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EXTRAORDINARY

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## ORISSA ACT 4 OF 1950

### **An Act to extend certain Acts and Regulation to certain Areas Administered as part of the (State of Orissa)**

Whereas by orders under section 290-A of the Government of India Act, 1935. Provision has been made for the administration of certain areas as if they form part of the (State) of Orissa;

And Whereas it is expedient to provide that certain laws should be extended to, and by virtue of such extension, be in force in the said areas;

**It is hereby enacted as follows:-**

1. **Short Title:-** This Act may be called the Orissa Merged states (Laws) Act, 1950.

2. **Commencement:-** It shall come into force at once.

3. **Definition:-** The expression 'absorbing province', 'merged States' and 'Law' shall have the same meaning as in the States' Merger (Governors' provinces) Order, 1949.

4. **Extension of laws :-** All the Acts and Regulations specified in the schedule are hereby extended to, and shall be in force, of Orissa and now merged in the absorbing (States) of Orissa and now administered as part thereof and so much of any of the said Acts and Regulations as relates to matters with respect to which the (State) Legislature has power to make laws, subject to such modifications or amendments as set forth in the said Schedule, is hereby extended to and shall be in force in all such areas hereinafter referred to as the merged States.

5. **Repeal of corresponding laws :-** If immediately before the commencement of this Act, there is in force in any of the merged States in Act, Regulation or other law corresponding to an Act or Regulation specified in the Schedule, whether by virtue of an order under the Extra Provincial Jurisdiction Act, 1947, applying that Act or by virtue of any other Legislative power, such corresponding laws shall, upon the commencement of this Act, cease to have effect to the extent to which the law relates to matters with respect to which the (State) Legislature has power to make laws.

6. **Savings :-** (1) The repeal by section 5 of this Act, of any corresponding law in force in the merged States immediately before the commencement of this Act, shall not affect-

- (a) the previous operation of any such law, or
- (b) any penalty, forfeiture of punishment incurred in respect of any offence committed against any such law, or
- (c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture of punishment,

and any such investigation, legal proceedings or remedy in and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of Sub-Sections (1) and (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued Rule, regulation, form, bye-law or scheme framed, certificate, patent, permit or licence granted or registration effected, under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Act or Regulation as now extended to, and in force in the merged States and shall continue in force accordingly unless and until superseded by anything done or any action taken under the said Act or Regulation.

(3) All Rules, notifications, orders, bye-laws and regulations made or issued under any of the Acts or Regulations specified in the Schedule whether before or after the date of this Act in exercise of the powers conferred by or under any such Act or Regulation shall, unless they have been applied immediately before the commencement of this Act, apply to the merged States in the same manner as they applied to the (State) of Orissa before the merger, subject to such modifications not affecting the substance as may be necessary.,

**7. *Modification of Tenancy laws in force in the merged States :-*** Notwithstanding anything contained in the tenancy laws of the merged States as continued in force by virtue of Article 4 of the States Merger(Governor's Province) Order, 1949-

- (a) all suits and proceedings between landlord and tenants such shall be instituted and tried in revenue courts.

*Explanation*-In this clause, the expression "landlord" shall mean a person immediately under whom a tenant holds land, and the expression "tenant" shall mean a person who holds land under another person and is or, but for a special contract would be liable to pay rent for that land to that person.

- (b) an occupancy tenant shall be entitled-
  - (i) to freely transfer his holding;
  - (ii) to have full right over all kinds of trees standing on his holding;
  - (iii) to use the land comprised in the holding in any manner which does not materially impair the value of the land or render it unfit for the purpose of the tenancy,
  - (iv) to the benefit of his presumption by any Court that the rent for the time being payable by him is fair and equitable until the contrary is proved;

*Eplanation :-* (i) An "Occupancy tenant" means tenant or a raiyat having occupancy right in his holding under the tenancy laws continued in force in this merged States.

(ii) An "aboriginal tribe" means any tribe that may, from time to time, be notified as such by the State Government;

- (c) Where a rent of an occupancy tenant is payable in accordance with the tenancy laws continued in force in the merged State concerned;

- (d) an occupancy tenant shall not be liable to eviction from his holding except in execution of a decree for ejectment passed on the ground that -
  - (i) he has used the land comprised in his holding in a manner which renders it unfit for the purposes of the tenancy, or
  - (ii) he has broken a condition consistent with the provisions of the tenancy laws in force in the merged State concerned and on breach of which he is under the terms of contract between himself and his landlord, liable to be ejected:
- (e) the interest of an occupancy tenant in his holding shall on his death pass by inheritance or survivorship in accordance with his personal law;
- (f) a “sukhabasi” shall be entitled to the rights of an occupancy tenant over his homestead notwithstanding any law or custom to the contrary;

Explanation-A “Sukhabasi” means any person holding only homestead whether or not recorded in the settlements paper as “Ghar”, “Bari” or “Gharbari” or a person who is granted land by the Thekadar or by a competent revenue officer for the purpose of using it as homestead.

- (g) When land is held as service-tenure, either under the Rule or any member of his family, the liability of the holder of such tenure to render service for the use and occupation thereof shall cease, and he shall, on payment of such rent as may be assessed by the (State) Government as fair and equitable, acquire occupancy right therein.
- (h) When a person holds khamar, nij-jote or any other private lands of a Ruler, which has been recognised as such by the (State) Government, he shall not be liable to ejectment but shall be liable to pay such fair and equitable rent as may be fixed by the <sup>1</sup>(Subdivisional Officer having jurisdiction or any other officer not below the rank of Sub-Deputy Collector authorised by the Collector in this behalf) and thereupon he shall acquire right of occupancy in respect of such lands:

<sup>2</sup>[*Explanation :-*For the purpose of this Section. Subdivisional Officer shall mean the principal revenue officer of a Subdivision.]

**8. Power of courts and Authorities for purpose of facilitating application of laws :-** For the purpose of facilitating the application in any of the merged States of any Act or regulation specified in Schedule, any Court or other authority may construe any such Act or Regulation with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other Authority.

**9. The Orissa Merged States (Laws) Ordinance, 1949 is hereby repealed.**

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- 1. Substituted by Orissa Act 22/1962 Sec. 2 (iii) for an competent Authority appointed in this behalf by the Revenue Commissioner or the Commissioner, North Division, as the case may be.
  - 2. Inserted by Orissa Act 22/1962, Sec. 2 (iv)

## SCHEDULE

Year	Number	Short title	Modification or Amendment
<b>GENERAL ACTS</b>			
1851	VIII	The Indian Tolls Act, 1851.	
1853	XIX	The Recusant Witnesses Act, 1853.	
1859	IX	The Forfeiture Act, 1859.	
1861	V	The Police Act, 1861.	(a) To Section 8 the following provision shall be added, namely :- “Provided that every police officer appointed to the police force in any merged State prior to the 31st December, 1947 or 1948 and continued in service after that date shall, till the 1st March, 1948 or 1949, be deemed to be a police officer for the purposes of this Act, but after the latter date he shall cease to be a police officer unless he is enrolled under this Section”. (b) In section 46- Sub-Section (1) and the first fourteen words of Sub-Section (2) shall be omitted.
1864	XV	The Indian Tolls Act, 1864.	
1867	XXII	The sarais Act, 1867.	
1870	VII	The Court Fees Act, 1970	(a) As subsequently amended in its application to the State of Orissa. (b) Omit the second and third paragraphs of Section 1 and Section -A (c) For the words “appropriate Government” Wherever they occur the words “state Government” shall be substituted
1870	VIII	The female Infanticide Prevention Act, 1870.	Omit Section 7
1871	I	The Cattle Trespass Act, 1871.	In Section 6 for “Provincial Government” substitute “Magistrate of the district”.

## SCHEDULE

Year	Number	Short title	Modification or Amendment
1879	VI	The Elephants' Preservation Act, 1879	Omit the second and third paragraphs of Section 1.
1879	XVIII	The legal Practitioner's Act, 1879.	<p>(a) Omit the third paragraph of Section 1.</p> <p>(b) As Amended by the Orissa Act VI of 1938.</p> <p>(c) For the words "the chief controlling Revenue Authority" Wherever they occur, the words "the Commissioner, Northern Division or the Revenue Commissioner as the case may be" shall be substituted.</p> <p>(d) After Section 41, the following new section shall be inserted namely:-  "42. savings-Until other provisions are made by or under this Act-</p> <p>(1) all persons enrolled as Advocates in the Register of any High Court in the merged states [and all the pleaders in the merged State of Mayurbhanj who were enrolled as advocates in the defunct High court of Mayurbhanj] shall be deemed to be Advocates for the purpose of this Act:</p> <p>(2) all persons enrolled as pleaders under the Authority of such a High Court and such other persons who were in the list of pleaders in any of the merged States on the 31st December, 1947 or 1948 as the case may be and are found fit to continue to practice as such by the High court of Orissa for such period or periods as it considers necessary subject to such terms and conditions as may be imposed in that behalf by the said High Court shall be deemed to be pleaders for the purposes of this Act; and</p> <p>(3) all persons who have passed the Mukhtarship examination held under the Authority of the High court of patna or Calcutta or the Mukhtarship examination conducted by a Board constituted</p>

## SCHEDULE

Year	Number	Short title	Modification or Amendment
			in any of the merged States and were practising as Mukhtars as also all persons who were in the list of Mukhtars in any of the merged States on the 31st December, 1947 or 1948 as the case may be and are found fit to continue to practise as such by the High Court of Orissa for such period or periods as it considers necessary, subject to such terms and conditions as may be imposed in that behalf by the said High Court, shall be deemed to be Mukhtars for the purposes of this Act”.
1883	XIX	The land Improvement loans Act, 1683	(a) Omit Sub-Section (2) of Section 1.  (b) In Section 3 after the words “a district”, the words “the District Magistrate” shall be inserted.
1884	XII	The Agriculturists Loans Act, 1884.	(a) Omit Sub-Section (2) of section 1. (b) As amended by Orissa Act VI of 1937.
1887	XII	The Bengal, Agra and Assam Civil Courts Act, 1887.	(a) For Section 2, the following Section shall be substituted namely:-  “2. Savings-(1) All Courts (Whether known as Courts of Munsifs or Subordinate Judge or by any such expression) other than the Courts of the Subordinate Judge with unlimited pecuniary jurisdiction or the Additional Judge or the District judge constituted appointments, nominations, rules and orders made jurisdiction and powers conferred and lists published under any enactment for the time being in force in any merged State relating to Civil Court shall be deemed to have been respectively constituted, made, conferred and published under this Act.

Year	Number	Short title	Modification or Amendment
			(2) Any enactment or instrument referring to any law relating to Civil courts which was repealed either partially or wholly by the application of this Act shall be construed as referring to this Act or to the corresponding provisions thereof”
1892	X	The Government Management of Private Estates’ Act, 1892.	
1894	I	The Land Acquisition Act, 1894.	Omit Sub-Section (2) and (3) of Section 1.
1897	VIII	The Reformatory School Act, 1897	
1897	XIV	The Indian Short Titles Act, 1897	
1898	V	The Code of Criminal Procedure, 1898.	(a) In Section 30 after the words “an Assam” the words “in the merged States” shall be inserted (b) In Sub-Section (1) of Section 503 after the words “such attendants and” the words “if such witness resides in any Province of India or in any area to which this Code has been applied” shall be inserted.
1899	II	The Indian Stamp Act, 1899.	As subsequently amended in its application to the province of Orissa.
1899	XIII	The Glanders and Farcy Act, 1899	In Section 10 after the word “Inspector” the words “the officer-in-charge of a police-station” shall be inserted.
1912	VIII	The Wild Birds and Animals Protection Act, 1912.	
1927	XVI	The Indian Forest Act, 1927	Omit Sub-Sections (2) and (3) of Section 1.
1937	XVIII	The Hindu women’s Rights to property Act, 1937	As subsequently amended in its application to the province of Orissa.



Year	Number	Short title	Modification or Amendment
<b>ORISSA</b>			
1937	I	The Orissa General Clauses Act, 1937.	
1937	III	The Orissa Minister's Salaries Act, 1937	As subsequently amended
1937	IV	The Orissa Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1937	As subsequently amended
1938	II	The Orissa Legislative Assembly Members' Salaries and Allow- ances Act, 1938	As subsequently amended
1938	III	The Orissa Co-opera- tive Landmortgage Bank Act, 1938	As subsequently amended
1938	V	The Orissa Small Hold- ers Relief Act, 1938	
1938	VII	The Orissa Nurses and Midwives Registration Act, 1938	As subsequently amended
1938	X	The Orissa Prevention of Adulteration and Control of Sale of Food Act, 1938	
1939	II	The Opium (Orissa Amendment) Act, 1939.	As subsequently amended
1939	III	The Orissa Money- Lenders Act, 1939.	As subsequently amended
1939	IV	The Orissa Hindu Reli- gious Endowments Act, 1939	
1939	VII	The Orissa Prohibition Act, 1939	



Year	Number	Short title	Modification or Amendment
1943	VII	The Orissa Weights and Measures Act, 1943.	
1943	XIII	The Utkal University Act, 1943.	As subsequently amended
1944	V	Hindu Women' Right to property (Extension to Agricultural Land in Orissa Act, 1944	
1946	V	The Orissa Entertainment Tax Act, 1949.	As subsequently amended
1946	VI	The Orissa Drugs Advertisement Control Act, 1946.	
1946	VII	The Orissa Military Police, Act, 1946.	
1946	IX	The Orissa Motor spirit (Taxation on Sales) Act, 1946	
1946	XI	The Orissa Removal of Civil Disabilities Act, 1946	
1947	I	The Orissa Essential Articles Control and Requisitioning (Temporary powers) Act, 1947.	
1947	V	The Orissa House Rent Control Act, 1947	As subsequently amended
1947	VIII	The Orissa Preservation of private Forests Act, 1947	For Section 3 the following Section shall be substituted, namely:-  "It shall come into force in such areas, and from such date as the Provincial Government may, by notification, from time to time direct"
1947	XI	The Orissa Temple Entry Authorization and Indemnity Act, 1947	For Sub-Section (3) of Section 1, the following Sub-Section shall be substituted.

Year	Number	Short title	Modification or Amendment
			namely:- “[3] Section 1 shall come into force at once and the remaining Sections shall come into force in such areas and on such date or dates as the Provincial Government, may, by notification appoint”.
1947	XIV	The Orissa Sales Tax Act, 1947.	
1947	XVI	The Orissa Opium Smoking Act, 1947	
1947	XXIV	The Orissa Agricultural Income-tax Act, 1947.	
1947	XXVI	The Orissa Court of Wards Act, 1947.	
1947	XXXVI	The Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Act, 1947.	
1948	I	The Orissa Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1948	
1948	III	The Orissa Tenants Protection Act, 1948	As subsequently amended.
1948	IV	The Orissa Maintenance of Public Order Act, 1948.	As subsequently amended.
1948	V	The Orissa Local Fund Audit Act, 1948.	
1948	VIII	The Orissa Revenue Commissioner' (Regulation of Functions) Act. 1948	
1948	X	The Orissa Compulsory Labour Act, 1948.	For Sub-Section (3) of Section 1 the following Sub-Section shall be substituted namely:- “(3) It shall come into force on such date as the Provincial Government may, by notification, direct”

Year	Number	Short title	Modification or Amendment
1948	XI	The Orissa Temple Entry Authorization Act, 1948.	
1948	XV	The Orissa Grama Panchayats Act, 1948.	
1948	XVIII	The Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Re-settlement of Displaced persons (Land Acquisition) Act, 1948	
1948	XIX	The Land Acquisition (Orissa Amendment) Act. 1948	
1949	I	The Orissa Motor Vehicles (Amdt.) Act.1949.	
1949	IV	The Orissa Local Authorities Census Expenses Contribution Act, 1949	
1949	VII	The Orissa Muhammadan Marriages and Divorces Registration Act, 1949.	
1949	VII	The Orissa Animal Contagious Diseases Act, 1949.	
<b>REGULATION</b>			
1936	II	The Orissa Medical Regulation, 1936.	
1937	IV	The Orissa Criminal Procedure (Election Offences) Amendment Regulations, 1937.	

Year	Number	Short title	Modification or Amendment
1937	XI	The Orissa Ports Regulation 1937.	
1937	XII	The Orissa Famine Relief Fund Regulation, 1937.	
1942	I	The Indian Post Office (Orissa Amendment) Regulation, 1942.	
1948	I	The Orissa Debt Bondage Abolition Regulation, 1948.	