




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.

HOME, REVENUE AND FINANCE DEPARTMENTS.

NOTIFICATIONS.

The 16th March 1937.

No. 2804-P.—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 13th March 1937, is published under sub-section (2) of section 71 of the Government of India Act.

By order of the Governor,
P. T. MANSFIELD,

Chief Secretary to Government.

LEGISLATIVE DEPARTMENT.

New Delhi, 11th March 1937.

No. 49/37-P.—Whereas by the Government of India (Constitution of Orissa) Order, 1936, His Majesty has been pleased to direct

that the provisions of section 71 of the Government of India Act [except sub-section (4) thereof] hereinafter called "the said section", shall apply to the whole of Orissa;

And whereas the Local Government of Orissa has proposed to the Governor-General in Council drafts of the following Regulations, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the said drafts and reasons into consideration and has approved the drafts and the same have received the assent of the Governor-General on the 11th day of March 1937;

In pursuance of the direction contained in sub-section (2) of the said section, the said Regulations are published in the *Gazette of India* and will be published in the *Orissa Gazette*.

REGULATION No. X of 1937.

A
REGULATION

TO

Amend the Angul Laws Regulation, 1936.

WHEREAS it is expedient to correct certain mistakes and make other alterations in the Angul Laws Regulation, 1936, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Regulation may be called the *Angul Laws (Amendment) Regulation, 1937.*

Short title and commencement.

(2) It shall come into force at once.

2. Section 41 of the Angul Laws Regulation, 1936 (hereinafter referred to as the said Regulation), shall be numbered as sub-section (1) of section 41 and the following shall be added as sub-section (2), namely:—

“(2) Notwithstanding anything contained in sections 39 and 40, the Subdivisional Officer may, on an application being made to him for the recovery of any amount recoverable as an arrear of land revenue under section 52 of the Bihar and Orissa Co-operative Societies Act, 1935, by any person to whom such arrear is payable, recover such amount, together with costs of realising the same, by attachment and sale of any property belonging to the defaulter.”

3. For section 46 of the said Regulation the following section shall be substituted, namely:—

“46. The Deputy Commissioner may, after consulting the house-holders of any village or the panchayat, if any, appoint any person to be a village chaukidar and may, for any misconduct or neglect of duty, dismiss any village chaukidar.

The Deputy Commissioner may delegate his powers under this section to the Subdivisional Officer or the Superintendent of Police.”

4. In section 49 of the said Regulation, the words “Deputy Commissioner” shall be substituted for the words “Superintendent of Police” and the following paragraph shall be added at the end of the section, namely:—

“The Deputy Commissioner may delegate his powers under this section to the Subdivisional Officer or the Superintendent of Police.”

5. In section 52 of the said Regulation and the marginal entry against the said section, the words “or Subdivisional Officer” shall be added after the words “Superintendent of Police”.

6. In the Schedule to the said Regulation, the following amendments shall be made, namely:—

(a) In Part II, the entry “1867 XXV The Press and Registration of Books Act, 1867 Ditto” shall be inserted immediately below the entry “1864 III The Foreigners Act, 1864 Ditto”.

(b) In Part II, the entry “1904 VII The Ancient Monuments Preservation Act, 1904 Ditto” shall be inserted immediately below the entry “1903 XV The Indian Extradition Act, 1903 Ditto”.

(c) In Part II, the entry “1908 XIV The Indian Criminal Law Amendment Act, 1908 Ditto” shall be inserted immediately below the entry “1908 IX The Indian Limitation Act, 1908 Ditto”.

(d) In Part II, the entry “1911 X The Prevention of Seditious Meetings Act, 1911 Ditto” shall be inserted immediately below the entry “1911 VIII The Indian Army Act 1911 Ditto”.

(e) In Part II, the entry “1922 The Indian States (Protection Against Disaffection) Act, 1922 Ditto” shall be inserted immediately above the entry “1923 IV The Indian Mines Act, 1923 Ditto”.

(f) In Part II, the entry “1931 XXIII The Indian Press (Emergency Powers) Act, 1931 Ditto” shall be inserted immediately below the entry “1927 XVI The Indian Forest Act, 1927 Ditto”.

(g) In Part II, the entry “1934 XI The Indian States (Protection) Act, 1934 Ditto” shall be substituted for the entry “1935 The Criminal Law Amendment Act, 1935 Ditto”.

(h) The following heading and entry shall be inserted immediately below the last entry in Part II:—

“Part III.—Regulation made under section 71 of the Government of India Act.

1936 II The Orissa Medical Regulation, 1936 The whole.”

(i) Parts II and IV shall be renumbered as Parts IV and V, respectively.

(j) In Part V as renumbered, the entry “1916 II The Bihar and Orissa Medical Act, 1916 Ditto” shall be omitted.

- (k) In Part V as renumbered, in the entry "1920 VII Bihar and Orissa Kamati Agreement Act, 1920 Ditto", the word "Kamiauti" shall be substituted for the word "Kamati".
- (l) In Part V as renumbered, the entry "1930 II The Bihar and Orissa Motor Vehicles Taxation Act, 1930, as amended by section 10 read with Schedule III of the Orissa Laws Regulation, 1936 Ditto" shall be substituted for the entry "1930 II Bihar and Orissa Motor Vehicles Taxation Act, 1930 Ditto".

REGULATION No. IX of 1937.

A
REGULATION

TO

Amend the Khondmals Laws Regulation, 1936.

WHEREAS it is expedient to correct certain mistakes and make other alterations in the Khondmals Laws Regulation, 1936, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Khondmals Laws (Amendment) Regulation, 1937.
- Short title and commencement.
- (2) It shall come into force at once.
2. Section 41 of the Khondmals Laws Regulation, 1936 (hereinafter referred to as the said Regulation), shall be numbered as sub-section (1) of section 41 and the following shall be added as sub-section (2), namely:—
- "(2) Notwithstanding anything contained in sections 39 and 40, the Subdivisional Officer may, on an application being made to him for the recovery of any amount recoverable as an arrear of land revenue under section 52 of the Bihar and Orissa Co-operative Societies Act, 1935, by any person to whom such arrear is payable, recover such amount, together with costs of realising the same, by attachment and sale of any property belonging to the defaulter."
3. For section 45 of the said Regulation the following section shall be substituted, namely:—
- Substitution of a new section for section 45.
- "45. The Deputy Commissioner may, after consulting the house-holders of any village or the panchayat, if any, appoint any person to be a village chaukidar and may, for any misconduct or neglect of duty, dismiss any village chaukidar.

The Deputy Commissioner may delegate his powers under this section to the Subdivisional Officer or the Superintendent of Police."

4. In section 48 of the said Regulation, the words "Deputy Commissioner" shall be substituted for the words "Superintendent of Police" and the following paragraph shall be added at the end of the section, namely:—

"The Deputy Commissioner may delegate his powers under this section to the Subdivisional Officer or the Superintendent of Police."

5. In section 51 of the said Regulation and the marginal entry against the said section, the words "or Subdivisional Officer" shall be added after the words "Superintendent of Police".
- Amendment of section 51.

6. In section 70 of the said Regulation, the words "or Subdivisional Officer" shall be added after the words "Deputy Commissioner".
- Amendment of section 70.

After the marginal entry "Sittings of Deputy Commissioner's Court" against the said section the words "or Subdivisional Officer's Court" shall be added.

7. In the Schedule to the said Regulation the following amendments shall be made, namely:—
- Amendment of the Schedule.

- (a) In Part I, in entry "1829 XVIII the Bengal Sati Regulation, 1829Ditto", "XVII" shall be substituted for "XVIII".
- (b) In Part II, in entry "1874 XI The European Vagrancy Act, 1874.Ditto", "IX" shall be substituted for "XI."
- (c) In part II, the entry "1903 XV The Indian Extradition Act, 1903Ditto" shall be placed immediately above instead of immediately below the entry "1904 VII The Ancient Monuments Preservation Act, 1904.Ditto".
- (d) In Part II, the entry "1908 XIV The Indian Criminal Law Amendment Act, 1908.Ditto" shall be inserted immediately below the entry "1908 VI The Explosive Substances Act, 1908.Ditto".
- (e) In Part II, the entry "1911 X The Prevention of Seditious Meetings Act, 1911.Ditto" shall be inserted immediately below the entry "1911 VIII The Indian Army Act, 1911.Ditto".

- (f) In Part II, in the entry "1918 XXII The Bronze Coin (Legal) Tender Act, 1918... Ditto", for the words and brackets "(Legal) Tender" the words and brackets "(Legal Tender)" shall be substituted.
- (g) In Part II, the entry "1922 The Indian States (Protection Against Disaffection) Act, 1922.... Ditto" shall be inserted immediately above the entry "1923 IV the Indian Mines Act, 1923.....Ditto".
- (h) In Part II, the entry "1931 XXIII The Indian Press (Emergency Powers) Act, 1931.....Ditto" shall be inserted immediately below the entry "1927 XVI The Indian Forest Act, 1927.....Ditto".
- (i) In Part II, in the entry "1932 XXII The Tea District Emigrants Labour.....Ditto" for the words "The Tea District Emigrants Labour" the words and figures "The Tea Districts Emigrant Labour Act, 1932" shall be substituted.
- (j) In Part II, the entry "1934 XI The Indian States (Protection) Act, 1934.....Ditto" shall be substituted for the entry "1935 The Criminal Law Amendment Act, 1935..... Ditto".
- (k) In Part V, the following shall be inserted as the first entry:—"1915 II The Bihar and Orissa Excise Act, 1915.....The whole" and in the entry "1917 I The Bihar and Orissa General Clauses Act, 1917... The whole" the word "Ditto" shall be substituted for the words "The whole".
- (l) In Part V, the entry "1930 II The Bihar and Orissa Motor Vehicles Taxation Act, 1930.....Ditto" shall be omitted.
- (m) In Part VI, the entry "1886 I The Madras Abkari Act, 1886.....The whole" shall be omitted.
- (n) In Part VI, the entry "1931 III The Madras Motor Vehicles Taxation Act, 1931, as amended by section 10 read with the III Schedule of the Orissa Laws Regulation, 1936The whole" shall be substituted for the entry "1931 III The Madras Motor Vehicles Taxation Act, 1931Ditto".

G. H. SPENCE,

Secy. to Govt. of India.

The 17th March 1937.

No. 1962-F.—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 13th March 1937 is published under sub-section (2) of section 71 of the Government of India Act.

By order of the Governor,

P. T. MANSFIELD,

Chief Secretary to Government.

REGULATION No. XII of 1937.

A

REGULATION

TO

Provide for the establishment and maintenance of a Famine Relief Fund in the Province of Orissa.

WHEREAS it is expedient to provide for

the establishment and maintenance in the Province of Orissa of a Fund for utilisation on occasions of famine and of distress caused by severe drought, flood or other serious natural calamities in the said province; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Orissa Famine Relief Fund Regulation, 1937.

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

(3) (a) This section shall come into force at once.

(b) The remaining provisions of this Regulation shall come into force on such date as the Local Government may by notification appoint.

2. In this Regulation "Fund" means the Orissa Famine Relief Fund established under section 3.

3. (1) When this section comes into force, the Local Government shall establish in and for the Province of Orissa a Fund called "The Orissa Famine Relief Fund".

(2) The Fund shall consist of—

(a) the securities of the Government of India mentioned in section 4 or any other securities of the Government of India to which the said securities may be converted and any securities in which sums placed to the credit of the Fund under sub-section (2) of section 7 or otherwise, may be invested;

(b) the interest which may from time to time accrue on the securities mentioned in clause (a); and

(c) such other sums as the Local Government may from time to time place to the credit of the Fund under sub-section (2) of section 7 or otherwise.

4. The Local Government shall apply to

Withdrawal of the Famine Relief Fund and its investment in the securities of the Government of India.

the Governor General in Council for permission to withdraw the balance at their credit in the Famine Relief Fund maintained under Schedule IV to the Devolution Rules made under the Government of India Act and, on such permission being accorded, the Local Government shall, after setting apart from the balance so withdrawn such sum as may be required during the remaining portion of the financial year 1936-37 to meet the expenditure for which provision has been made in the financial statement of such year as expenditure to be met out of the aforesaid Fund, invest the balance in the securities of the Government of India in the name of the Chief Secretary to the Government of Orissa.

Purposes for which the Fund may be utilised.

5. The Fund shall not be expended except upon—

- (i) the relief of famine in the Province of Orissa;
- (ii) the relief of distress caused by serious drought, flood or other serious natural calamities in the said province; and
- (iii) the construction or repairs of embankments after serious floods:

Provided that when the Fund exceeds 10 lakhs of rupees the Local Government may utilise the excess—

- (a) in the grant of loans to cultivators under the Agriculturists' Loans Act, 1884;
- (b) in the commutation of pensions of Government servants; and
- (c) if approved by a special resolution passed by the Orissa Legislative Assembly, in any other Capital expenditure which is due to be recouped to the Local Government after a term not exceeding five years by repayment or by relief from a subsequent capital or recurring charge.

6. The Local Government shall from time

Investment and reinvestment of amounts not required.

to time invest or re-invest in the securities of the Government of India all sums to the credit of the Fund, which may not be immediately required for any of the purposes mentioned in section 5.

7. (1) The accounts of the Fund shall be

Accounts of the Fund and making up of the deficiency in the Fund.

made up at the end of each financial year, the securities belonging to the Fund being valued at their market value on the last day of such year.

(2) If the accounts so made up show that the balance in the Fund at the end of such year is less than ten lakhs of rupees, there shall be placed to the credit of the Fund, out of the revenues of the province in the financial year immediately following the year for which the accounts have been made up, an amount which, together with such sums as may be spent in that year on the objects (i), (ii) or (iii) specified in section 5, shall amount to one lakh and twenty-five thousands of rupees.

(3) Any amount required to be placed to the credit of the Fund by sub-section (2) shall be charged on the revenues of the province.

8. In case of doubt whether the purpose

Reference to Governor in case of doubt.

for which it is proposed to spend any portion of the Fund is one of the purposes specified in section 5, the matter shall be referred to the Governor of Orissa whose decision in exercise of his individual judgment shall be final.

9. (1) The Local Government may, from

Powers of the Local Government to make rules.

time to time, make rules for carrying out the objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, the rules may provide for and regulate the terms of repayment to the Fund of sums withdrawn from the Fund under the proviso to section 5.