



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.

**EDUCATION, HEALTH AND LOCAL
SELF-GOVERNMENT
DEPARTMENTS.**

NOTIFICATION.

The 15th August 1936.

No. 4034—VIE-15/36-E.—The following resolution recorded by the Government of Bihar in the Education and Development Department, is republished for general information.

By order of the Governor,
A. F. W. DIXON,
Secretary to Government.

No. 1060-E. R.
GOVERNMENT OF BIHAR.
EDUCATION AND DEVELOPMENT
DEPARTMENT.

RESOLUTION.

Ranchi, the 6th August 1936.

READ—

- (1) Resolution no. 3363-E, dated the 30th September 1933.
- (2) Notification nos. 1310-E. R., dated the 25th October 1933 and 1156-E.R., dated the 9th August 1935.

In resolution no. 3363-E, dated 30th September 1933, a Board for Anglo-Indian and European education was constituted for the province of Bihar and Orissa. At a

meeting held on the 16th September 1935 the Board resolved (1) that it should continue to function as a Joint Board for the provinces of Bihar and Orissa after their separation until it was otherwise decided, (2) that the President should be chosen by the Governor of Bihar in consultation with the Governor of Orissa, (3) that the Director of Public Instruction, Orissa, should become a member ex-officio and (4) that each province should provide the travelling expenses of its representatives. This recommendation was accepted by the Government of Bihar and Orissa. As however it was the intention of the Secretary of State for India that each province should have a Board of its own, the Government of India were requested to obtain his approval to the proposal that there should be a Joint Board for the provinces of Bihar and Orissa. The approval of the Secretary of State for India has since been accorded. The Government of Bihar with the consent of the Government of Orissa are accordingly pleased to constitute a Joint Board for Anglo-Indian and European education for the provinces of Bihar and Orissa, which will take the place of the Board constituted under the Resolution of the Government of Bihar and Orissa referred to above.

2. The Joint Board for the provinces of Bihar and Orissa shall be constituted in the following manner:—

- (1) The Hon'ble Member of Government of Bihar in charge of Anglo-Indian and European education or in his absence an official nominated by him to be his Deputy-President, ex-officio.
- (2) The Director of Public Instruction, Bihar, ex-officio.
- (3) The Director of Public Instruction, Orissa, ex-officio.
- (4) and (5) Two representatives of the authorities responsible for the maintenance of Anglo-Indian and European educational institutions.
- (6) and (7) Two Anglo-Indians or members of the domiciled European community, of whom one may be a woman, to be nominated by His Excellency the Governor in consultation with the Hon'ble Member in charge of Anglo-Indian and European education after taking into consideration any recommendations put forward by the Anglo-Indian or domiciled European community.
- (8) and (9) Two persons actively engaged in teaching in Anglo-Indian and European educational institutions, of whom one shall be a woman.
- (10) One representative of the Patna University.

The Inspector of Anglo-Indian and European schools, Bihar, will be Secretary to the Board, without power to vote.

3. The Board shall have the following functions:—

- (1) (a) To make recommendations to the Inter-Provincial Board of Anglo-Indian and European education in regard to the following matters:—
 - (i) the course of instruction,
 - (ii) the system of examinations,
 - (iii) the conditions of recognition of schools,
 - (iv) the provisions of a Code of Regulations for Anglo-Indian and European schools.
- (b) To make recommendations to the local Governments concerned in order that effect may be given to the recommendations of the Inter-Provincial Board on these matters.
- (2) To examine that part of the budget of the Education Departments in the provinces of Bihar and Orissa which relates to Anglo-Indian and European educational institutions and to submit its views thereon for the consideration of the local Governments concerned.
- (3) To examine the schedule of new demands relating to Anglo-Indian and European institutions which the Education Departments propose for inclusion in the budget and to submit its views thereon for the consideration of the local Governments concerned.
- (4) To submit to the local Governments concerned its views on any matter concerning Anglo-Indian and European education which may be brought before it for discussion by any member.
- (5) To submit to the local Governments concerned its views on any matter concerning Anglo-Indian and European education on which the local Governments may consult it.

4. The non-official members of the Board shall be entitled to travelling allowance at first class rates.

ORDER.—Ordered that the resolution be published in the *Bihar Gazette* and that copies be forwarded to the Finance Department for information and communication to the Accountant-General, Bihar, to the Director of Public Instruction, Bihar, for information and to the Government of Orissa for information.

By order of the Governor in Council,

S. LALL,

Secretary to Government

**PUBLISHED UNDER THE AUTHORITY
OF THE HIGH COURT OF
JUDICATURE AT PATNA.**

NOTIFICATION.

The 11th August 1936.

No. 53-R.—The following draft amendments of Orders XXI and XXXIX of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), which are proposed to be made by the High Court of Judicature at Patna under section 122 of the said Code, are published for the information of persons likely to be affected thereby. The draft amendments will be taken into consideration on or after the 15th September 1936, and any objections or suggestions relating thereto which may be received by the undersigned before that date will be duly considered by the Court.

By order of the High Court,

J. G. SHEARER,

Registrar.

ORDER XXI.

Rule 58.

Substitute the following for rule 58:—

“58. (1) When any claim is preferred to any property, the subject-matter of execution proceedings, or any objection is made to the attachment thereof, on the ground that the applicant has an interest therein which is not bound under the decree, or that such property is not liable to attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

(2) Where the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.”

RULE 59.

Substitute the following for rule 59:—

“59. The claimant or objector must adduce evidence to show that at the date of the decree or of the attachment, as the case may be, he had some interest in, or was possessed of, the property in question.”

RULE 60.

Substitute the following for rule 60:—

“60. Where upon the said investigation the Court is satisfied that for the reasons stated in the claim or objection such property was not, at the date of the decree, or when attached, as the case may be, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall make an order releasing the property, wholly or to such extent as it thinks fit, from the execution proceedings, or from attachment.

Where the property has been sold, such order shall have the effect of setting aside the sale; and if it has been purchased by a third party in good faith, the Court may make such order for his compensation by the decree-holder or objector, to an extent not exceeding 12½ per cent of the purchase price, as it thinks fit.”

RULE 61.

Substitute the following for rule 61:—

“61. Where the Court is satisfied that the property was, at the time of the decree, or of the attachment, as the case may be, in the possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.”

ORDER XXXIX.

Rule 1.

Substitute the word “the” for the word “a” in line 1 of clause (a) of rule 1 and add the following provisos after rule 1:—

“Provided that no such temporary injunction shall be granted if it would contravene the provisions of section 56 of the Specific Relief Act (Act I of 1877).”

Provided further that an injunction to restrain a sale, or confirmation of a sale, or to restrain delivery of possession, shall not be granted except in a case where the applicant cannot lawfully prefer, and could not lawfully have preferred, a claim to the property, or objection to the sale, or to the attachment preceding it, before the Court executing the decree.”