



The Orissa Board of Revenue Act, 1951

Act 23 of 1951

Keyword(s):

Revenue Commissioner, Board of Revenue, Commissioner Northern Division

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THE ORISSA ACT NO. 23 OF 1951
THE ORISSA BOARD OF REVENUE ACT, 1951

*[Published vide Orissa Gazette Ext. No. 192/31.7.1951. For Statements of
Objects and Reasons see the Orissa Gazette. Ext. No. 170 of 1951]*

**AN ACT TO CONSTITUTE BOARD OF REVENUE FOR
THE STATE OF ORISSA.**

Whereas it is expedient to constitute a Board of Revenue for the State of Orissa in the manner hereinafter appearing. It is hereby enacted as follows:

Statement of Objects and Reasons-After the inception of the Province of Orissa a Revenue Commissioner was appointed and he was charged with the functions of the Board of Revenue. He was discharging those functions till the merger of the states when it was found that the Province has become too big to be managed by the Revenue Commissioner alone. So the post of the Commissioner, Northern Division, was created and he was given the powers of a Board of Revenue in respect of his charge, the functioning of two independent officers as Board of Revenue did not work very satisfactorily and the necessity for a Board of Revenue for the entire State of Orissa was keenly felt. The Bill therefore seeks to create a Board of Revenue with three members. With the creation of the Board the Revenue Commissioner, the Commissioner, Northern Division and the Commissioner of Excise will be abolished and their functions will be taken over by the Board. The functions of the Food Commissioner will be discharged by a member of the Board. The post of Food Commissioner will not be filled up.

2. The creation of the Board will be administered conveniently as it will cut out the stages of reference between the district offices and the Government. Henceforth the Board will take orders from Government and communicate them to the district offices This will ensure quicker transaction of business, effecting economy in expenditure at the same time as tour offices, namely, those of the Revenue Commissioner of Excise and the Revenue Department of Government will be condensed into one.

REFEERED TO: ILR (1977) cutt. 334: 1985 (I) OLR 457: AIR 1986 Ori. 20.

Short title,
extent and
commencement

1. (1) This Act may be called the Orissa Board of Revenue Act. 1951.

(2) It shall extend to the whole of the State of Orissa

(3) It shall come into force on such date [The Act came Into force or 1.8.1951. vide Notfn. No. 706R-R/ 31 .7.1951 published in the Orissa Gazette Ext. No. 193/31.7.1951.] as the State Government may by notification appoint.

[Substituted vide Act No. 18 of 1957. Section]

2. There shall be constituted for the State of Orissa a Board of Revenue (hereinafter referred to as the Board) consisting of one member to be appointed by the State Government by notification.

Provided that when the member is, by reason of absence or otherwise, unable to perform the duties of his office, the State Government may appoint any person to be, for the time being, the member of the Board.

Construction of
references to
former Boards

3. All references in any enactment or in any notification, order, scheme, rule, form or bye-law issued, made or prescribed under any enactment to

- (a) the Revenue Commissioner as specified under the Government of India (Constitution of Orissa) Order. 1936, or
- (b) the Boards of Revenue of the Provinces of Bihar and Orissa and Madras and other authorities whose functions were assigned to the Revenue Commissioner, Orissa by the notification of the Government of Orissa No. 22, dated the 1st April 1963, or
- (c) the Commissioner as defined in the Administration of Orissa States Order, 1948 , or
- (d) the Revenue Commissioner under the Administration of Mayurbhanj State Order, 1949; [Added *ibid*] [or]

[Inserted vide Act No. 18 of 1957. Section 2.]

- (e) the Board of Revenue as constituted after the 1st day of August, 1951 and continued till the date of commencement of the Orissa

[Board of Revenue (Amendment) Act. 1957]

[Substituted by *ibid*, Sec. 3. shall be construed as references to the Board as constituted by or under this Act as amended by the Orissa Board of Revenue (Amendment) Act. 18 of 1957].

[Substituted *ibid* Section 4.]

4. Subject to the control of the State Government the duties of the Board shall be

- (a) the superintendence of the administrative work of Revenue Divisional Commissioners as may be appointed under the Orissa Revenue Divisional Commissioners Act 19 of 1957 and of the Collectors and other Revenue Officers of districts in respect of such Revenue matters as may be prescribed;
- (b) recommendation of such propositions to the State Government as in the opinion of the Board may be calculated to augment or improve the

State Revenues relating to matters referred to in Clause (a) ;

- (c) to superintend and regulate the collection of revenue from all revenue-paying and revenue-free lands or estates under the laws for the time being in force in the State:
- (d) to superintend and regulate all measures of land reforms: Provided that it shall be competent for the State Government to assign to the Board such other duties and functions as they may deem fit.]

REFERRED TO: 1984 (1) OLR (BOR) 18.

[Omitted vide Act No. 20 of 1959. Section 2.] [* * *]

5. [Omitted vide Act No. 18 of 1957. Section 5,] [* * *]

6. [Omitted vide Act No. 18 of 1957. Section 5,] [* * *]

Power of
Board to
review any
order.

7. (1) The Board may either on its own motion or on the application of any person aggrieved by any order of the Board, review any order passed by itself and pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) Every application under Sub-section (I) for a review of any order shall be made within three months from the date of the order:

Provided that the Board may in its discretion in any case extend such period, if sufficient reasons be shown for so doing,

CASE LAW- Orissa Board of Revenue Act, 1951- Section 7-Power of Board to review an order- This power can be exercised under Section 15 (b) of the Orissa Survey and Settlement Act, 1958-40 (1974) CLT 917.

Administrative
functions
of the Board

8. (1) The Board shall have superintendence over all Courts for the time being subject to its appellate or revisional jurisdiction and may do any of the following things:

- (a) call for returns;
- (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such Courts:
- (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such Courts; and
- (d) settle tables of fees to be allowed to the attorneys and all clerks and officers of Courts:

Provided that such rules forms and tables shall not be inconsistent with the provision of any law for the time being in force and shall require the previous approval of the State Government.

(2) Nothing in this section shall be construed as giving to the Board any jurisdiction to question any judgment of any inferior Court which is not otherwise subject to appeal or revision.

(3) The State Government shall be competent to fix the station at which the Board [Deleted vide Act No. 18 of 1957, Section 6.] [* * *] from time to time when not employed on the duties of circuit shall ordinarily hold the sittings:

Provided that the State Government may from time to time alter the place of such sitting of the Board [Deleted vide Act No. 18 of 1957, Section 6.][** *] as they may from time to time, deem expedient.

Repeal and savings.

9. (1) The enactments specified in the Schedule are hereby repealed to the extent mentioned in the forth column thereof.

(2) Anything done orders passed and appointments made under the said Acts and in force immediately before the commencement of this Act [Inserted *ibid*, Section 7.][as amended by Orissa Board of Revenue (Amendment) Act. 18 of 1950] shall continue in force and be deemed to have been done passed or made under the corresponding provisions of this Act.

CASE LAW-Orissa Board of Revenue Act, 1951-Section 9 (I) and (2)- Appellate order of Collector under Bihar and Orissa Public Demands Recovery Act- Power of revision against -The Band OPDR Act is vested in the Board of Revenue- AIR 1966 Ori. 124.

Jurisdiction of the Board.

10. The Board of Revenue for Orissa constituted under Section 2 shall have, in respect of the territories for the time being included in the State of Orissa, all such original appellate and other jurisdiction as under the law in force immediately before the date of commencement of this Act [Inserted Act No. 18 of 1957, Section 8] [as amended by the Orissa Board of Revenue (Amendment) Act. 18 of 1957] is exercisable in respect of the said territories or any part thereof by the Revenue Commissioner. Orissa and the Commissioner, Northern Division, functioning as a Board of Revenue.

11. [Deleted *ibid*, Section 9] [* * *]

[Substituted vide Act No. 18 of 1957, Section 10]

Power to make rules

12. (1) The State Government may make rule not inconsistent with the provisions of this Act for carrying out the purposes of this Act.

(2) Subject to the rules that may be made by the State Government the Board shall have power to make regulations regulating generally the practice and procedure of the board as to the time within which in the absence of any express provision in the relevant enactment appeals or applications for revision to the Board may be filed as to the cost of and incidental to any proceedings before the Board.

[Inserted vide Act No. 18 of 1957. Section 11.]

Removal of
difficulties.

13. if any difficulty arises in giving effect to the provisions of this Act the State Government may, as occasion requires do anything which appears to them necessary for the purpose of removing the difficulties.

THE SCHEDULE

Enactments Repealed

[See Section 9]

Year	No	Short Title	Extent of Revenue
1913	I	The Bihar and Orissa Board of Revenue Act, 1913	The whole
1894	I	The Madras Board of Revenue Act, 1894	Ditto
1803	I	The Madras Board of Revenue Regulation, 1803	Ditto
1948	VIII	The Orissa Revenue Commissioners' (Regulation of Functions) Act, 1948	Ditto