

POLICE ORDER No. 2

Instructions to officers in connection with separation of Orissa. The attention of all officers is drawn to the following instructions published in a memorandum by the local Government:—

Introductory 1. The Government of India (Constitution of Orissa) Order, 1936, provides generally for the administration of the new Province. The new Province comprises the existing Orissa, division of Bihar and Orissa and parts of the Presidency of Madras and the Central Provinces.

2. A draft of the *Orissa Gazette* has been issued in advance, which will show the provisional decisions regarding many matters, some of which require the confirmation or approval of the Government of India. As soon as possible after the 1st April 1936, offices will be told which of these notifications are confirmed and which are not. The draft Gazette gives a great deal of information and should be carefully studied.

3. The general idea underlying the arrangements made for the separation of Orissa has been to make as little change as possible in the existing laws and systems of administration in force in its various component parts. The transition period, which now begins, will give the Orissa Government time to make such other changes as may be found necessary in the light of experience.

Laws Savings

4. The general rule is that the laws now in force in the respective areas will continue to apply in these areas without any change unless expressly altered. For instance, the Madras Co-operative Societies Act, 1932, will remain in force in the Madras area of the Province, while the Bihar and Orissa Act will remain in force in the Bihar and Orissa areas (and will be specially extended to the Central Provinces area).

Extension and repeals.

But the laws in force in one area may be repealed or amended and other laws may be extended thereto by Regulations of the Governor-General in Council, under section 71 of the Government of India Act, 1935.

Orissa Laws Regulation, 1936.

All such changes are embodied in the Orissa Laws Regulation, 1936 a (draft) copy of which is printed in the draft Gazette. It (read with its schedules) will show what laws are extended to the areas in Orissa and what laws are repealed.

Local Act and Statutory rules.

Where a Local Act is extended to an area in which it did not apply before the 1st April 1936, it should be understood that unless specifically provided otherwise the statutory rule under the Act are also extended to the area so far as they are applicable.

All-India Acts and Statutory rules.

The All-India Acts which apply to the component areas in the Province will continue to remain in force along with the rules made by the Governor-General in the new Province, according to their tenor unless repealed.

There may also be different Statutory Rules under these Acts made by the different Provinces at present. These different rules will also continue to apply in their respective areas as before unless specifically repealed or replaced by other rules.

Mention of particular Acts and Regulations Police Acts.

5. Attention is drawn to some of the changes embodied in the Orissa Laws Regulation, 1936 viz.—

The Regulation *inter alia* contains a special provision repealing the Madras Police Act of 1859, in the Madras area and extending the Police Act of 1861 thereto. It however preserves the rules, notifications, etc., under the Madras Police Act so far as they are not inconsistent with the Police Act.

Civil Courts Acts.

The Madras Civil Courts Act, 1873 and the Central Provinces Courts Act, 1917, and repealed in the Madras and Central Provinces areas respectively, and the Bengal, Agra and Assam Civil Courts Act, 1818 is extended to them, preserving the rules, etc., made under the repealed Acts.

Medical Registration Acts.

As there are important differences between the Medical Registration Act of Bihar and Madras and the Central Provinces the three Acts have been repealed by the Orissa Law Regulation, 1936 and replaced by the Orissa Medical Registration Regulation, 1936 which provides for a small nominated Medical Council. The Council will be responsible for preparing a Medical Register, and existing registered Medical Practitioners in the new Province will have the right to have their names transferred to the new register free of charge.

Angul and Khondmals Regulations. Two other Regulations deserve notice. These are the Angul Laws Regulation and the Khondmals Laws Regulation. The existing district of Angul will be divided into two districts of Angul and Khondmals. The Collector of Cuttack will also be the *ex officio* Deputy Commissioner of Angul, and similarly the Collector of Ganjam for the Khondmals. So also will be Superintendents of Police of Cuttack and Ganjam respectively. The two new regulations reproduce as closely as possible the existing Angul Regulation of the year 1913 with such modifications as are necessary for the purpose of making each regulation applicable only to its own area when the existing Angul district becomes split up into two districts.

Transfer of Executive Authority. 6. The schedule to the Orissa Laws Regulation will show how references in different Acts and rules to certain bodies, officers, or Gazettes in the parent Provinces, are to be read as reference to corresponding bodies, officers or Gazettes in Orissa. Other transfers of duties are provided for by notifications in the draft Gazette. Orissa Heads of Departments and Departments of Government in the Secretariat should in future be addressed in place of those of the parent Provinces. In the absence of specific provision, references to officers and official bodies in the various enactments and rules in force in the new Province must be construed as references to corresponding officers functioning in the new Province although under different designation.

Comptroller of Accounts Orissa. The Comptroller of Accounts for Orissa, Ranchi, Bengal-Nagpur Railway will take the place of the Accountant-General and should be addressed instead of the Accountant-General.

Revenue Commissioner. So far as the districts of Ganjam and Koraput are concerned the functions of the Board of Revenue in Madras fall upon the Revenue Commissioner and so far as Cuttack, Puri, Balasore and Sambalpur are concerned the functions for both the Commissioner and the Board of Revenue, Bihar and Orissa fall upon the Revenue Commissioner.

Orissa Consolidation of Appeals Regulations, 1936. The Revenue Commissioner will therefore be the highest revenue authority in Orissa. Certain of the Revenue Acts in Bihar and Orissa provide for an appeal to the Commissioner and a second appeal to the Board. As the result of combining the functions of the Board and the Commissioner of Orissa Division in the Revenue Commissioner, the appellate and the revisional powers vested in him should be deemed to be consolidated and the period of limitation should be the longest provided for such appeals or revisions. The Orissa Consolidation of Appeals Regulations 1936 gives effect to this objects.

Registrars Co-operative Societies. The Registrar of Co-operative Societies, Madras will continue to be the Registrar in the area transferred from Madras and the Registrar at Patna will continue to be the Registrar in the remaining area. But there will be one Deputy Registrar for the whole of Orissa.

Pending case and appeals. 7. As regards disposal of cases pending in courts on the 1st April 1936 and the courts to which appeals and revisions should be preferred against decision of the courts, directions will be issued by the Governor-General in Council. They should be studied by Judicial and Magisterial Officers and communicated to the bar and the public.

8. The officer to whom indents for forms, stationery, etc., should be sent from the different component parts of the new Province are as mentioned in the statement below, till further instructions are issued:—

FORMS, ETC.

NOTE—Immediate requirements are being supplied to all offices

| Areas (1) | Stationery (2) | Forms (3) | Plain paper (4) | Stamps (5) | Chubb's lock (6) |
|--|-----------------------------------|-----------------------------------|--|--------------------------|----------------------|
| Areas transferred from Madras | As before from Madras* | As before from Madras* | As before from Madras* | Board of Revenue, Patna† | Revenue Commissioner |
| Areas transferred from Central Provinces | As before from Central Provinces* | As before from Central Provinces* | Superintendent. Government Printing, Gulzarbagh* | Board of Revenue, Patna† | Revenue Commissioner |

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|---|--|--|---|--------------------------|----------------------|
| Areas transferred from Bihar and Orissa | Officer-in-charge Stationery, Secretariat Cuttack* | As before from Deputy Superintendent, Gaya Jail Press* | Superintendent Government Printing, Gulzarbagh* | Board of Revenue, Patna† | Revenue Commissioner |
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Gazettes

9. The *Orissa Gazette* for the first few weeks will be printed at the Government Press, Gulzarbagh. All matters to be printed in the *Orissa Gazette* should be marked "For *Orissa Gazette*", in read and sent to the Superintendent, Government Printing, Gulzarbagh, Patna till further orders.

* Copies of indents in these case should be sent to Finance Department, Orissa, Cuttack.

† The indent is for 2nd quarter ending September, 1936 only Copies of indents should be sent to Revenue Commissioner, Cuttack.

Manuals Executive instructions and Maps.

10. Manuals and Executive Instructions in force in different areas will continue enforce unless specific orders are passed replacing them by other Manuals. A supply of the necessary Manuals will, so far as they are available, be made from the Central Depot at Cuttack skeleton maps of the Province will also be distributed.

Conditions of Service on transfer and travelling allowance.

11. The conditions of service of public servants in Orissa, taken over from Bihar and Orissa-Madras and the Central Provinces will be governed by the instructions issued by the Governor - General in Council for their protection. They will also continue to be governed by the rules by which they were governed before the 1st April 1936 in regard to travelling allowance unless specially ordered otherwise.

New appointment.

12. A provisional staff has been appointed for all new offices in Orissa. In many cases no immediate addition will be necessary but in some cases the head of a new office may find he has to recruit more. In such cases he should report the facts to Government for orders.

All new appointments will be on probation to start with and the pay will be fixed only provisionally. The persons appointed should be made to understand that the rates of pay, increments and conditions of service, etc, will be subject to the orders of Government which will be issued in due course. No one should be appointed as a Clerk unless he is a native of, or domiciled in, Orissa (except in exceptional circumstances which should be reported to Government); no Clerk should be appointed in the lower division unless he has at least passed the Matriculation Examination and no one should be appointed in the upper division unless he is at least a B.A. The Madras Public Service Commission Act will no longer apply. It must be borne in mind that the Revenues of Orissa are such that the greatest economy is necessary and the expenditure on extra staff should be kept as low as possible.

13. As soon as possible detailed examination will be made of the proper strength of the staff for the different offices and the proper scales of pay. After that the question of promotion of individuals from one grade to another or from the lower division to the upper division will be taken up.

General information about department.

14. Heads of departments in Bihar and Orissa and Madras have been asked to send a note of important points connected with their Departments in Orissa which will be handed over to the head of the new Department in Orissa and will give him some information regarding his charge. Some information may also be gathered from the annual reports of the Departments of Bihar and Orissa, with which so far as possible they will be supplied.

Circuit House.

15. Heads of Departments should note that in the districts of Ganjam and Koraput there are no Circuit Houses and the rest houses contain nothing more than furniture (i.e., no mattresses cooking pots, etc.). In Cuttack, Balasore, Puri and Sambalpur they are usually available.

Budget

16. It will be necessary for controlling offices, in April, to distribute their provisional budget allotment among their subordinate offices.

Pending Files.

17. Recent and pending files supplied to new headquarters offices are in the most cases specially marked as such. They should be examined to see if any action is necessary.

(Previous Police Order Reference No. 1 of 1936)