</i>			
1850	XVIII	The Judicial Officers' Protection Act, 1850.	The whole.
1850	XXXIV	The State Prisoners Act, 1850 ..	Ditto.
1855	XII	The Legal Representatives Suits Act, 1855.	Ditto.
1855	XIII	The Indian Fatal Accidents Act, 1855	Ditto.
1856	XV	The Hindu Widows' Re-marriage Act, 1856.	Ditto.
1858	III	The State Prisoners Act, 1858 ..	Ditto.
1860	XLV	The Indian Penal Code ..	Ditto.

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(The Schedule.)

THE SCHEDULE—contd.

Year.	Number.	Short title.	Whole or part.
1	2	3	4
<i>PART II.—Acts of the Governor-General of India in Council and of the Indian Legislature—contd.</i>			
1861	V	The Police Act, 1861 ..	.. The whole.
1864	III	The Foreigners Act, 1864 ..	.. Ditto.
1869	IV	The Indian Divorce Act ..	.. Ditto.
1870	VII	The Court-Fees Act, 1870 ..	.. Ditto.
1871	I	The Cattle-trespass Act, 1871 ..	.. Ditto.
1871	V	The Prisoners Act, 1871 ..	.. Section 15.
1872	I	The Indian Evidence Act, 1872 ..	.. The whole.
1872	III	The Special Marriage Act, 1872 ..	.. Ditto.
1873	V	The Government Savings Bank Act, 1873.	Ditto.
1873	X	The Indian Oaths Act, 1873 ..	.. Ditto.
1874	IX	The European Vagrancy Act, 1874 ..	.. Ditto.
1874	XIV	The Scheduled Districts Act, 1874 ..	.. Ditto.
1878	I	The Opium Act, 1878 ..	.. Ditto.
1878	VI	The Indian Treasure-trove Act, 1878	Ditto.
1878	VIII	The Sea Customs Act, 1878 ..	.. Sections 144—154.
1878	XI	The Indian Arms Act, 1878 ..	.. The whole except section 15.
1879	VI	The Elephants Preservation Act, 1879	The whole.
1883	XIX	The Land Improvement Loans Act, 1883.	Ditto.
1885	XIII	The Indian Telegraph Act, 1885 ..	.. Ditto.
1885	XVIII	The Land Acquisition (Mines) Act, 1885.	Ditto.
1887	IX	The Provincial Small Cause Court Act, 1887.	Ditto.
1890	I	The Revenue Recovery Act, 1890 ..	.. Ditto.

Regulation No. V of 1936.

(The Schedule.)

THE SCHEDULE—contd.

Year.	Number.	Short title.	Whole or part.
1	2	3	4
PART II.— <i>Acts of the Governor-General of India in Council and of the Indian Legislature—contd.</i>			
1890	VI	The Charitable Endowments Act, 1890	The whole.
1890	VIII	The Guardian and Wards Act, 1890 ..	Ditto.
1890	XI	The Prevention of Cruelty to Animals Act, 1890.	Section 2 except sub-section (2), section 5, so much of section 8 as relates to section 5 and sections 9 and 11.
1890	XIII	The Excise (Malt Liquors) Act, 1890..	Section 9.
1894	I	The Land Acquisition Act, 1894 ..	The whole.
1894	IX	The Prisons Act, 1894 ..	Ditto.
1897	III	The Epidemic Diseases Act, 1897 ..	Ditto.
1897	VIII	The Reformatory Schools Act, 1897 ..	Ditto.
1897	X	The General Clauses Act, 1897 ..	Ditto.
1897	XIV	The Indian Short Titles Act, 1897 ..	Ditto.
1898	III	The Lepers Act, 1898 ..	Ditto.
1898	V	The Code of Criminal Procedure, 1898	Ditto.
1898	VI	The Indian Post Office Act, 1898 ..	Ditto.
1899	II	The Indian Stamp Act, 1899 ..	Ditto.
1899	VIII	The Indian Petroleum Act, 1899 ..	Ditto.
1899	XIII	The Glanders and Farcy Act, 1899 ..	Ditto.
1900	III	The Prisoners Act, 1900 ..	Ditto.
1903	I	The Amending Act, 1903 ..	Ditto.
1903	VII	The Indian Works of Defence Act, 1903.	Ditto.
1903	XV	The Indian Extradition Act, 1903 ..	Ditto.

Regulation No. V of 1936.

(The Schedule.)

THE SCHEDULE—*contd.*

Year.	Number.	Short title.	Whole or part.
1	2	3	4
PART II.—Acts of the Governor-General of India in Council and of the Indian Legislature—<i>contd.</i>			
1906	III	The Indian Coinage Act, 1906	.. The whole.
1908	V	The Code of Civil Procedure, 1908	.. Ditto.
1908	VI	The Explosive Substance Act, 1908	.. Ditto.
1908	IX	The Indian Limitation Act, 1908	.. Ditto.
1908	XVI	The Indian Registration Act, 1908	.. Sections 81 and 82.
1909	IV	The Whipping Act, 1909	.. The whole.
1910	V	The Dourine Act, 1910	.. Ditto.
1911	VIII	The Indian Army Act, 1911	.. Ditto.
1912	IV	The Indian Lunacy Act, 1912	.. The whole except Chapter IV.
1914	III	The Indian Copy Right Act, 1914	.. The whole.
1914	VIII	The Indian Motor Vehicles Act, 1914	Ditto.
1917	V	The Destruction of Records Act, 1917	Ditto.
1917	XVI	The Patna University Act, 1917	.. Ditto.
1917	XVIII	The Post Office Cash Certificate Act, 1917.	Ditto.
1918	XXII	The Bronze Coin (Legal Tender) Act, 1918.	Ditto.
1918	XXIII	The Cotton Cloth Act, 1918	.. Ditto.
1919	XII	The Poisons Act, 1919	.. Ditto.
1920	X	The Indian Securities Act, 1920	.. Ditto.
1920	XIV	The Charitable and Religious Trusts Act, 1920.	Ditto.
1920	XV	The Indian Red Cross Societies Act, 1920.	Ditto.
1920	XXXIII	The Identification of Prisoners Act, 1920.	Ditto.
1920	XXXIV	The Indian Passport Act, 1920	.. Ditto.
1920	XLVIII	The Indian Territorial Force Act, 1920	Ditto.
1920	XLIX	The Auxilliary Force Act, 1920	.. Ditto.
1922	XI	The Indian Income-tax Act, 1922	.. Ditto.
1922	XXII	The Police (Incitement to Disaffection) Act, 1922.	Ditto.
1923	IV	The Indian Mines Act, 1923	.. Ditto.

Regulation No. V of 1936.

(The Schedule.)

THE SCHEDULE—concl'd.

Year.	Number.	Short title.	Whole or part.
1	2	3	4
PART II.—Acts of the Governor-General of India in Council and of the Indian Legislature—concl'd.			
1923	VIII	The Workmen's Compensation Act, 1923.	The whole.
1925	XIX	The Provident Funds Act, 1925 ..	Ditto.
1927	XVI	The Indian Forest Act, 1927 ..	Ditto.
1932	XXII	The Tea District Emigrants Labour Act, 1932.	Ditto.
1932	XXIII	The Criminal Law Amendment Act, 1932.	Ditto.
1935	..	The Criminal Law Amendment Act, 1935.	Ditto.
PART III.—Acts of the Lieutenant-Governor of Bengal in Council.			
1865	IV	The Bengal Prevention of Inoculation Act, 1865.	The whole.
1875	V	The Bengal Survey Act, 1875 ..	Ditto.
1876	III	The Bengal Irrigation Act, 1876 ..	Ditto.
1906	III	The Bengal Disorderly Houses Act, 1906.	Ditto.
PART IV.—Acts of the Lieutenant-Governor of Bihar and Orissa in Council and of the Local Legislature of Bihar and Orissa.			
1915	II	The Bihar and Orissa Excise Act, 1915.	The whole.
1916	II	The Bihar and Orissa Medical Act, 1916.	Ditto.
1917	I	The Bihar and Orissa General Clauses Act, 1917.	Ditto.
1920	VIII	The Bihar and Orissa Kamiauti Agreement Act, 1920.	Ditto.
1922	VII	The Bihar and Orissa Municipal Act, 1922.	Ditto.
1923	VI	The Bihar and Orissa State Aid to Industries Act, 1923.	Ditto.
1926	III	The Bihar and Orissa Highways Act, 1926.	Ditto.
1928	II	The Bihar and Orissa Opium Smoking Act, 1928.	Ditto.
1930	II	The Bihar and Orissa Motor Vehicles Taxation Act, 1930.	Ditto.
1933	I	The Bihar and Orissa Public Safety Act, 1933.	Sections 2 to 5 and 13 to 15.
1935	VI	The Bihar and Orissa Co-operative Societies Act, 1935.	The whole.

I assent to this Regulation.

WILLINGDON,

Viceroy and Governor-General.

The 1st April, 1936.