



## EXTRAORDINARY

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CUTTACK, FRIDAY, JUNE 30, 1944

## OFFICE OF THE SECRETARY TO HIS EXCELLENCY THE GOVERNOR, ORISSA

*The 30th June 1944*

The following Proclamation, made by His Excellency the Governor, dated the 30th June 1944, is published for general information.

By order of the Governor

V. E. DAVIES

*Secretary to the Governor*

## PROCLAMATION

WHEREAS the Governor of the Province of Orissa is satisfied that a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Government of India Act, 1935 (hereinafter referred to as "the Act");

NOW, THEREFORE, in the exercise of the powers conferred by section 93 of the Act and with the concurrence of the Governor-General, the Governor by this Proclamation—

- (a) declares that all his functions under the Act shall be exercised by him in his discretion;
- (b) assumes to himself all powers vested by or under the Act in the Provincial Legislature and all powers vested in the Provincial Legislative Assembly but not so as to affect any power exercisable by His Majesty with respect to Bills reserved for his consideration or the disallowance of Acts;

and he hereby makes the following incidental or consequential provisions which appear to him to be necessary or desirable for giving effect to the objects of this Proclamation, namely:—

- (1) The operation of the following provisions of the Act is hereby suspended, namely, sections 50 and 51, section 59, so far as it relates to or requires consultation with Ministers, sections 62 to 67 (both inclusive) and 70 to 74 (both inclusive), the proviso to section 75, the proviso to sub-section (1) of section 76, sub-sections (1) and (2) of section 78 and so much of sub-section (3) thereof as relates to salaries and allowances of Ministers, sections 79 to 82 (both inclusive), so much of sub-section (1) of section 83 as relates to the passing of a Resolution by the Provincial Legislative Assembly; sub-section (2) of section 83; sections 84 to 90 (both inclusive) and so much of section 169 as relates to the laying of reports before the Provincial Legislature;
- (2) In exercising legislative powers under or by virtue of this Proclamation, the Governor, acting in his discretion, shall prepare such Bills as he deems necessary, and declare as respects any Bill so prepared either that he assents thereto in His Majesty's name, or that he reserves it for the consideration of the Governor-General; and the reference in sub-section (2) of section 76 to the day on which a Bill was presented to the Governor shall be construed as a reference to the day on which a Bill was so reserved by him;
- (3) Any expenditure from the revenues of the Province, whether expenditure charged by the Act on those revenues or not, shall be deemed to have been duly authorised if it is included in an annual estimate of expenditure or a supplementary estimate of expenditure published in the official Gazette of the Province;
- (4) While this Proclamation is in force it shall, notwithstanding anything in any rules made under the Act relating to elections, be unnecessary for an election to be held for the purpose of filling any casual vacancy in the Provincial Legislature;
- (5) Any reference in the Act to Provincial Acts, Provincial laws, or Acts or laws of a Provincial Legislature shall be construed as including a reference to Acts made under or by virtue of this Proclamation, and the Orissa General Clauses Act, 1937, shall have effect in relation to any such Act as if it were an Act of the Provincial Legislature.

W. H. LEWIS

*Governor, Orissa*CUTTACK: *The 30th June 1944*