

The Orissa Laws Regulation, 1936

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Act 1 of 1936

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The Orissa Laws Regulation, 1936Orissa Regulation 1 of 1936A Regulation to declare the law in force in the State of Orissa. Whereas it is expedient to declare the law in force in the State of Orissa, it is hereby enacted as follows :

1. Short title, extent and commencement.

(1)This Regulation may be called the Orissa Laws Regulation, 1936.(2)Sections 3, 3-A, 7 and 13 of this Regulation extend to the whole of the State of Orissa except the districts of Angul and the Khondmals. The remaining sections extend the whole of that State except the said districts and the territories mentioned under the headings "I-In Ganjam" and "II-In Vizagapatam" in Part I of the First Schedule to the Scheduled Districts Act, 1874 (V of 1874).(3)It shall come into force on the 1st day of April, 1936.

2. Definition.

- 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.

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

(1)The Madras District Police Act, 1859 (XXIV of 1859) shall cease to have effect and the Police Act, 1861 (V of 1861) shall take effect in the areas transferred to Orissa from the Presidency of Madras.(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 (XXIV of 1859) shall be deemed, so far as may be, to have been respectively made, conferred, imposed or done under the Police Act, 1861 (V of 1861).

3A. Cesser of the Madras Abkari Act, 1886 and extension of the Bihar and Orissa Excise Act, 1915.

(1)The Madras Abkari Act, 1886 (Madras Act I of 1886) shall cease to have effect and the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act II of 1915) shall take effect in the areas transferred to Orissa from the Presidency of Madras.(2)All appointments, rules and orders made, powers and duties conferred or imposed and all other things done under the Madras Abkari Act, 1886 (Madras Act I of 1886) shall be deemed, so far as may be, to have been respectively made, conferred, imposed or done under the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act II of 1915).

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

(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.(2)Ail 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, be deemed to have been respectively constituted, made, conferred or done under the Bengal, Agra and Assam Civil Courts Act, 1887.

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

(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.(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 Central Provinces.(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.(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.

6. Repeal of Section 3 of the Madras Deputy Collectors Act, 1914.

- Section 3 of the Madras Deputy Collectors Act, 1914, is hereby repealed.

7. Construction of certain enactments in force in the State of Orissa.

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

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

- Nothing in any law in force in the State of Orissa which requires that the draft of any notification, order, scheme, rule, form or bye-law shall, before being made by the State Government be laid on the table of, or be approved by the House or Houses of State Legislature or which requires that any objections or suggestions made in any manner whatsoever by such House or Houses with respect to any such draft shall be considered by the State Government or which confers on a House or Houses of a State Legislature the power to make any modifications in any such draft, shall apply to any notification, order, scheme, rule, form or bye-law made or issued by the Government of Orissa.

9. Repeal of certain enactments.

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

10. Amendments of certain enactments.

- The enactments specified in the Third Schedule are hereby amended to the extent and in the manner mentioned in the Fourth Column thereof.

11. Extension of the application of certain enactments.

- The enactments specified in the Fourth Schedule are hereby extended to the areas specified in Fourth Column thereof.

12. Extension of application of notifications, orders, etc.

- 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.

13. Disposal of pending revenue proceedings.

- Without prejudice to any provisions made in this behalf by or under the Government of India (Constitution of Orissa) Order, 1936, revenue proceedings 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 State Government otherwise directs in any case, be continued and disposed of as if the said Order had not been made.

14. Savings.

- Save as otherwise provided by this Regulation, the repeal by this Regulation or 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.

15. Provisions as to modification made under Article 372 (2) of the Constitution.

- References in this Regulation by whatever form of words, to any Law in force immediately before the commencement of the Constitution of India shall, after such commencement, be construed as references to that law as adapted or modified under Clause (2) of Article 372 of the said Constitution. First Schedule [Section 7] Construction of enactments

<p>1. (a) The Local or Provincial Government or the Local or Provincial Government of Madras or the Local or Provincial Government of Bihar and Orissa or except in connection with any revenue matter the Local or Provincial Government of the Central Provinces</p>	<p>1. (a) The State Government of Orissa.</p>
<p>(b) The Governor or the Governor of Madras or the Governor of Bihar and Orissa or the Governor of the Central Provinces</p>	<p>(b) The Governor of Orissa.</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</p>	<p>2. The same officers or official bodies, or such other officer or official bodies, as the</p>

Government of India (Constitution of Orissa) Order, 1936, over the territories or any part of the territories mentioned in the First Schedule to the Order as well as over other territories

Governor of Orissa may, by notification in the Official Gazette under paragraph 17 of the Government of India (Constitution of Orissa) Order, 1936, direct.

The areas separated from the Presidency of Madras and forming part of the Province of Orissa.

3. (a) The Presidency of Madras

3. (a) The areas separated from Orissa the Province of Bihar and Orissa and forming part of the Province of Orissa.

(b) The Province of Bihar and Orissa

(b) The areas separated from the Central Provinces and forming part of the Province of Orissa.

(c) The Central Provinces

(c) The Official Gazette of the Government of Orissa.

4. The Official Gazette or the Official Gazette of the Government of Madras, or the Official Gazette of the Government of Bihar and Orissa, or the Official Gazette of the Government of the Central Provinces, or the District Gazette published in the districts of Ganjam and Vizagapatam.

4. The Official Gazette of the Government of Orissa.

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.
PART-II Madras Regulations		
1812	XIX	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802.
1819	II	The Madras State Prisoners Regulation, 1819.
1881	V	The Madras Stamp Penalties Regulation, 1881.

PART-III Act of the Governor-General
in Council

1912 II The Co-operative Societies Act, 1912.

PART-IV Bengal Acts

1864 VII The Salt Act, 1864

1878 I The Bengal Salt Act, 1878.

1880 VI The Bengal Drainage Act, 1880.

1895 III The Land Records and Maintenance Act, 1895.

PART-V Bihar and Orissa Acts

1816 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 Minor Irrigation Works Act,
1922.

PART-VI Madras Acts

1988 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, 1981.

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
PART-I Bihar and Orissa Acts			
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, atax paid in respect of any motor vehicle under the Madras Motor Vehicles Taxation Act, 1931, in respect of which a licence has been granted under Sub-clause (1) of Clause (a) of Sub-section(3) of Section 5 of the Madras Motor Vehicles Taxation Act, 1931, by 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."
PART-II Madras Acts			
1931	III	The Madras Motor Vehicles Taxation Act, 1931	After Section 7 the following section shall be inserted, namely : "8. Notwithstanding anything contained in this Act, atax 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."

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
PART-I Bengal Regulations			
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
PART-II Bihar and Orissa Acts			
1915	II	The Bihar, and Orissa Excise Act, 1915	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.
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.