



The Orissa Gazette

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 *Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

PART IV.

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps.

LAW AND COMMERCE DEPARTMENTS.

NOTIFICATIONS.

The 1st April 1936.

No. 17.—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 first 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. I OF 1936.

A REGULATION TO DECLARE THE LAW IN FORCE
IN THE PROVINCE OF ORISSA.

WHEREAS it is expedient to declare the law in force in the province of Orissa; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Orissa Laws Regulation, 1936.

Short title, extent
and commence-
ment,

(2) It extends to the whole of the Province of Orissa except the districts of Angul and the Khondmals and the tracts of country specified in section 2 of the Ganjam and Vizapatam Act, 1839. XXIV of 1839.

(3) It shall come into force on the 1st day of April 1936.

Definition.

2. In this Regulation the expression 'areas transferred to Orissa' means areas transferred to the province of Orissa by the Government of India (Constitution of Orissa) Order, 1936.

Cesser of the Madras District Police Act, 1859, and extension of the Police Act, 1861.

3. (1) The Madras District Police Act, 1859, shall cease to have effect and the Police Act, 1861, shall take effect in the areas transferred to Orissa from the Presidency of Madras. Madras Act XXIV of 1859. V of 1861.

(2) All appointments, rules and orders made, powers and duties conferred or imposed and all other things done under the Madras District Police Act, 1859, shall be deemed, so far as may be, to have been respectively made, conferred, imposed or done under the Police Act, 1861. Mad. Act XXIV of 1859. V of 1861.

Cesser of the Madras Civil Courts Act, 1873, and the Central Provinces Courts Act, 1917, and extension of the Bengal, Agra and Assam Civil Courts Act, 1887.

4. (1) The Madras Civil Courts Act, 1873, and the Central Provinces Courts Act, 1917, shall cease to extend and the Bengal, Agra and Assam Civil Courts Act, 1887, shall extend to the areas transferred to Orissa from the Presidency of Madras and the Central Provinces. Mad. Act. III of 1873. C. P. Act I of 1917. XII of 1887.

(2) All Courts constituted, appointments, rules and orders made, jurisdiction and powers conferred and other things done under the Madras Civil Courts Act, 1873, or the Central Provinces Courts Act, 1917, shall, so far as may be, deemed to have been respectively constituted, made, conferred or done under the Bengal, Agra and Assam Civil Courts Act, 1887. Mad. Act III of 1873. C. P. Act I of 1917. XII of 1887.

Cesser of the Central Provinces Local Self-Government Act, 1920, and extension of the Central Provinces Local Self-Government Act, 1883.

5. (1) The Central Provinces Local Self-Government Act, 1920, shall cease to extend and the Central Provinces Local Self-Government Act, 1883, is hereby extended to the areas transferred to Orissa from the Central Provinces. C. P. Act, IV of 1920. I of 1883.

(2) All notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under the Central Provinces Local Self-Government Act, 1883, are hereby extended so far as they are applicable, to the areas transferred to Orissa from the Central Provinces. I of 1883.

(3) (a) The areas transferred to Orissa from the Central Provinces shall, for the purposes of the Central Provinces Local Self-Government Act, 1883, be deemed to be part of the district of Sambalpur and to be under the control and administration of the Sambalpur District Council. I of 1883.

(b) The Governor may nominate not more than three persons to be members of the Sambalpur District Council to represent the aforesaid areas, and the persons so nominated shall, notwithstanding anything contained in the Central Provinces Local Self-Government Act, 1883, or the rules made thereunder, be deemed to be members of the Sambalpur District Council, and shall hold office as such members until representatives of the said areas are elected, in accordance with the Central Provinces Local Self-Government Act, 1883, and the rules made thereunder. I of 1883.

Repeal of section 3 of the Madras Deputy Collectors Act, 1914.

6. Section 3 of the Madras Deputy Collectors Act, 1914, is hereby repealed. Mad. Act, VII of 1914.

Construction of certain enactments in force in the Province of Orissa.

7. Subject to the provisions of paragraphs 16 and 17 of the Government of India (Constitution of Orissa) Order, 1936, all enactments other than enactments repealed by this Regulation made by any authority in British India and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments, which were, immediately before the 1st day of April, 1936, in force in any of the areas comprised in the Province of Orissa, shall, in their

application to such areas, be construed as if references therein by whatever form of words to the authorities, territory or Gazettes mentioned in column 1 of the First Schedule were references to the authorities, territory or Gazettes respectively mentioned or referred to opposite thereto in column 2 of the said Schedule.

Certain provisions of law to be inapplicable to notifications, orders, etc.

8. Nothing in any law in force in the province of Orissa which requires that the draft of any notification, order, scheme, rule, form or by-law shall, before being made by the Local Government, be laid on the Table of, or be approved by, a Legislative Council, or which requires that any objections or suggestions made in any manner whatsoever by such Legislative Council with respect to any such draft shall be considered by the Local Government or which confers on any Legislative Council the power to make any modifications in any such draft, shall apply to any notification, order, scheme, rule form or by-law made or issued by the Government of Orissa.

Repeal of certain enactments.

9. The enactments specified in the Second Schedule are hereby repealed.

Amendments of certain enactments.

10. The enactments specified in the Third Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Extension of the application of certain enactments.

11. The enactments specified in the Fourth Schedule are hereby extended to the areas specified in the fourth column thereof.

Extension of application of notifications, orders, etc.

12. All notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under any of the enactments mentioned in column 3 of the Fourth Schedule, are hereby extended, so far as the said notifications, orders, schemes, rules forms and by-laws are applicable, to the areas respectively mentioned against such enactment in column 4 of the said Schedule.

Disposal of pending revenue proceedings.

13. Without prejudice to any provisions made in this behalf by or under the Government of India (Constitution of Orissa) Order, 1936, revenue proceeding pending immediately before the 1st day of April, 1936 (including cases where an appeal lies or will lie from a decision made or to be made), in or in respect of any of the areas transferred to Orissa shall, unless the Governor-General in Council otherwise directs in any case, be continued and disposed of as if the said Order had not been made.

Savings.

14. Save as otherwise provided by this Regulation, the repeal by this Regulation of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to, and this Regulation shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing; nor shall this Regulation affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed.

Nor shall the repeal by this Regulation of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

FIRST SCHEDULE.

(See SECTION 7.)

Construction of enactments.

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| <p>1 (a) The Local Government or the Local Government of Madras or the Local Government of Bihar and Orissa or except in connection with any revenue matter the Local Government of the Central Provinces.</p> <p>(b) The Governor or the Governor of Madras or the Governor of Bihar and Orissa or the Governor of the Central Provinces, except in the Patna University Act, 1917, and the Andhra University Act, 1925.</p> <p>2. All officers and official bodies not mentioned in the foregoing clauses (except the Treasurer of Charitable Endowments) whose authority extended (whether exclusively or not), immediately before the commencement of the Government of India (Constitution of Orissa) Order, 1936, over the territories or any part of the territories mentioned in the First Schedule to that Order as well as over other territories.</p> <p>3. (a) The Presidency of Madras</p> <p>(b) The Province of Bihar and Orissa ...</p> <p>(c) The Central Provinces ...</p> <p>4. The local official Gazette or the local official Gazette of the Government of Madras, or the local official Gazette of the Government of Bihar and Orissa, or the local official Gazette of the Government of the Central Provinces or the District Gazette published in the district of Ganjam and Vizagapatam.</p> | <p>1. The Governor of Orissa.</p> <p>2. The same officers or official bodies, or such other officers or official bodies as the Governor of Orissa may by notification in the local official Gazette under paragraph 17 of the Government of India (Constitution of Orissa) Order, 1936, direct.</p> <p>3. (a) The areas separated from the Presidency of Madras and forming part of the Province of Orissa.</p> <p>(b) The areas separated from the Province of Bihar and Orissa and forming part of the Province of Orissa.</p> <p>(c) The areas separated from the Central Provinces and forming part of the Province of Orissa.</p> <p>4. The local official Gazette of the Governments of Orissa.</p> |
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SECOND SCHEDULE.

(See section 9.)

Enactments repealed.

Year.	Number.	Subject or short title.
1	2	3

PART I.—*Bengal Regulation.*

1812	XVIII	The Bengal Leases and Land Revenue Regulation, 1812.
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PART II.—*Madras Regulations.*

1802	XIX	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802.
1819	II	The Madras State Prisoners Regulation, 1819.
1831	V	The Madras Stamp Penalties Regulation, 1831.

PART III.—*Act of the Governor-General in Council.*

1912	II	The Co-operative Societies Act, 1912.
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PART IV.—*Bengal Acts.*

1864	VII	The Salt Act 1864.
1873	I	The Bengal Salt Act, 1873.
1880	VI	The Bengal Drainage Act, 1880.
1895	III	The Land Records Maintenance Act, 1895.

PART V.—*Bihar and Orissa Acts.*

1916	II	The Bihar and Orissa Medical Act, 1916.
1922	V	The Bihar and Orissa Private Irrigation Works Act, 1922.
1922	VI	The Bihar and Orissa Irrigation Works Act, 1922.

Year.	Number.	Subject or short title.
1	2	3

PART VI.—*Madras Acts.*

1888	I	The Local Authorities Loans Act, 1888.
1914	IV	The Madras Medical Registration Act, 1914.
1920	IV	The Madras Children Act, 1920.
1923	V	The Madras State Aid to Industries Act, 1922.
1926	V	The Madras Borstal Schools Act, 1925.
1929	XI	The Madras Services Commission Act, 1929.
1931	V	The Madras Government Roads Traffic Control Act, 1931.
1934	X	The Madras Co-operative Land Mortgage Banks Act, 1934.

PART VII.—*Central Provinces Acts.*

1915	II	The Central Provinces Excise Act, 1915.
1916	I	The Central Provinces Medical Registration Act, 1916.
1916	II	The Central Provinces Land Alienation Act, 1916.
1920	III	The Central Provinces Primary Education Act, 1920.
1922	I	The Local Authorities Loans (Central Provinces Amendment) Act, 1922.
1922	II	The Central Provinces Municipalities Act, 1922.
1922	III	The High School Education Act, 1922.
1923	V	The Nagpur University Act, 1923.
1928	IX	The Central Provinces Borstal Act, 1928.
1928	X	The Central Provinces Children Act, 1928.
1929	I	The Opium (Central Provinces Amendment) Act, 1929.
1930	VII	The Co-operative Societies (Central Provinces Amendment) Act, 1930.
1932	I	The Central Provinces Motor Vehicles Taxation Act, 1932.
1933	IX	The Central Provinces Local Fund Audit Act, 1933.
1933	XII	The Central Provinces State Aid to Industries Act, 1933.

THIRD SCHEDULE.

(See Section 10.)

Enactments amended.

Year.	Number.	Subject or short title.	Amendments.
1	2	3	4
<i>Part I.—Bihar and Orissa Acts.</i>			
1925	II	The Bihar and Orissa Local Fund Audit Act, 1925.	In sub-section (1) of section 10, after the words "recoverable from him" the following shall be inserted, namely:— "as an arrear of land revenue under section 94 of the Central Provinces Land Revenue Act, 1881, or"
1930	II	The Bihar and Orissa Motor Vehicles Taxation Act, 1930.	After section 13 the following shall be inserted, namely:— "13 A. Notwithstanding anything contained in this Act, a tax paid in respect of any motor vehicle under the Madras Motor Vehicles Taxation Act, 1931, in respect of which a license has been granted under sub-clause (i) of clause (a) of sub-section (3) of section 5 of the Madras Motor Vehicles Taxation Act, 1931, by a licensing officer appointed for the whole or any part of the areas transferred to Orissa from the Presidency of Madras shall be valid throughout the whole of Orissa and shall be deemed, so far as may be, to have been paid under this Act."
<i>Part II.—Madras Acts.</i>			
1926	III	The Madras Nurses and Midwives Act, 1926.	1. In clause (a) of section 2, for the word "Madras" the word "Orissa" shall be substituted. 2. For section 3 the following shall be substituted, namely:— "3. (1) A Council shall be established and called the Orissa Nurses and Midwives Council, and such council shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued. (2) The said Council shall consist of five members to be nominated by the Local Government. (3) The term of office of a member shall continue for so long as the Local Government may in the case of each member direct."

Year.	Number.	Subject or short title.	Amendments.
1	2	3	4
1926	III	The Madras Nurses and Midwives Act, 1926— <i>concl'd.</i>	<p>(4) The name of every member nominated under this section shall be published by the Local Government in the <i>Orissa Gazette</i>.</p> <p>(5) No act of the Council or of its officers shall be deemed to be invalid by reason only that the number of members of the Council was at the time of the performance of such act, less than five."</p> <p>3. Section 4 shall be omitted.</p> <p>4. For sub-section (2) of section 8, the following shall be substituted, namely:—</p> <p>(2) "such appeal shall be heard by a Tribunal of three persons appointed by the Governor".</p> <p>5. In sub-section (2) of section 11,—</p> <p>(i) clause (a) shall be omitted, and</p> <p>(ii) for clause (e) the following shall be substituted, namely:—</p> <p>"(e) regulating the procedure of the Tribunal appointed under sub-section (2) of section 8."</p> <p>6. In section 15 the words "a Presidency Magistrate or" shall be omitted.</p>
1931	III	The Madras Motor Vehicles Taxation Act, 1931.	<p>After section 7 the following section shall be inserted namely:—</p> <p>"8. Notwithstanding anything contained in this Act, a tax paid in respect of any motor vehicle for which a receipt has been granted under section 11 of the Bihar and Orissa Motor Vehicles Taxation Act, 1930, by a taxing officer appointed under that Act for the whole or any part of the areas transferred to Orissa from the Province of Bihar and Orissa or transferred to Orissa from the Central Provinces shall be valid throughout the whole of Orissa and shall be deemed so far as may be, to have been paid under this Act."</p>

FOURTH SCHEDULE.

(See section 11.)

Enactments the application of which is extended.

Year.	Number.	Subject or short title.	Areas to which extended.
1	2	3	4
<i>Part I.—Bengal Regulations.</i>			
1793 ..	XXXVIII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	The areas transferred to Orissa from the Presidency of Madras and the Central Provinces.
1818 ..	III	The Bengal State Prisoners Regulation, 1818.	The areas transferred to Orissa from the Presidency of Madras.
1823 ..	VII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.	The areas transferred to Orissa from the Presidency of Madras and the Central Provinces.
<i>Part II.—Bihar and Orissa Acts.</i>			
1915 ..	II	The Bihar and Orissa Excise Act, 1915.	The areas transferred to Orissa from the Central Provinces.
1922 ..	VII	The Bihar and Orissa Municipal Act, 1922.	The areas transferred to Orissa from the Central Provinces.
1923 ..	VI	The Bihar and Orissa State Aid to Industries Act, 1923.	The areas transferred to Orissa from the Presidency of Madras and the Central Provinces.
1924 ..	III	The Bihar and Orissa Aerial Ropeways Act, 1924.	The areas transferred to Orissa from the Presidency of Madras and the Central Provinces.
1925 ..	II	The Bihar and Orissa Local Fund Audit Act, 1925.	The areas transferred to Orissa from the Central Provinces.
1926 ..	III	The Bihar and Orissa Highways Act, 1926.	The areas transferred to Orissa from the Presidency of Madras and the Central Provinces.
1930 ..	II	The Bihar and Orissa Motor Vehicles Taxation Act, 1930.	The areas transferred to Orissa from the Central Provinces.
1933 ..	I	The Bihar and Orissa Public Safety Act, 1933.	The areas transferred to Orissa from the Presidency of Madras and the Central Provinces.
1935 ..	VI	The Bihar and Orissa Co-operative Societies Act, 1935.	The areas transferred to Orissa from the Central Provinces.

I assent to this Regulation.

WILLINGDON,

Viceroy and Governor-General.

The 1st April, 1936.

The 1st April 1936.

No. 18.—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 subsection (2) of section 71 of the Government of India Act.

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

REGULATION No. II OF 1936.

A REGULATION TO PROVIDE FOR THE REGISTRATION OF MEDICAL PRACTITIONERS IN THE PROVINCE OF ORISSA.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Province of Orissa; It is hereby enacted as follows:—

PRELIMINARY.

Short title, extent and commencement. 1. (1) This Regulation may be called the Orissa Medical Regulation, 1936.

(2) It extends to the whole of the province of Orissa.

(3) The whole of this Regulation except sections 19, 20 and 21 shall come into force on the 1st day of April, 1936, and the local Government may by notification in the *Orissa Gazette* direct that section 19, 20 or 21 shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Regulation—

(a) the expression “the Medical Acts” means the Medical Act, 1858, and the Acts amending the same;

(b) the expression “the Council” means the Council established under section 3;

(c) the expression “the register” means the register prepared and maintained under section 10; and

(d) the expression “Registered Practitioner” means any person registered under the provisions of this regulation.

The Orissa Council of Medical Registration.

Establishment and constitution of the Orissa Council of Medical Registration.

3. (1) A Council shall be established and called the Orissa Council of Medical Registration and shall consist of five members to be nominated by the Local Government, of whom one shall be appointed by the Local Government to be President of the Council.

(2) The Council shall be a body corporate and shall have perpetual succession and a common seal and shall by the name of the Orissa Council of Medical Registration sue and be sued.

(3) The name of every member nominated under subsection (1) shall be published in the *Orissa Gazette*.

Registration.

4. A member of the Council may resign his membership of the Council by writing addressed to the President and, on such resignation being accepted, his seat on the Council shall be deemed to be vacant.

Filling of vacancies.

5. If any member dies or resigns his membership, the President shall forthwith report the fact of the vacancy to the Local Government and the Local Government shall as soon as possible nominate a person to fill the said vacancy.

Term of office.

6. The term of office of a member of the Council shall commence from the date of the publication of his name under sub-section (3) of section 3 and shall continue for a period of three years from such date; provided that a member nominated under section 5 to fill a vacancy shall hold office for the unexpired remainder of the term of office of the member in whose place he is nominated.

Conduct of business at meetings.

7. The Council shall make Regulations to provide for the time and place of their meetings, the manner in which notice of meetings shall be given, the business to be transacted at meetings and the manner in which business shall be conducted at meetings.

Travelling expenses of members.

8. The members of the Council shall be paid such travelling expenses for attending meetings of the Council as the Council may, subject to the control of the Local Government, from time to time direct.

Registrar and establishment of the Council.

9. (1) With the previous sanction of the Local Government the Council may appoint a Registrar and such other officers and servants as they may consider necessary and may determine the salary and allowances, if any, to be paid to the Registrar and such officers and servants.

(2) The Registrar shall act as Secretary to the Council.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XIV of 1860.

Preparation and maintenance of Register.

10. (1) The Council shall as soon as conveniently possible after the commencement of this Regulation prepare a register in which shall be entered the name of every person who, subject to the provisions of section 11, is entitled to be registered.

(2) The register shall be in such form and shall be maintained in such manner as the Council may, subject to the control of the Local Government, direct.

Registration of Medical Practitioners.

11. (1) Every person who was before the 1st day of April, 1936, registered under the Bihar and Orissa Medical Act, 1916, the Madras Medical Registration Act, 1914, or the Central Provinces Medical Registration Act, 1916, and was immediately before the said date employed as a Government servant, or practising, in any area transferred, by the Government of India (Constitution of Orissa) Order, 1936, to the province of Orissa from the Presidency of Madras or from the provinces of Bihar and Orissa and the Central Provinces, shall, on application to the Registrar, be entitled to have his name entered in the register.

(2) Every person referred to in the Schedule, other than a person entitled to be registered under sub-section (1), shall, on application to the Registrar and on payment of a fee of fifteen rupees be entitled to have his name entered in the register.

(3) (a) An application for registration under sub-section (1) shall state—

(i) the date on which the applicant was registered under any of the Acts mentioned in sub-section (1) and the Act under which he was registered;

(ii) the place at which he was employed as a Government servant or at which he was practising immediately before the 1st day of April, 1936.

(b) An application under sub-section (2) shall state the qualification mentioned in the Schedule in respect of which the applicant claims to be registered and the date on which he acquired the said qualification.

Refusal of registration by Council. 12. Notwithstanding anything contained in section 11 the Council may refuse to permit the registration of any person—

(a) who has been sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed;

(b) whom the Council after an enquiry conducted in accordance with rules made under this Regulation and after opportunity has been given to him to be heard either in person or by a legal representative have found guilty by a majority of the members present and voting at the meeting of infamous conduct in any professional respect.

Inclusion of title or qualification in the Schedule. 13. The Local Government may, on the recommendation of the Council, direct that any title granted or qualification certified by any University, Medical Corporation, examining body or other institution shall be included in the Schedule, or that the possession of any title or qualification referred to in Article 3 of the Schedule shall not entitle any person to have his name entered in the register, and the Schedule shall have effect subject to any such direction.

Removal of names from the register. 14. The Council may remove from the register the name of any registered practitioner in the same circumstances in which they could refuse to permit him to be registered if he applied for registration under section 11, and may direct that any name so removed shall be re-entered on the register.

Erasure of fraudulent and incorrect entries. 15. Any entry in the register, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased or corrected under an order in writing of the Council.

Refusal to register. 16. (1) If any person is dissatisfied with any decision of the Registrar refusing to enter the name or any title or qualification of such person in the register, he may at any time within three months from the date of such decision appeal to the Council.

(2) The Council shall hear any such appeal in accordance with rules made under this Regulation and its decision shall be final.

Entering of new title or qualification. 17. If any person whose name is entered in the register obtains, after the date on which his name was entered on the register, any title or qualification he shall on payment of a fee of five rupees be entitled to have such title or qualification entered against his name in the register either in substitution for or in addition to any previous entry.

Notice of deaths and erasure of names in the register. 18. (1) Every Registrar of Deaths who receives notices of death of any person whose name he knows to be entered in the register shall forthwith transmit by post to the Registrar a certificate of such death signed by him and stating particulars of the time and place of death.

(2) On receipt of such certificate or any other reliable information regarding such death, the Registrar shall erase the name of the deceased person from the register.

Penalty on un-registered person representing that he is registered. 19. If any person whose name is not entered in the register falsely pretends that it is so entered, or uses in connection with his name or title any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Magistrate of the first class, with fine which may extend to three hundred rupees.

Construction of references in Acts to medical practitioners.

20. The expression "legally qualified medical practitioner," or "duly qualified medical practitioner", and all other expressions importing a person recognised by law as a medical practitioner or a member of the medical profession as used in any Act which is in force in the province of Orissa shall be deemed to mean a medical practitioner registered under the Medical Acts or this Regulation; and

no certificate required to be given by any medical practitioner or medical officer under any Act which is in force in the province of Orissa shall be valid unless such practitioner or officer is registered under the Medical Acts or this Regulation.

Unregistered persons not to hold certain appointments.

21. Except with the special sanction of the Local Government, no person other than a registered practitioner shall be competent to hold any appointment as medical officer of health, or as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary or lying-in-hospital which is supported partially or entirely by public or local funds, or which is under the supervision of the Local Government.

Annual Medical List.

Publication and use of annual medical list.

22. (1) The Registrar shall, in every year, on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being entered in the register and setting forth—

- (a) all names entered in the register, arranged in alphabetical order,
- (b) the registered address or appointment of each person whose name is entered in the register, and
- (c) the registered titles and qualifications of each such person, and the date on which each such title was granted or each such qualification was certified.

(2) Every Court shall presume that any person whose name is entered in the latest of such lists is duly registered under this Regulation and that any person whose name is not so entered is not registered under this Regulation:

Provided that, in the case of any person whose name does not appear in such list, a certified copy, signed by the Registrar, of the entry of the name of such person in the register of registered practitioners shall be evidence that such person is registered under this Regulation.

Disposal of fees.

23. All fees received by the Council under this Regulation shall be applied for the purposes of this Regulation in accordance with rules made under this Regulation.

Bar to suits and other legal proceedings.

24. No suit or other legal proceeding shall lie in respect of any act done in the exercise of any power conferred by this Regulation on the Local Government or the Council or the Registrar.

Power to make rules.

25. The Local Government may make rules—

- (a) to regulate the procedure to be followed by the Council in conducting any inquiry under section 12 or section 14 and in hearing appeals under section 16, and
- (b) to regulate the disposal of fees received under this Regulation, and the accounts to be kept of such fees.

THE SCHEDULE.

PERSONS WHO ARE ENTITLED TO HAVE THEIR NAMES ENTERED IN THE REGISTER OF REGISTERED PRACTITIONERS.

(See SECTION 11.)

1. Every person who is for the time being registered or qualified to be registered under the Medical Acts i.e., the English Acts.

2. Every Doctor, Bachelor or Licentiate of Medicine, or Master of Obstetrics or Master, Bachelor or Licentiate of Surgery, of the University of Calcutta, Bombay, Madras, Lucknow, Allahabad, the Punjab, Patna, Rangoon or Andhra.

3. Every person who has been trained in a Government Medical College or School in India, or in a Medical School in India not maintained but recognized by the Local Government, for the purposes of this Schedule, by notification in the *Orissa Gazette*, and holds a diploma or certificate, granted by the Government, or granted by a Medical School not maintained by Government but recognized as aforesaid, declaring him to be qualified :—

(a) to practise medicine, surgery and midwifery, or

(b) to perform the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

I assent to this Regulation.

WILLINGDON,

Viceroy and Governor-General.

The 1st April 1936.

The 1st April 1936.

No. 19.—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. III OF 1936.

A

REGULATION.

TO PROVIDE FOR THE CONSOLIDATION OF CERTAIN APPELLATE AND REVISIONAL POWERS IN THE PROVINCE OF ORISSA.

WHEREAS it is expedient to provide for the consolidation of certain appellate and revisional powers in the Province of Orissa; It is hereby enacted as follows:—

Short title,
application and
commencement.

1. (1) This Regulation may be called the Orissa Consolidation of Appeals Regulation, 1936.

(2) It applies to the Province of Orissa.

(3) It shall come into force on the 1st day of April 1936.

Consolidation of appeals when separate appellate powers are vested in Revenue Commissioner.

2. Where appellate or revisional powers which were, immediately before the coming into force of the Government of India (Constitution of Orissa) Order, 1936, vested in separate Courts or authorities have, by reason of any direction issued under the provisions of the said Order, or by reason of any regulation issued under section 71 of the Government of India Act, become vested in the Revenue Commissioner for Orissa

- (a) the appellate or revisional powers which are so vested in the said Revenue Commissioner shall be deemed to be consolidated, and
- (b) the period of limitation for an appeal or application for revision to the Revenue Commissioner shall be the longest period within which an appeal or application for revision could have been made to any of the Courts or authorities whose powers are so consolidated, if such powers had not been consolidated.

I assent to this Regulation,

WILLINGDON,

Viceroy and Governor-General.

The 1st April 1936.

No. 42.—The following notification, issued by the Government of India in the Home Department, is republished for General information.

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

New Delhi, the 1st April 1936.

No. F. 210/36-Judicial.—In exercise of the power conferred by paragraph 20 of the Government of India (Constitution of Orissa) Order, 1936, the Governor General in Council is pleased to direct as follows:—

1. Every proceeding pending on the appointed day before any court, other than a High Court, in, or in respect of, any area transferred by the said Order to Orissa shall

be continued as if the said Order had not been made.

2. Any appeal or application for revision in respect of any proceeding so pending or of any decision made before the appointed day in any such court in or in respect of any such area shall lie in the court which has appellate or revisional jurisdiction, as the case may be, over the court which would have jurisdiction to try such proceeding if the proceeding were instituted after the appointed day;

Provided that, where the proceeding relates to any property situate partly within and partly without any area transferred by the said Order to Orissa, any appeal or application for revision shall lie as if the said Order had not been made.

J. A. THORNE,

Addl. Joint Secy. to the Govt. of India.

HIGH COURT OF JUDICATURE AT PATNA.

NOTIFICATION.

The 13th March 1936.

No. 135.—Whereas it is desirable that the 1st April 1936, the date on which the province of Orissa comes into being should

be observed as a holiday in all the subordinate civil courts in the province of Orissa:

In exercise of the power conferred by section 15 of Act XII of 1887, the High Court are pleased to declare that on the 1st April, 1936, all subordinate civil courts in the new province of Orissa shall be closed.

By order of the High Court, Patna,

H. R. MEREDITH,

Registrar.

The 12th March 1936.

No. 12-R.—The following amendments to the rules made by the High Court of Judicature at Patna under the powers vested in it by section 6 of the Legal Practitioners Act (Act XVIII of 1879), are published for general information.

By order of the High Court,

H. R. MEREDITH,
Registrar.

Addenda and Corrigenda to the General Rules and Circular Orders of the High Court at Patna, 1922 (second edition).

CIVIL.

Volume I.

1. In the fifth line of rule 3 (a), Part VII, Chapter I, page 168, insert the word "Nagpur" after the word "Agra" and before the word "or" and put a comma after the word "Agra".

2. After rule 3 (a) and before the existing proviso thereto in Part VII, Chapter I, page 168, add the following proviso:—

"Provided that a law graduate of the Nagpur University shall not be eligible for admission as a pleader under this High Court unless he is a native of and permanent resident in the province of Bihar or Orissa".

3. In the existing proviso to rule 3 (a) in part VII, Chapter I, page 168, add the word "also" after the word "Provided".

4. Add the following to rule 20, Part VII, Chapter I, page 180:—

"In the case of applications from law graduates of the Nagpur University, the Judge should report after an enquiry by the District authorities, whether the applicant is or is not a native of and permanent resident in the province of Bihar or Orissa".

(IX-11-1936, dated the 11th March 1936.)

The 19th March 1936.

No. 16-S.—1. It is hereby notified under section 15 of Act XII of 1887 for general information that for the year 1936 on account of the creation of the new province of Orissa with effect from the 1st April 1936, all the civil courts within the judgship of Ganjam-Puri except those of the Subordinate Judge and Munsifs at Pure will observe the holiday prescribed in the following list:—

Names of Holidays.	English date.	Days of the week.	Remarks.
1. Muharram	3rd April	Friday ...	To be observed on the 3rd April or any other day that may be fixed by the District Judge in consideration of the visibility of the Moon.
2. Good Friday to Easter Monday	10th to 13th April	Friday to Monday.	
3. Ascension day	21st May ..	Thursday.	
4. Fatiha Duazdahum or Meeladee-Nabi.	3rd June ..	Wednesday	To be observed on the 3rd June or on any other day that may be fixed by the District Judge in consideration of the visibility of the Moon.
5. King Emperor's Birthday	The day which may be fixed for the celebration in India of the King Emperor's Birthday will be notified separately in due course by the Orissa Government.
6. Raja Sankranti	14th June ..	Sunday.	
7. Eclipse of the Sun	19th June ..	Friday	If the eclipse is visible in the area.
8. Ratha Jatra	21st June ..	Sunday.	
9. Ulta Rath	29th June ..	Monday.	
10. Half-yearly closing of Bank accounts.	1st July ..	Wednesday.	
11. Janmashtami	10th August ..	Monday.	
12. Sri Jayanti	8th September ..	Tuesday.	
13. Binayak Chaturthi or Ganesh Chaturthi.	19th September ..	Saturday.	

Name of holidays.	English date.	Days of the week.	Remarks.
14 Sunia	28th September ...	Monday.	
15. Mahalaya-Amavasya	15th October ..	Thursday.	
16. Durga Puja	24th October ..	Saturday.	
17. Ayudha Puja or Durga Puja..	24th October ...	Saturday.	
18. Lakshmi Puja	1 day	The day that may be fixed by the District Judge.
19. Kumar Purnima	30th October ..	Friday.	
20. Shabi-barat	31st October ..	Saturday. ..	To be observed on the 31st October or on any other day that may be fixed by the District Judge in consideration of the visibility of the Moon.
21. Kali Puja or Dipavali ...	13th November..	Friday.	
22. Kartic Puja	1 day	The day may be fixed by the District Judge.
23. Id-ul-Fitr ...	15th December..	Tuesday ..	To be observed on the 15th December or on any other day that may be fixed by the District Judge in consideration of the visibility of the Moon.
24. Vaikuntha Ekadasi	24th December..	Thursday.	
25. Christmas holidays ...	24th to 31st December.	Thursday to Thursday.	

Note.—(a) The penultimate Saturday of each month will be observed as a holiday.

(b) For the summer recess the District and Subordinate Judge's Court at Berhampur will be closed from the 20th April to the 19th June 1936, both days inclusive. The District Munsifs' courts Aska and Berhampur, will be closed for six weeks, the former from the 9th May 1936 to the 19th June 1936, and the latter from the 20th April 1936, to the 31st May 1936, both days inclusive and in both cases, and the Official Receiver's office will remain closed from the 9th May 1936 to the 19th June 1936, both days inclusive.

2. The Puri civil courts will observe the holidays already prescribed by the Patna High Court for the year 1936.

3. The civil courts of the Cuttack-Sambalpur judgship will observe the holidays already prescribed for them by the Patna High Court.

4. The court of the Sub-divisional Officer Munsif of Nawapara will observe the Executive holidays prescribed by Government for the subdivision.

CIRCULAR ORDER NO. 5 OF 1936.

XXX-13-36.

Dated Patna, the 25th March 1936.

High Court,
English
Department,
Civil

Notwithstanding anything contained in Chapter I, Part VII of the Patna High Court's General Rules and Circular Orders, Volume I, any legal practitioner in actual practice upon a current licence of the High Court of Madras or Nagpur, other than an advocate enrolled under the Indian Bar Council Act, and who ordinarily practised before the 1st of April, 1936, in any judicial district of Madras or the Central Provinces any part of which has been transferred to the province of Orissa shall, subject to such conditions as attach to his existing certificate, be allowed to practise in the Courts subordinate to the Patna High Court upon his existing licence until the 31st of July 1936, or, if an application for enrolment in this High Court is made on or before that date, until orders have been passed on such application. Any such practitioner will be entitled to apply for enrolment, without admission fee, in this High Court, subject to the same conditions as attach to his existing licence, or such other similar conditions as may be necessary by reason of change of the local Government and the High Court, provided he presents his application on or before the 31st of July, 1936, stating his name and qualifications, and together with his existing certificate, to the Judge of the district in which he intends ordinarily to practise. In the case

of a first grade pleader of the Madras High Court the application should also state the two other contiguous judicial districts under this High Court to which the applicant wishes his licence to extend. The application will be forwarded by the Judge to the Registrar of the High Court for orders, with such remarks as he may think fit to make thereon, and in particular regarding the applicant's right to be enrolled in this High Court as a regular practitioner in a district any part of which has been transferred to Orissa.

2. Any legal practitioner enrolled in this High Court in accordance with this order shall have his name removed from the roll of the Madras or the Nagpur High Court, as the case may be, within a period of three months from the date of his enrolment in this Court. Failure to do so and intimate the fact shall render him liable to have his name removed from the roll of this Court, and he shall thereupon cease to be entitled to practise or act in this Court or in any Court subordinate to this Court.

3. The Court may in its discretion relax all or any of the conditions laid down by this order in the case of a particular legal practitioner or a particular class of legal practitioners.

4. Advocates under the Bar Councils Act whose names appear on the roll of the Madras or the Nagpur High Court shall, on application, be enrolled in this Court in accordance with the rules that may be framed in this connection by the local Bar Council with the previous sanction of this Court.

By order of the High Court,

H. R. MEREDITH,

Registrar, High Court, Patna.