

The Odisha Gazette

ORISSA ACT 1 OF 1952

THE ORISSA ESTATES ABOLITION ACT, 1951

(Revised the assent of the President on the 23rd January 1952, first published in an extraordinary issue of Orissa Gazette, dated the 9th February 1952)

AN ACT TO PROVIDE FOR THE ABOLITION OF ALL THE RIGHTS, TITLE AND INTEREST IN LAND OF INTERMEDIARIES BY WHATEVER NAME KNOWN, INCLUDING THE MORTGAGEES AND LESSEES OF SUCH INTEREST, BETWEEN THE RAIYAT AND THE STATE OF ORISSA, FOR VESTING IN THE SAID STATE OF THE SAID RIGHT, TITLE AND INTEREST AND TO MAKE PROVISION FOR OTHER MATTER CONNECTED THEREWITH.

WHEREAS in pursuance of the Directive Principles of State Policy laid down by the Constitution of India it is incumbent on the State to secure economic justice for all and to that end to secure the ownership and control of all material resources of the community so that they may best subserve the common good, and to prevent the concentration of wealth and means of production to the common detriment;

And whereas in order to enable the State to discharge the above obligation, it is expedient to provide for the abolition of all rights, title and interest in land of Intermediaries by whatever name known, including the mortgagees and lessees of such interest, between the raiyat and the State of Orissa, for vesting in the said State of the said rights, title and interest and to make provision for other matters connected therewith;

It is hereby enacted as follows –

CHAPTER I PRELIMINARY

1. Short title, extent and commencement -

- (1) This Act may be called the Orissa Estates Abolition Act, 1951.
- (2) It extends to the whole of the State of Orissa.
- (3) It shall come into force at once.

2. Definitions – In this Act unless there is anything repugnant in the subject or context –

(a) “Agricultural year” means, where the Oriya year prevails, the year commencing on the first day of Baisakh of the Oriya year, where the Fasli year prevails, the year commencing on the first day of July and where any other year prevails for agricultural purposes, that year;

Explanation – In the event of any question as to the particular agricultural year in any area or estate the notification by the Board of Revenue on this behalf shall be conclusive ;

(b) “Board” means the Board constituted under Section 22;

(c) “Claims Officer” means the Claims Officer appointed under sub-section (1) of Section 18;

(d) “Collector” includes any Officer, 1 (***) appointed by the State Government to discharge all or any of the functions of a Collector under this Act;

(e) “Compensation Officer” means the Compensation Officer appointed under Section 23;

[(f) “Date of vesting” means, in relation to an estate vested in the State, the date of publication in the Gazette of the notification under sub-section (1) of Section 3 3

[or sub-section (1) of Section 3-A] in respect of such estate and in the case of surrender by an Intermediary under Section 4 the date of the execution of the agreement];

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[(ff) “District Judge” and ‘Subordinate Judge’ shall respectively include an

Additional District Judge and an Additional Subordinate Judge];

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[(g) "Estate" includes a part of an estate and means any land held by or vested in an Intermediary and included under one entry in any revenue roll or any of the general registers of revenue paying lands and revenue free lands,

prepared and maintained under the law relating to the land revenue for the time being in force or under any rule, order, custom or usage having the force of law and includes revenue free lands not entered in any register or revenue roll and all classes of tenures or under-tenures and any jagir, inam or maufi or other similar grant;

Explanation I – Land revenue means all sums and payments in money or in kind, by whatever name designated or locally known, received or claimable by or on behalf of the State

from an Intermediary on account of or in relation to any land held by or vested in such

Intermediary;

Explanation II – Revenue-free land includes land which is, or but for any special covenant, agreement, engagement or contract would have been, liable to settlement and

assessment of land revenue or with respect to which the State has power to make laws for

settlement and assessment of land revenue;

1. Omitted by the Orissa Estate Abolition (Amendment) Act, 1962 (Orissa Act 16 of 1962), s. 2

2. Substituted by the Orissa Estates Abolition (Amendment) Act, 1952 (Orissa Act XVIII of 1952) s. 2, (i)

3. Inserted by the Orissa Estates Abolition (Amendment) Act, 1956 (Orissa Act 15 of 1956), s. 2 (ii)

4. Inserted by the Orissa Estates Abolition (Amendment) Act, 1956 (Orissa Act 15 of 1956), s. 2

5. Substituted by the Orissa Estates Abolition (Amendment) Act, 1954 (Orissa Act XVII of 1954) s. 2, (i)

Explanation III – In relation to merged territories 'estate' as defined in this clause shall

also include any mahal or village or collection of more than one such mahal or village held by or

vested in an intermediary which has been or is liable to be assessed as one unit to land revenue

where such land revenue be payable or has been released or compounds for or redeemed in whole

in part.

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[(h) 'Intermediary' with reference to any estate means a proprietor, subproprietor, landlord, land holder, malguzar, thikadar, gaontia, tenureholder,

under-tenure holder and includes an inamdar, a jagirdar, Zamindar,

Illaquedar, Khorposhdar, Parganadar, Sarbarakar and Maufidar including the ruler of an Indian State merged with the State of Orissa and all other holders or owners of interest in land between the raiyat and the State;

Explanation I – Any two or more Intermediaries holding a joint interest in an estate which is borne either on the revenue roll or on the rent roll of another Intermediary shall be

deemed to be one Intermediary for the purposes of this Act;

Explanation II – The heirs and successors-in-interest of an Intermediary and where an

Intermediary is a minor or of unsound mind or an idiot, his guardian, Committee or other legal

curator shall be deemed to be an Intermediary for the purposes of this Act. All acts done by an

Intermediary under this Act shall be deemed to have been done by his heirs and

successors-in-interest and shall be binding on them];

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[(hh) 'Intermediary interest' means an estate or any rights or interest therein held or owned by or vested in an Intermediary and any reference to 'estate' in this Act shall be construed as including a reference to 'Intermediary Interest' also];

(i) "Homestead" means a dwelling house used by the Intermediary for the purposes of his own residence or for the purposes of letting out on rent together with any Courtyard, compound, garden, orchard and out-buildings attached thereto and includes any tank, library and place of worship appertaining to such dwelling house but does not include any building comprised in such estate and used primarily as office or kutchery for the administration of the estate on and from the 1st day of January, 1946.

(j) "Khas possession" used with reference to the possession of an Intermediary of any land used for agricultural or horticultural purposes, means the possession of such intermediary by cultivating such land or carrying on horticultural operations thereon himself with his own stock or by his own servants or by hired labour or with hired stock;

1. Substituted by the Orissa Estates Abolition (Amendment) Act, 1954 (Orissa Act XVII of 1954) s. 2 (i)

2. Inserted by the Orissa Estates Abolition (Amendment) Act, 1956 (Orissa Act 15 of 1956) s. 2 (iv)

Explanation – "Land used for horticultural purposes" means land used for the purpose of

growing fruits, flowers or vegetable;

(k) "Lease" in relation to mines and minerals, shall include a sub-lease, a prospecting lease and an agreement to lease and sublet and 'lessee' shall be construed accordingly;

(l) "Mines" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, but does not include any works, machinery, tramways or sidings appertaining to a mine; a mine shall be deemed to be 'in operation' if a notice of the

commencement of its operation has been given under Section 14 of the Indian Mines Act, 1923 (Act 4 of 1923) to the District Magistrate of the district in which such mine is situated and the discontinuance of the operation thereof has not been notified to the competent authority;

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

(n) 'raiyat' means any person holding the land for the purpose of cultivation and who has acquired the right of occupancy according to the tenancy law or rules for the time being in force in that area or in the absence of such law or rules, the custom prevalent in that area;

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(o) 'trust' means a trust as defined in Section 3 of the Indian Trusts Act, 1882 (Act II of 1882) and shall include an express or constructive trust existing for a public purpose of a charitable or religious nature and a Hindu, Muslim, Christian, Buddhist or any other religious or charitable endowment;

(oo) 'trust estate' means an estate the whole of the net income whereof under any trust or other legal obligation has been dedicated exclusively to charitable or religious purposes of a public nature without any reservation of pecuniary benefit to any individual :

Provided that all estates belonging to the Temple of Lord Jagannath at Puri within the

meaning of the Shri Jagannath Temple Act, 1955 and all estates declared to be trust estates by a

competent authority under this Act prior to the date of coming into force of the Orissa Estates

Abolition (Amendment) Act, 1970 shall be deemed to be trust estates.

Explanation – The salary, remuneration or any allowance payable to a Mutawali in the

case of a Hindu religious trust, not exceeding fifteen per centum of the income

dedicated

exclusively to charitable or religious purposes shall not be deemed to be reservation of a

pecuniary benefit to any individual within the meaning of this clause.” 1.

Inserted by the Orissa Estates Abolition (Amendment) Act, 1974 (President’s Act No.3 of 1974) s. 2 read with

Orissa Act 13 of 1975.

(p) “Board of Revenue” means the Board of Revenue as constituted under Section 2 of the Orissa Board of Revenue Act, 1951 (Orissa Act 23 of 1951); and (q) all words and expressions used in this Act, but not defined in it, shall have with reference to any part of the State of Orissa, the same meaning as defined in the tenancy laws and rules for the time being in force and in the absence of written laws and rules as recognized in the custom for the time being obtaining in that part of the State of Orissa.

CHAPTER II

VESTING OF AN ESTATE IN THE STATE AND ITS CONSEQUENCES 3.

Notification vesting an estate in the State – (1) The State Government, may from time to time by notification, declare that the estate 1

(**) specified in the notification has passed to and become vested in the State free from all encumbrances.

2. The notification referred to in sub-section (1) shall contain particulars of the estate

including the tauzi number, if any and the name and the address of the Intermediary as recorded

in the registers maintained by the Collector or as far as is otherwise ascertainable by him and

shall be published in the Gazette 2 (***) and shall be affixed in a conspicuous place for a period of not less than fifteen clear days in the office of the Collector.

3. Such publication shall be conclusive evidence of the notice of the declaration to every

body whose interest is affected by it.

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[3-A. Vesting of intermediary interest – (1) Without prejudice to the powers under the

last preceding section, the State Government may by notification declare that the intermediary

interests of all Intermediaries or a class of intermediaries in the whole or a part of the estate have

passed to and become vested in the State free from all encumbrances.

2. The notification referred to in sub-section (1) shall be published in the Gazette and on

such publication shall be conclusive evidence of the notice of the declaration to everybody whose

interest is affected thereby.

1. Omitted by the Orissa Estates Abolition (Amendment) Act, 1952 (Orissa Act XVIII of 1952) s.3

2. Omitted by the Orissa Estate Abolition (Amendment) Act, 1953 (Orissa Act II of 1953) s.2

3. Inserted by the Orissa Estates Abolition (Amendment) Act, 1955 (Orissa Act 15 of 1956) s.3

3-B. Procedure subsequent to notification under Section 3-A – (1) Without prejudice

to the provisions of sub-section (2) of Section 3-A, the substance of the notification issued under

the said section shall, as soon as may be, after the date of the publication thereof, be proclaimed

by beat of drum in all the villages in the whole of the State or as the case may be, in such part

thereof to which the notification relates and such proclamation shall also call upon all the

intermediaries generally, whose interests are affected, to comply with the requirements laid down

in the following sub-sections.

2. On the publication of a notification under Section 3-A all the Intermediaries whose

interests are affected thereby shall, before the expiry of three months from the date of the said

notification, apply to the Collector in the Form set out in the schedule hereto annexed.

3. The application shall be verified and signed in the manner provided for the verification

of a plaint and shall be accompanied by –

(a) such documents, relating to the intermediary interests held by the Intermediary as are

required under the Schedule:

Provided that the Collector may dispense with the production of any document or any

particulars in any statement;

(b) a certificate from the intermediary that he has not concealed or withheld any material

information or particular relating to his intermediary interests;

(c) a declaration by such Intermediary that the documents filed by him are genuine and

the information furnished by him in the application is true to the best of his knowledge and belief

and that he had made no other application claiming compensation under this Act.

(4) If any intermediary fails, without sufficient cause, to make the application to the Collector or to file the documents, certificate and declaration required by sub-section (3) within

the period specified in sub-section (2) or within such extended period as may be allowed by the

Collector in this behalf, the Intermediary shall be liable to a penalty which may extended to fifty

rupees for every day subject to a maximum of total penalty of one thousand rupees after the

expiration of the said period or the extended period until such application has been made and the

documents, certificate and declaration have been filed and such penalty shall be realized as an

arrear of land revenue.

(5) When an application has been made in accordance with the provisions of this section,

the Collector shall transfer it with all the materials and documents accompanying it to the

Compensation Officer.

(6) Where an Intermediary has intermediary interests in more than one district of the

State, he shall, with his application to the Collector of the district in which he ordinarily resides,

furnish particulars and documents in respect of his intermediary interests in other parts of the

State and shall state in his applications to the Collectors of all other districts in which his interests

lie that the particulars and documents have been so furnished.

3-C. Application by intermediaries whose estates vested under Section 3 – An intermediary in relation to an estate vested in the State Government in pursu-ance of a notification

under Section 3, whether or not his name is included in the list of names of the intermediaries

