THE ORISSA LAND REVENUE (ABOLITION) ACT, 1978

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Abolition of Land Revenue
4. Adjustment and refund
5. Computation of Land Revenue
6. Power to make rules
7. Repeal of Orissa Act 33 of 1975
8. Repeal of Orissa Ordinance No. 7 of 1977

ORISSA ACT 6 OF 1978

*[THE ORISSA LAND REVENUE (ABOLITION) ACT, 1978]

[*Received the assent of the Governor on the 22nd March 1978, first published in an extraordinary issue of the* Orissa Gazette, *dated the 27th March 1978*]

AN ACT TO PROVIDE FOR THE ABOLITION OF PAYMENT OF LAND REVENUE IN RESPECT OF CERTAIN CATEGORIES OF LAND

BE it enacted by the Legislature of the State of Orissa in the Twenty-ninth Year of the Republic of India, as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Orissa Land Revenue (Abolition) Act, 1978.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force with effect from the 1st day of April, 1977.

Definitions

2. In this Act, unless the context otherwise requires :—

(*a*) "Government" means the State Government of Orissa ;

(*b*) "land revenue" means all sums and payments in money or in kind or in both, by whatever name designated or locally known, received or claimed by or on behalf of Government from a raiyat or tenant for use or occupation of the land held by him and includes rent, but does not include cess ;

(*c*) "municipality" or "notified area" means a municipality or notified area constituted under the Orissa Municipal Act, 1950 ; Orissa Act 23 of 1950.

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) "rent" means whatever is payable or deliverable in money or in kind or in both, except by way of a special contract by a tenant or a raiyat to Government on account of use or occupation of the land held by him ;

(*f*) "small scale industry" means an industry the capital investment in respect of which does not exceed one lakh of rupees or an industry wherein the number of labourers employed on any day during the previous agricultural year does not exceed twenty ; and

(*g*) words and expressions used in this Act but not defined herein shall have the same meaning as are respectively assigned to them in the land revenue and tenancy laws for the time being in force in the State.

---

* For the Bill, *see* Orissa Gazette, Extraordinary, dated the 16th February, 1978 (No. 200).

Abolition of land revenue.

3. (1) Notwithstanding anything to the contrary contained in any other law, custom, or usage for the time being in force in the State, no raiyat or tenant shall be liable to pay land revenue in respect of any land held by him directly under Government provided such land is used for purposes of agriculture, horticulture or pisciculture or for purposes of any small scale industry located outside the limits of a municipality or notified area.

(2) The provisions contained in sub-section (1) shall be without prejudice to and shall not affect the operation of any law providing for assessment of land revenue or for recovery of any sum as arrears of land revenue.

Adjustment and refund.

4. Any sum paid by or on behalf of a raiyat or tenant towards land revenue after the commencement of this Act shall, if he was not liable to pay such sum in accordance with the provisions contained in section 3, be adjusted towards other dues, if any, payable by him to Government under any law and the balance shall be refunded to him on an application made in that behalf in the prescribed manner.

Computation of land revenue.

5. Without prejudice to the provisions of section 3, for the purposes of computation, the land revenue in respect of any land which was settled or assessed prior to the 1st day of April, 1945, shall include a surcharge of an amount equal to fifty percentum of such land revenue:

Provided that the surcharge shall cease to be so included with effect from the date on which the land revenue settled under the Orissa Survey and Settlement Act, 1958 or under the Orissa Consolidation of Holding and Prevention of Fragmentation of Land Act, 1972 in respect of the said land takes effect. Orissa Act 3 of 1959, Orissa Act 21 of 1972.

Power to make rules.

6. The Government may make rules for carrying out all or any of the purposes of this Act.

Repeal of Orissa Act 33 of 1975.

7. (1) The Orissa Land Revenue (Re-imposition) Act, 1975 and the provisions of any other enactment in so far as they are repugnant to the provisions of this Act, are hereby repealed. Orissa Act 33 of 1975.

(2) Notwithstanding such repeal, all documents and revenue records relating to landlords and tenants shall continue to be valid to the extent of their use for purposes which are not inconsistent with or repugnant to the provisions of this Act.

Repeal of Orissa Ordinance No. 7 of 1977.

8. (1) The Orissa Land Revenue (Abolition) Ordinance, 1977 is hereby repealed. Orissa Ordinance No. 7 of 1977.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.