



The Orissa Gazette

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PART III.

Regulations, Orders, Notifications, Rules, etc., issued by the
Governor and by Heads of Departments.

HOME, REVENUE AND FINANCE DEPARTMENT.

NOTIFICATION.

The 27th October 1937.

No. 3942—La.-91-R.—Whereas it appears to the Government that the land specified in the schedule below and situated in the Ramagada village, Ghumsur taluk; Ganjam district, is needed for a public purpose, to wit, for widening the school compound at Ramagodo, notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 4 (1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition Amendment Act XXXVIII of 1923; and the Governor hereby authorizes the Revenue Divisional Officer, Ghumsur, his staff and workmen to exercise the powers conferred by section 4 (2) of the Act. Under section 3 (c) of the same Act the Governor appoints the Revenue Divisional Officer, Ghumsur, to perform the functions of Collector under section 5-A of the Act.

SCHEDULE.

District— Ganjam
Taluk— Ghumsur.
Village— No. 85 Ramagodo.

Description of land, wet or dry, inam or poramboke with survey or paimash no.—S. No. 140/2 Part wet, Ac. 0.11, S. No. 142/1 Full wet, 0.13—Government wet.

Name of owner or occupier—Subudhi Podhano (Pattadar and enjoyor for both the S. nos.).

Boundaries of the land required to be taken up—

For S. no. 140/2 Part.
North—S. No. 120—L.F. Road.
East—S. No. 140-2 Part.
South—S. No. 141.
West—S. No. 142-1.

For S. no. 142/1 Part.
North—S. No. 119.
East—S. No. 140-2 Part.
South—S. No. 141 and 142/2.
West—S. No. 119.

Approximate extent to be taken up—S. No. 140-2 Part, Ac. 0.11, 142-1 Part 0.13.

Whether waste or arable—Arable.

By order of the Governor,
P. T. MANSFIELD,
Chief Secretary to Government.

LAW AND COMMERCE DEPARTMENT.

NOTIFICATION.

The 27th October 1937.

✓ No. 5512-L. A.—The following rules, made by the Governor after consultation with the Speaker, under the proviso to sub-section (1) of section 84 of the Government of India Act, 1935, are published for general information:—

**THE ORISSA LEGISLATIVE ASSEMBLY
(GOVERNOR'S) RULES.***

Title and commencement.

1. These Rules may be called the Orissa Legislative Assembly (Governor's) Rules and shall come into effect on the 1st November 1937.

Definitions.

2. In these rules unless the context otherwise requires—

“the Act” means the Government of India Act, 1935;

“Assembly” means the Legislative Assembly of the province of Orissa;

“Finance Minister” means “the Minister to whom the business of finance has been allocated by the Governor under section 59 (3) of the Act”;

“Gazette” means the *Orissa Gazette*;

“member” means a member of the Assembly;

“Minister” means a Minister chosen by the Governor under section 51 (1) of the Act;

“resolution” means a motion for the purpose of discussing a matter of general public interest;

“Secretary” means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary.

The words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. The Governor acting in his discretion may—

(a) at the commencement of a session of the Assembly, allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence;

(b) at any time during a session, require that any business of the nature referred to in clause (a) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence.

Governor's power to give precedence to special business.

*Made by the Governor under the proviso to sub-section (1) of section 84 of the Government of India Act, 1935.

4. The Governor acting in his discretion may at any time before a question is asked inform the Speaker that he disallows the question or any part of the question on the ground that it affects the discharge by him of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment and if he does so the question or part of the question shall not be entered in the List of Business or, if it has been so entered, the Speaker shall decline to allow the question to be put.

5. (1) No question shall be asked, save with the consent of the Governor acting in his discretion, in regard to any of the following subjects, namely:—

- (i) any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince;
- (ii) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof;
- (iii) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(2) No question shall be asked on any matter connected with any Indian State unless the Governor acting in his discretion—

- (i) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the province; and
- (ii) has given his consent to the question being asked.

(3) If the Speaker is of opinion that a question is or may be one which cannot be asked save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the question, forward to the Governor a copy thereof and unless the Governor (whose decision in the matter shall be final) decides in his discretion that the question may be put, it shall not be entered in the List of Business.

(4) Notwithstanding the fact that the Speaker has made no reference under sub-rule (3), if the Governor acting in his discretion considers that any question or part of a question is one which cannot be asked without his consent he may withhold his consent to the asking of the

question and, on communication to the Speaker of his decision, which shall be final, the question shall not be entered in the List of Business, or if it has been so entered, the Speaker shall decline to allow the question to be put.

(5) The Speaker shall disallow any supplementary question if, in his opinion, it infringes the foregoing rules.

6. The Speaker shall cause copies of all questions admitted by him to be sent forthwith to the Governor's Secretary.

Resolution. 7. The Governor acting in his discretion may at any time before the resolution is moved inform the Speaker that he disallows any resolution or any part of a resolution on the ground that it relates to or affects the discharge of any of the functions of the Governor in so far as he is by or under the Act required to act in his discretion or exercise his individual judgment, and, if he does so, the resolution or part of the resolution shall not be placed on the List of Business, or if it has been placed on the List of Business, it shall not be moved.

8. (1) No resolution shall be moved save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely :—

- (i) any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince ;
- (ii) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof ;
- (iii) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(2) No resolution shall be moved on any matter connected with any Indian State unless the Governor acting in his discretion—

- (i) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the province ; and
- (ii) has given his consent to the resolution being moved.

(3) If the Speaker is of opinion that a resolution is or may be one which cannot be moved save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the resolution, forward to the Governor a copy thereof, and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the resolution may be moved, it shall not be entered in the List of Business.

(4) Notwithstanding the fact that the Speaker has made no reference under sub-rule (3), if the Governor acting in his discretion considers that any resolution or part of the resolution is one which cannot be asked without his consent he may withhold his consent to the moving of the resolution and, on communication to the Speaker of his decision, which shall be final, the resolution shall not be entered in the List of Business or, if it has been so entered, the Speaker shall decline to allow the resolution to be moved.

9. As soon as possible after the Governor has promulgated an ordinance under section 88 (1) of the Act, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the Assembly, any member may, after giving three clear days notice to the Secretary, move a resolution disapproving the ordinance. Discussion of Governor's ordinances.

10. The provisions of rules 7 and 8 shall, so far as may be, apply to all motions and motions for an adjournment of the business of the Assembly for the purpose of discussing any matter of urgent public importance. Motions and motions of adjournment.

11. (1) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, not be introduced or moved save with previous sanction, the Speaker shall as soon as may be after the receipt of the notice refer the Bill or the amendment to the Governor and the notice shall not be placed on the List of Business unless the Governor has indicated to the Speaker that the previous sanction required has been granted. Legislation. Previous sanction for introduction of Bills.

(2) If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction, the question shall be referred to the authority which would have power to grant the previous sanction if it were necessary, and the decision of that authority on the question shall be final.

12. A certificate by the Governor under sub section (2) of section 86 of the Act in respect of any Bill or any clause of a Bill or any amendment to a Bill directing that no further proceedings shall be taken thereon may be made by message and shall be communicated to the Assembly by the Speaker. On receipt of such a certificate, all notices of motions in connection with the subject-matter of the certificate shall lapse and if any such motion has not already been set down on the List of Business, it shall not be so set down. If any such motion has been set down on the List of Business, the Speaker shall, when the motion is reached, inform the Assembly of the Governor's certificate and the Assembly shall forthwith without further debate proceed to the next item of business.

Reconsideration of Bills returned by the Governor.

13. When a Bill which has been passed is returned by the Governor to the Assembly for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the Assembly by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.

Discussion of Governor's Bills.

14. (1) Within one month after the receipt from the Governor of a message under clause (b) of sub-section (1) of section 90 of the Act, with a copy of the Bill considered by him to be necessary, any member may, after giving three days' notice to the Secretary, make a motion for an address to the Governor approving or disapproving the Bill and may attach to any such address a list of amendments to be made therein and such amendments shall be dealt with by the Assembly in the same manner as amendments to Bills.

(2) The Speaker shall forthwith communicate to the Governor the proceedings of the Assembly in relation to the Bill.

Presentation of budget.

15. The annual financial statement or the statement of the estimated receipts and expenditure of the province in respect of every financial year (hereinafter referred to as "the budget") shall be presented to the Assembly on such day in the preceding financial year as the Governor exercising his individual judgment may appoint.

Discussion of budget.

16. The budget shall be dealt with by the Assembly in two stages, namely:—

- (i) a general discussion; and
- (ii) the voting of demands for grants.

17. (1) On a day or days to be appointed by the Governor exercising his individual judgment subsequent to the day on which the budget is presented and for such time as the Governor exercising his individual judgment may allot for this purpose, the Assembly shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage nor shall the budget be submitted to the vote of the Assembly. ^{General discussion.}

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

18. (1) The voting of demands for grants shall take place on such days not exceeding fifteen as the Governor exercising his individual judgment may allot for the purpose. ^{Voting of demands.}

(2) Of the days so allotted, not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On a day allotted under sub-rule (1) for the voting of demands for grants, no other business shall be taken up before 5 P.M., except with the consent of the Speaker:

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under the Legislative Assembly Rules.

(4) On the last day of the days so allotted, at 5 P.M. the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

19. If in respect of any financial year money has been spent on any service for which the vote of the Assembly is necessary in excess of the amount granted for that service and for that year, a demand for the excess amount shall be presented to the Assembly and shall be dealt with in the same way by the Assembly as if it were a demand for a grant. ^{Excess grants.}

Further demands for grants.

20. On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved :

Provided that—

- (i) they are required for purposes which, in the opinion of the Governor, are of an emergent nature ;
- (ii) they are for new matters which have not been included in the original estimates for the year. Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation and detailed account heads under such grants.

Supplementary demands.

21. (1) The Governor exercising his individual judgment may, from time to time, allot a day for the presentation of a supplementary statement of expenditure.

(2) The Governor exercising his individual judgment shall allot one or more days not earlier than three days after the day allotted for such presentation—(a) for voting on the demands for supplementary grants, or (b) for discussion of the estimates of the expenditure charged on the revenues of the province other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of section 78 of the Act, or (c) for both such voting and discussion, as the case may be.

(3) At 5 P. M. on the day or the last of such days, as the case may be, allotted under sub-rule (2) all discussion shall terminate and the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for supplementary grants.

(4) The consideration of the business referred to in sub-rule (2) shall not, on the day or days allotted therefor, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereto.

Schedule of authorised expenditure.

22. The schedule of the authorised expenditure of the province shall be laid before the Assembly in pursuance of sub-section (2) of section 80 of the Act on such day as the Governor exercising his individual judgment may appoint for the purpose.

Interpretation.

23. If any question arises as to the interpretation of these rules, the question shall be referred for the decision of the Governor and the decision of the Governor thereon acting in his discretion shall be final.

C. G. NAIR,
Secretary to Government.

OFFICE OF THE REVENUE COMMISSIONER.

NOTIFICATIONS.

The 26th October 1937.

No. 1315-L.R.S.—In exercise of the powers delegated under section 5 of the Madras Survey and Boundaries Act VIII of 1923, the Revenue Commissioner, Orissa, hereby directs the survey, under the provisions of the said Act, of the lands mentioned in the schedule herewith attached in Kalashandapur, a Malukdari village, in the taluk of Aska in the Ganjam district and of the boundaries common to them and the adjoining estate.

Schedule showing the boundaries of the Barber inam lands in Kalashandapur village, Aska taluk, Ganjam district.

Name of the land.	Boundaries.				Approximate extent.
	North.	East.	South.	West.	
1	2	3	4	5	6
BARBER INAM DRY.					Ac. Cent.
1. <i>1st plot</i> — Soponaniāli Podoro ...	Playground of the High School, Aska.	Blacksmith Inam of Subudhi Maharana.	Unsurveyed Malukdari Jerayiti of Gandu Podhano.	Carpenter Inam of Bhaigo Maharana.	0 28
2. <i>2nd plot</i> — Nadi Dhiō Podoro ...	Rushikulya River.	Blacksmith Inam.	Donda ...	Inam Mango tope of Saro Magatha Muni.	1 20
3. <i>3rd plot</i> — Bairtolo Pahado ...	Compound of the backyard to the houses of Binayako Sasomalo and Lokhono Nahako.	Malukdari Jerayiti of Bhanu Patrani.	Donda ...	Thakurani Gorzi.	0 08

J. R. DAIN,

Revenue Commissioner.

INSPECTOR GENERAL OF REGISTRATION.

The 23rd October 1937.

No. 2357—J/LXV.64/37.—In exercise of the powers conferred by section 247 (?) of the Indian Companies Act 1913-36, notice is hereby given that the name of the Puri Match Industries Company, Ltd., will unless cause is shown to the contrary be struck off the register and the company will be dissolved at the expiration of three months from the date of this notice.

U. C. DAS,

Assistant Registrar of Joint Stock Companies, Orissa.

OFFICE OF THE ELECTIONS OFFICER.

NOTIFICATION.

COMMUNIQUE.

Puri, the 23rd October 1937.

The electoral rolls of the Orissa Division Non-Muhammadan Constituency of the Indian Legislative Assembly are under preparation.

A person who has been assessed to income-tax on an income of not less than Rs. 3,840 during 1936-37 is entitled to be enrolled as an elector for the Indian Legislative Assembly. The Registration Authorities are not supplied by the Income Tax Department with separate lists of income-

tax payers qualified for registration as electors of the Legislative Assembly and it is, therefore, necessary for these assesses themselves to prefer claims for the inclusion of their names in the rolls. Any such person who desires to have his name registered is advised to make his claim at once in writing to the Subdivisional Officer within whose jurisdiction he generally resides sending with the claim either a notice of demand issued under section 29 of the Indian Income Tax Act, 1922, or a certification obtained from the Income Tax Department that he was assessed to tax on an income of not less than Rs. 3,840 during the previous financial year.

A claim made and substantiated at this stage will save the elector from the trouble of appearing before the Revising Officer in more formal proceedings after draft publication.

A claimant in addressing the Subdivisional Officer should state the name of the village, the thana and thana number, or if he resides in a town, the ward of the municipality in which he resides and his postal address clearly.

S. N. MOZUMDAR,
Elections Officer.

CO-OPERATIVE SOCIETIES.

NOTIFICATION.

The 27th October 1937.

No. 5583-C. S.--Whereas a meeting of Fixed Depositors of the Balasore Central Co-operative Bank, Ltd., was held on the 8th October 1937 under section 24-A of the Bihar and Orissa Co-operative Societies Act to consider a scheme of compromise with the Fixed Depositors of the Bank outlined below:—

“1. Depositors will get interest at the rate of 3 per cent for all fixed deposits for the year 1937-38 and this rate may be continued for a few years more if considered desirable after judging the progress of the Bank during the year. The monthly rate of interest will according be fixed at $2\frac{3}{4}$ per cent instead of Rs. 4-14.

2. The Bank must pay all interest regularly as soon as they fall due.

3. In future depositors will get interest only on their original deposits or on the portion of the same still remaining unpaid and not on that amount which represents unpaid interest added to the original principal and compound interest calculated on it. This latter amount, however, on which no farther interest will accrue will be treated as a part of the original deposit for the purpose of repayment and repayment of this portion of the principal will be taken up before that of the original portion.

4. After meeting Savings Bank demand, establishment, interest and other obligatory charges all surplus out of collection will be distributed *pro rata* in the manner shown in clause 5 to the depositors towards their principal.

5. Depositors holding small deposits upto Rs. 500 or from Rs. 501 to Rs. 1,000 will be paid their principal at thrice and twice the rate respectively at which the rest of the depositors will be paid.

6. Depositors purchasing land owned by the Bank or any village society or liquidator will be granted adjustment of the price of such land towards their deposits. They will however receive no cash payment towards their principal so long as other depositors have not received equal percentage of their deposits according to the *pro rata* system.

7. Out of the total annual collection, a sum up to Rs. 10,000 may be invested in new business where desirable.”

And whereas the said scheme was agreed upon unanimously by all fixed depositors present representing in value more than three fourths of the fixed depositors of the Bank with the following amendments, viz:—

(a) The terms of compromise be accepted for a period of three years and that the rate of interest be subject to review by a meeting of fixed depositors every year.

(b) For the words “as soon as they fall due” in para. 2 the words “by the end of July” shall be substituted

and the scheme as amended at the meeting is considered to be in the best interest of all the parties concerned, I, hereby, in exercise of the powers conferred on me by the above section order that the amended scheme shall come into force, with effect from the date of the said meeting and shall be binding on all the fixed depositors of the Bank and also on the Bank itself.

S. C. ROY,

*Deputy Registrar, Co-operative Societies,
Orissa.*