ORISSA ACT 9 OF 1974

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1974

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*THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1974

[*Received the assent of the President on the 11th July 1974, first published in an extraordinary issue of the* Orissa Gazette, *dated the 12th July 1974*]

AN ACT TO AMEND THE ORISSA LAND REFORMS ACT, 1960

Be it enacted by the Legislature of the State of Orissa in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Land Reforms (Amendment) Act, 1974.

(2) It shall be deemed to have come into force with effect from the 2nd day of October 1973.

Amendment of section 2, Orissa Act 16 of 1960.

2. In section 2 of the Orissa Land Reforms Act, 1960 (hereinafter referred to as the principal Act), Orissa 16 of

(*a*) for clause (5), the following clause shall be substituted, namely:—

"(5) 'ceiling area', means the extent of land which a raiyat or land-holder shall be entitled to hold under section 37-A;"

(*b*) for clause (5-*a*), the following clause shall be substituted, namely:—

"(5-*a*) 'classes of land' means—

Class I—Irrigated land in which two or more crops (*i*) were, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. Pres Act of 1

Class II—Irrigated land in which not more than one crop (*i*) was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. Pre Act of 1

* For the Bill see *Orissa Gazette*, Extraordinary, dated the 6th June, 1974 (826).

Class III—Land, other than irrigated land, in which paddy (*i*) was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. President's Act No. 17 of 1973,

Class IV— Any other land.

Explanation—For the purposes of this clause tanks, cocoanut gardens and orchards (except orchards growing banana), shall be deemed to be Class III land.";

(*c*) for clause (13), the following clause shall be substituted namely:—

"(13) 'irrigated land' means land which is assured of irrigation from an irrigation project constructed or maintained or improved or controlled by the Central Government or the State Government or by a body corporate established under any law for the time being in force and includes land which is assured of irrigation from any private source by means of tube-well or lift irrigation from any perennial water source operated by diesel or electric power, but does not include continually water-logged lands or sand-cast lands;";

(*d*) for clause (*24*), including the provisos and the Explanation, the following clause shall be substituted; namely :—

"(24) 'privileged raiyat' means—

(*a*) a co-operative society registered or deemed to be registered under the Orissa Co-operative Societies Act, 1962 and includes a land development bank and the State Land Development Bank as defined in that Act; Orissa Act 2 of 1963.

(*b*) 'Lord Jagannath' at Puri and His Temple within the meaning of the Sri Jagannath Temple Act, 1955; Orissa Act 11 of 1955.

(*c*) any trust or other institution declared under this Act to have been a privileged raiyat prior to the commencement of the Orissa Land Reforms (Amendment) Act, 1973; President's Act No. 17 of 1973.

(*d*) any trust or other institution whose estate has been declared to be a trust estate by a competent authority under the Orissa Estates Abolition Act, 1951; Orissa Act 11 of 1952

(*e*) any other trust which is declared to be a religious or charitable trust of a public nature by the Tribunal constituted under section 57-A; and

(*f*) any public financial institution:";

(*e*) after clause (24) the following clause shall be inserted, namely :—

"(25) 'public financial institution' means—

(*i*) a banking company within the meaning of the Banking Regulation Act, 1949 ; 10 of 1949

(*ii*) the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955

(*iii*) a subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959; 38 of

(*iv*) a corresponding new bank within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 ; 5 of

(*v*) the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963 ; 10 of

(*vi*) the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 ; 18 of

(*vii*) the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948; 15 of and

(*viii*) the Orissa State Financial Corporation established under the State Financial Corporations Act, 1951:" ; 63 of

(*f*) after clause (28), the following clause shall be inserted namely:—

"(29) 'scheduled bank' means a bank included for the time being in the Second Schedule of the Reserve Bank of India Act, 1934; "; 2 of

(*g*) for clause (30), the following clause shall be substituted, namely :—

"(30) 'standard acre' means the unit of measurement of land equivalent to one acre of Class I land, one and one-half acre of Class II land, three acres of Class III land or four and one-half acres of Class IV land ;

Explanation—For the purposes of conversion, one acre shall be equal to 0·4047 hectare;".

Amendment of section 4, Orissa Act 16 of 1960.

3. In section 4 of the principal Act,—

(*a*) in sub-section (2), after the first proviso, the following proviso, shall be inserted, namely:—

"Provided further that any such person as aforesaid who has failed to make an application within any of the periods specified in this sub-section may make such application within a period of two years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973;"; Pre Act of 1

(*b*) in sub-section (5), after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that any such sub-tenant or under-raiyat who has failed to make such application within any of the periods specified in this sub-section may make an application within a period of two years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973 :". Pre Act of 1

rtion of section , Orissa t 16 of 60.

4. After section 6 of the principal Act, the following section shall be inserted, namely:—

mporary n on nsfer of d settled Govern- nt.

"6-A. (1) Notwithstanding anything contained in sub-section (1) of section 6, but subject to the provisions of sub-section (3) thereof, any transfer by a raiyat of any land which has been settled with him for agricultural purposes under a permanent lease from Government shall, if such transfer is made within a period of five years from the date of such settlement without obtaining the previous permission in writing of the Revenue Officer, be void.

(2) No right, title or interest held by a raiyat in any such land as aforesaid shall, unless permission in writing is accorded by the Revenue Officer to that effect, be attached and sold in execution of a money decree passed against such raiyat.

(3) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (e) of sub-section (1) of section 17 of the Registration Act, 1908, purports to transfer any such land within the period specified in sub-section (1), no registering officer appointed under that Act shall register any such document unless such document is accompanied by the written permission of the Revenue Officer for such transfer. 16 of 1908

(4) Nothing in sub-section (1) or sub-section (3) shall apply to any transfer by way of mortgage executed in favour of any scheduled bank or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 applies and nothing in sub-section (2) shall apply to a money decree obtained by any such bank.". Orissa Act 2 of 1963.

endment section 7, issa Act of 1960.

5. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Save as otherwise provided in this Act—

(*a*) no tenant in lawful cultivation of any land at the commencement of the Orissa Land Reforms (Amendment) Act, 1973 or at any time thereafter shall be liable to be evicted from such land by the landlord; President's Act No. 17 of 1973.

(*b*) no such tenant shall be bound to pay rent at a rate higher than the rate specified in section 13; and

(*c*) the rights, benefits, protection, privileges, obligations or liabilities of any tenant in lawful cultivation of any land at the commencement of the Orissa Land Reforms (Amendment) Act, 1973 as were existing immediately prior to such commencement shall not be liable to be modified or extinguished in any manner whatsoever.". President's Act No. 17 of 1973.

mendment section 9, issa Act of 1960.

6. In section 9 of the principal Act,—

(*a*) in sub-section (1), clause (*i*) of the Explanation shall be omitted ;

(*b*) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) The Revenue Officer, on an application made in this behalf by the person referred to in sub-section (1), in the prescribed form and

manner and within the prescribed period, may, after such inquiry as may be necessary, issue a certificate in the prescribed form to such person to the effect that he has become a raiyat in respect of the whole, or, as the case may be, a portion of the site as aforesaid and if such person is evicted from the site at any time after the commencement of the Orissa Land Reforms (Amendment) Act, 1973 the Revenue Officer shall, by order, direct that possession of the site be delivered to the said person and may take such further steps as he may consider necessary to give effect to the order so passed.";

President Act No. of 1973.

(*c*) in sub-section (3), for the words "to the person", the words "to the Government or the land-holder, as the case may be," shall be substituted.

Amendment of section 15, Orissa Act 16 of 1960.

7. In section 15 of the principal Act,—

(*a*) In sub-section (1), —

(*i*) in clause (*c*), the word "or" shall be added at the end ;

(*ii*) after clause (*c*), the following clause shall be inserted, namely :—

"(*d*) the existence of the relationship of landlord and tenant." ;

(*b*) in sub-section (2), for the words, brackets and letters "in cases under clauses (*b*) and (*c*) thereof", the words, brackets and letters "in cases under clauses (*b*), (*c*) and (*d*) thereof" shall be substituted.

Amendment of section 22, Orissa Act 16 of 1960.

8. In section 22 of the principal Act, for sub-sections (3) and (4) including the proviso thereto, the following sub-sections shall be substituted, namely :—

"(3) Except with the written permission of the Revenue Officer, no such holding shall be sold in execution of a decree to any person not belonging to a Scheduled Tribe.

(4) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (*e*) of sub-section (1) of section 17 of the Registration Act, 1908 purports to effect transfer of a holding or part thereof by a raiyat belonging to a Scheduled Tribe in favour of a person not belonging to a Scheduled Tribes, no registering officer appointed under that Act shall register any such documents, unless such document is accompanied by the written permission of the Revenue Officer for such transfer.

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(5) The provisions contained in sub-sections (*1*) to (*4*) shall apply, *mutatis mutandis*, to the transfer of a holding or part thereof of a raiyat belonging to the Scheduled Castes.

(6) Nothing in this section shall apply—

(*a*) to any sale in execution of a money decree passed, or to any transfer by way of mortgage executed, in favour of any scheduled bank or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 applies; and

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(*b*) to any transfer by a member of a Scheduled Tribes within a Scheduled Area.".

Provided that no surrender or abandonment shall be disapproved unless the raiyat or tenant, as the case may be, has been given a reasonable opportunity of being heard in the matter.

(4) Where the surrender or abandonment of any holding or part thereof is approved by the Revenue Officer under this section, the holding or part thereof so surrendered or abandoned shall be settled by the Government—

(*i*) where such surrender or abandonment was made by a person belonging to a Scheduled Tribe, with another person belonging to the Scheduled Tribe ; or

(*ii*) in a case where no person belonging to a Scheduled Tribe is available or willing to make settlement under clause (*i*) or in any other case, with any other person in accordance with the priorities specified in sub-section (2) of section 51.

(5) Where any raiyat or tenant surrenders or abandons his holding or any part thereof without the previous approval of the Revenue Officer and the holding or part thereof so surrendered or abandoned is taken possession of by the landlord, then, it shall be competent for the Revenue Officer (after giving to the landlord an opportunity of being heard) to impose on the landlord a penalty of an amount not exceeding two hundred rupees per acre of the land so surrendered or abandoned for each year or any part thereof during which the possession is continued.".

endment ction Orissa 16 of).

10. In section 25 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) After holding such inquiry as the Revenue Officer deems fit and after hearing the persons interested, he may declare such transfer to be invalid and impose on the transferee a penalty of an amount not exceeding two hundred rupees per acre of the land so transferred for each year or any part thereof during which the possession is continued in pursuance of the transfer which has been declared to be invalid.".

Amendment of section 24, Orissa Act 16 of 1960.

12. In section 24 of the principal Act, in sub-section (2) "on the commencement of this Act" shall be omitted.

Insertion of new sections 36-A and 36-B, Orissa Act 16 of 1960.

13. In Chapter III of the principal Act, after sect following sections shall be inserted, namely:—

Tenant to become raiyat in respect of the whole of the land where no application is made under section 26.

"36-A Notwithstanding anything contained in th provisions of this Chapter but, subject to the provisions of (2) of section 24, where neither the landlord nor the tena right to make an application under section 26 in respect has made such application, the Revenue Officer may, on a made in that behalf by the tenant within two years from th ment of the Orissa Land Reforms (Amendment) Act, 197 giving the parties interested an opportunity of being h the whole of such land to be non-resumable and determin equitable rent and the compensation payable by the ten of the land in accordance with the provisions of sectio such determination, the provisions of sections 29 to 33 (b 35-A and 36 shall, so far as may be, apply.

Procedure where no application is made under section 36-A.

36-B. Where no application is made under section tenant, the Revenue Officer may, on his own motion w from the expiry of ~~the period specified in the said section~~ action and in such manner as is provided in that section."

Substitution of new sections 37, 38, 39, 40 and 41, Orissa Act 16 of 1960.

14. For sections 37, 38, 39, 40 and 41 of the prin following sections shall be substituted, namely:—

Definitions

"37. In this Chapter,—

(*a*) "person" includes a company, family, associa body of individuals, whether incorporated o institution capable of owning or holding prop

(*b*) "family", in relation to an individual, means the husband or wife, as the case may be, of s and their children, whether major or mino include a major married son who as such ha partition or otherwise before the 26th day 1970.

area

37-A. The ceiling area in respect of a person shall be ten standard acres:

Provided that where the person is a family consisting of more than five members, the ceiling area in respect of such person shall be ten standard acres increased by two standard acres for each member in excess of five, so, however, that the ceiling area shall not exceed eighteen standard acres.

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37-B. On and from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, no person shall, either as land-holder or raiyat or as both, be entitled to hold any land in excess of the ceiling area. President's Act No. 17 of 1973.

Explanation—For the purposes of this section all lands held individually by the members of a family or jointly by some or all the members of a family shall be deemed to be held by the family.

38. Save as otherwise provided in this section, the provisions of this Chapter shall not apply to—

(*a*) lands held by a privileged raiyat:

Provided that nothing in this clause shall apply to any land held by a raiyat under a privileged raiyat ;

(*b*) lands held by industrial or commercial undertakings or comprised in mills, factories or workshops, where such lands are necessary for the use, for any non-agricultural purpose, of such undertakings, mills, factories or workshops :

Provided that where the said lands are not actually used within a period of five years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, for the purpose for which they had been set apart, the Collector may, after giving notice to the persons concerned, by order, direct that the provisions of this Chapter shall apply to the said lands : President's Act No. 17 of 1973.

Provided further that the Collector may, on an application made to him in this behalf and on being satisfied that it is necessary or expedient so to do, extend the said period of five years by such further period or periods as he may deem fit, so, however, that the total period of such extension shall not exceed in any case eight years ;

(*c*) plantations ;

Explanation—"plantation" means any land used principally for cultivation of coffee, cocoa or tea (hereafter in this Explanation referred to as "plantation crops") and includes lands used for any purpose ancillary to the cultivation of the plantation crops or for the preservation of the same for their marketing ;

(*d*) lands held by any agricultural university, agricultural school or college, or any institution conducting research in agriculture.

Principles for determining the ceiling area.

39. In determining the ceiling area in respect of a person, the following principles shall be followed, namely:—

(*a*) homestead lands, or tanks with their embankments, or both, to the extent of three acres in the aggregate shall not be taken into account ;

(*b*) any land which was transferred by sale, gift or otherwise or partitioned by the person during the period beginning with the 26th day of September, 1970 and ending with the commencement of the Orissa Land Reforms (Amendment) Act, 1973 shall be taken into account as if such land had not been transferred or partitioned, as the case may be; Presid Act N of 197

(*c*) where the person is a member of a co-operative farming society, the extent of land which he would get as his share if the land held by such society is divided shall be taken into account ;

(*d*) lands in the possession of a tenant or a mortgagee shall be deemed to be lands held by the person.

Prohibition of transfer and partition of land and restriction of suits for specific performance of contracts.

40. (1) Except where he is permitted in writing by the Revenue Officer so to do, no person holding land in excess of the ceiling area shall, after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, transfer by sale, gift or otherwise or effect any partition of such land or any part thereof until the surplus land, which is to vest in the Government under section 45, has been determined and taken possession of by or on behalf of the Government and all transfers made and partitions effected in contravention of this sub-section shall be void: Presid act N 197

Provided that nothing contained in this sub-section shall apply to—

(*a*) any transfer by way of mortgage executed in favour of—

(*i*) the Central Government or any State Government ;

(*ii*) any public financial institution ;

(*iii*) any bank to which the Orissa Co-operative Societies Act, 1962 applies ; Oris 2 1963

(*iv*) any corporation established by law which is owned, controlled or managed by the Central Government or by any State Government;

(*v*) any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or by any one or more State Governments ; or

(*b*) any sale of land in execution of a decree or order or an award for the realisation of money due under any such mortgage.

(2) Every suit for the specific performance of a contract for the transfer of land, instituted after the 26th day of September, 1970 and before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall abate and no suit for the specific performance of any such contract entered into before such commencement shall be maintainable. Pre Act of 1

40-A. (1) Every person holding land (which shall include lands transferred by sale, gift or otherwise or partitioned by him after the 26th day of September, 1970) either as land-holder or raiyat in excess of the ceiling area at the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall, before the expiry of ninety days from such commencement, submit to the Revenue Officer, in such form and in such manner as may be prescribed, a return indicating the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area (hereinafter referred to as "surplus lands") and furnish in the said returns such other particulars as may be prescribed: President's Act No. 17 of 1973.

Provided that a person who has made any transfer or effected any partition in contravention of the provisions of sub-section (1) of section 40, shall not have the right to indicate the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area, but shall have to file the return furnishing the particulars of all the lands held by him as aforesaid :

Provided further that where as a consequence of the amendment of this Act by the Orissa Land Reforms (Amendment) Ordinance, 1974, such person considers it necessary to submit a return or revised return, such return or revised return shall be submitted within thirty days from the date of publication of the said Ordinance in the Gazette. Orissa Ordinance 2 of 1974.

(2) In any case where on the date of submission of the return under sub-section (1),—

(*a*) any proceeding for resumption under Chapter III or mutation proceeding or proceedings for partition in a Civil Court in respect of any land forming subject-matter of the return : or

(*b*) any proceeding under section 57-A relating to a trust on whose behalf the return has been submitted,

is pending, the person who has submitted such return shall submit a revised return on the basis of the result of such proceeding in accordance with sub-section (1) within ninety days from the date of issue of the certificate under section 29 or, as the case may be, from the date of final disposal of the mutation proceedings, proceedings for partition or proceedings under section 57-A after the termination of appeal, revision or review, if any.

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41. The return referred to in section 40-A shall be submitted—

(1) in the case of an individual, by the individual or his guardian if he is a minor ;

(2) in the case of a family, by the head of the family or any member thereof or by all the members jointly :

Provided that if more than one return is filed in respect of the same family all such returns shall be taken up together for consideration ; and

(3) in any other case, by an individual competent to act on behalf of the person by whom the return is to be submitted.".

Amendment of section 42, Orissa Act 16 of 1960.

15. In section 42 of the principal Act—

(*a*) for the figure "40", at both the places where it occurs, the figure and letter "40-A" shall be substituted ;

(*b*) for the words "seventy percentum", the words "fifty percentum" shall be substituted.

Amendment of section 43, Orissa Act 16 of 1960.

16. In section 43 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) for the figure "40", the figure and letter "40-A" shall be substituted ;

(*ii*) after the words "selection made by the person concerned", the words "having a right to do so" shall be inserted ;

(*iii*) for clauses (*a*), (*b*) and (*c*), the following clauses shall be substituted, namely :—

"(*a*) the total area of land held by the person as a land-holder or as a raiyat and the class to which each plot of the land belongs ;

(*b*) the surplus area ;

(*c*) the specific parcels of land to be retained by the person and the total area thereof ;" ;

(*b*) in the proviso to sub-section (2), for the figure "40", the figure and letter "40-A" shall be substituted.

Amendment of section 47, Orissa Act 16 of 1960.

17. In section 47 of the principal Act, in sub-section (2),—

(*a*) in clauses (*a*) and (*b*) for the words "market value", the words "fifty percentum of the market value" shall be substituted ;

(*b*) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) value of land to be determined in the following manner, namely :—

Extent of surplus land	Rate of compensation
(*i*) For the first ten standard acres.	Rupees eight hundred per standard acre.
(*ii*) For the next ten standard acres.	Rupees six hundred per standard acre.
(*iii*) For the next ten standard acres.	Rupees four hundred per standard acre.
(*iv*) For the rest ..	Rupees two hundred per standard acre."

itution for 51, Act 1960.

18. For section 51 of the principal Act, the following section shall be substituted, namely :—

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"51. (1) Seventy percentum of the surplus lands vested in the Government under section 45 shall be settled with persons belonging to the Scheduled Tribes or Scheduled Castes in proportion to their respective populations in the villages in which the lands are situated and the remaining lands shall be settled with persons not belonging to the aforesaid categories :

Provided that if sufficient number of persons belonging to the aforesaid categories are not available in the village in which the lands are situated or, being available, are not willing to accept settlement of land, so much of the lands reserved for the said persons as cannot be settled with them may be settled with other persons.

(2) Notwithstanding anything contained in the Orissa Government Land Settlement Act, 1962, the procedure for the settlement of lands under this section shall be such as may be prescribed and the settlement shall be made in favour of the following categories of persons and in the following order of priority, namely :— Orissa Act 33 of 1962.

(*a*) Co-operative farming societies formed by landless agricultural labourers ;

(*b*) any landless agricultural labourers of the village in which the land is situate or of any neighbouring village ;

(*c*) ex-servicemen or members of the Armed Forces of the Union if they belong to the village in which the land is situate ;

(*d*) raiyats who personally cultivate not more than one standard acre of contiguous land ; and

(*e*) in the absence of persons belonging to any of the foregoing categories, any other persons.".

itution for n 52, a Act 1960.

19. For section 52 of the principal Act, the following section shall be substituted, namely :—

ng on e acqui- n.

"52. The foregoing provisions of this Chapter shall, *mutatis mutandis*, apply where lands acquired and held subsequent to the commencement of the Orissa Land Reforms (Amendment) Act, 1973 by any person through inheritance, bequest, gift, family settlement, purchase, lease or otherwise, together with the lands held by him at the time of such acquisition exceed the ceiling area : President's Act No. 17 of 1973.

Provided that the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of such acquisition :

Provided further that where an application under section 57-A has been made on behalf of such person within the aforesaid period of ninety days, the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of final disposal of the proceedings under section 57-A.

Explanation I—If, as a result of irrigation facilities provided by the Central Government or the State Government to a person after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, any land falling at such commencement, within Class II, Class III or Class IV, falls, subsequent to such commencement, within Class I or Class II, as the case may be, the lands held by such person in excess of the ceiling area applicable to the class of land to which such land has fallen as a result of the provision of such irrigation facilities, shall be deemed to have been acquired and held by such person after such commencement. Presi Act 1 of 1

Explanation II—Homestead lands which have been kept out of account in determining the ceiling area in respect of any person shall, on ceasing to be used as homestead land after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, be deemed to have been acquired and held by him with effect from the date on which such lands have so ceased to be used as homestead lands.". Presi Act of 1

Amendment of section 55, Orissa Act 16 of 1960.

20. In section 55 of the principal Act, in sub-section (1), for the words "who shall hold office for a period of three years", the words "who shall, unless the Committee is sooner reconstituted, hold office for a period of three years" shall be substituted.

Insertion of new section 57-A, Orissa Act 16 of 1960

21. After section 57 of the principal Act, the following section shall be inserted, namely:—

Constitution of Tribunals and declaration of trust to be religious or charitable trust of a public nature.

"57-A. (1) The Government may, by notification in the Official Gazette, constitute one or more Tribunals having such local jurisdiction as may be specified in such notification for the purpose of sub-clause (*e*) of clause (24) of section 2.

(2) The Tribunal shall consist of one member to be appointed by the Government from among the officers of the State Judicial Service not below the rank of a Subordinate Judge.

(3) Any trustee or trustees desiring to get any trust declared to be a religious or charitable trust of a public nature under sub-clause (*e*) of clause (24) of section 2 may make an application to the Tribunal in such form and containing such particulars as may be prescribed.

(4) On receipt of an application under sub-section (3), the Tribunal may, after making such inquiry and in such manner as may be prescribed, by order, declare such trust to be a religious or charitable trust or refuse to make such declaration:

Provided that no order refusing to make such declaration shall be made without giving an opportunity to the trustee or trustees of being heard in the matter.

(5) The Tribunal shall, while holding an inquiry under this section, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document;

(*c*) reception of evidence on affidavits ;

(*d*) requisitioning any public record from any court or office ;

(*e*) issuing commission for examination of witnesses.

(6) The Tribunal shall have power to regulate its own procedure.

(7) The Tribunal shall, as far as may be practicable, dispose of an application made under this section within a period of six months from the date of receipt of such application.".

Amendment of section 58, Orissa Act, 16 of 1960.

22. In section 58 of the principal Act, in sub-section (1), after the figure "35", the figures and letters "36-A, 36-B", shall be inserted.

Provisions regarding pending proceedings.

23. (1) All proceedings commenced under Chapter IV of the principal Act and pending at the commencement of this Act shall abate.

(2) The returns, if any, submitted by any person under the principal Act before the commencement of this Act, shall be treated as evidence and taken into consideration in determining the ceiling area under the principal Act, as amended by this Act.

(3) All cases arising under sub-clause (*b*) of clause (24) of section 2 of the principal Act and pending before any Revenue Officer immediately before the commencement of this Act shall stand transferred to the Tribunal constituted under section 57-A of the principal Act as amended by this Act and having jurisdiction and thereupon the provisions of the said section 57-A shall, so far as may be, apply in relation to the cases so transferred to the said Tribunal.

Repeal of Orissa Act 16 of 1972, President's Act No. 17 of 1973 and Orissa Ordinance No. 2 of 1974.

24. (1) The Orissa Prohibition of Alienation of Land Act, 1972, the Orissa Land Reforms (Amendment) Act, 1973 and the Orissa Land Reforms (Amendment) Ordinance, 1974 are hereby repealed.

Orissa Act 16 of 1972.
President's Act No. 17 of 1973
Orissa Ordinance No. 2 of 1974

(2) Notwithstanding the repeal of the Orissa Land Reforms (Amendment) Act, 1973 and the Orissa Land Reforms (Amendment) Ordinance, 1974, anything done or any action taken under the principal Act as amended by the said Act and the Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

President's Act No. 17 of 1973.
Orissa Ordinance No. 2 of 1974.