

Orissa Merged States (Laws) Act, 1950

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SCHEDULE 1 :- SCHEDULE I

Orissa Merged States (Laws) Act, 1950

An Act to extend certain Acts and Regulations 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: Published vide Orissa Act No. 4 of 1950. For Statement of Objects and Reasons, see Orissa Gazette Ext./4.1.1950 and for Proceedings in the Assembly, see Proceedings of the Orissa Legislative Assembly, 1950, Vol. XI, pp. 7985 and 112-131.

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. Definitions :-

The expressions absorbing Province, merged State and laws 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, in the areas merged in the absorbing State 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 an 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 (XLVII of 1947), applying that Act or Regulation 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 or 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 or punishment ;
- and any such investigation, legal proceeding 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 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 continue in force by virtue of Article 4 of the States Merger (Governors Provinces) Order, 1949-

(a) all suits and proceedings between landlord and tenant as 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 subject to the restriction that no transfer of a holding from a member of an aboriginal tribe to a member of a non-aboriginal tribe shall be valid unless such transfer is made with the previous permission of the Sub- divisional Officer concerned;

(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 purposes of the tenancy;

(iv) to the benefit of the presumption by any Court that the rent

for the time being payable by him is fair and equitable until the contrary is proved;

Explanation-(i) An occupancy tenant means tenant or a raiyat having occupancy right in his holding under the tenancy laws continued in force in the 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 cash it shall not be liable to be enhanced except 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 rejected;

(e) the interest of an occupancy tenant in his holding shall on his death pass by inheritance of survivorship in accordance with his personal law;

(f) "Sukhbasi" shall be entitled to the rights of an occupancy tenant over his homestead notwithstanding any law or custom to the contrary;

Explanation-a "Sukhbasi" 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 Sub-divisional Officer having jurisdiction or any other officer not below the rank of Sub-deputy Collector authorised by the Collector in this behalf 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 Sub-divisional Officer having jurisdiction or any other officer not below

the rank of a Sub-deputy Collector authorised by the Collector in this behalf and thereupon he shall acquire right of occupancy in respect of such lands.

Explanation-For the purposes of this section "Sub-divisional Officer" shall mean the principal Revenue Officer of a sub-division.

8. Powers Of Courts And Authorities For Purposes 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 the 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 adopt it to the matter before the Court or other authority.

9. Repeal :-

The Orissa Merged States (Laws) Ordinance, 1949 (Orissa Ordinance No. IV of 1949) is hereby repealed.

SCHEDULE 1

SCHEDULE I

Central Acts

Year	Number	Short title	Modification or Amendment
[1850	XII	The Public Accountants Default Act, 1850]
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 proviso 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. 1870	(a) As subsequently amended in its application to the State of Orissa. (b) Omit the second and third paragraphs of Section 1 and Section 1-A. (c) For the words appropriate Government" where ever they occur the words "StateGovernment" shall be substituted.
1870	VIII	The Female Infanticide Prevention Omit Act, 1870	Section 7
1871	I	The Cattle Trespass Act, 1871	In Section 6 for "State Government" substitute "Magistrate of the district."
1879	VI	The Elephants Preservation Act, 1879	Omit the second and third paragraphs of Section 1.
1879	XVIII	The Legal Practitioners Act, 1879	(a) Omit the third paragraph of Section 1(b) As amended by the Orissa Act VI of 1938. (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. (d) After Section 41 the following Section shall be inserted, namely:"42. Savings - Until other provisions are made by or under this Act –(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 such and who practised as Advocates in the defunct High Court of Mayurbhanj shall be

			<p>deemed to be Advocates for the purposes 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 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 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 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."</p>
1883	XIX	The Land Improvement Loans Act, 1883	<p>(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.</p>

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 Judges 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. (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-sections (2) and (3) of Section 1.
1897	VIII	The Reformatory Schools 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 "and 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 State 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 State 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-section (2) and (3) of Section 1.
1937	XVIII	The Hindu Womens Right to Property Act, 1937	As subsequently amended in its application to the State of Orissa.
		State Acts Bengal	
1855	XXXII	The Bengal Embankment Act, 1855	As subsequently amended in its application to the State of Orissa.
1867	II	The Bengal Public Gambling Act, 1867	•
1873	IV	The Bengal Births and Deaths Registration Act, 1873	•
1875	V	The Bengal Survey act, 1875	•
1882	II	The Bengal Embankment Act, 1882	•

Year	Number	Short title	Modification or amendment
		Bihar and Orissa	
1885	I	The Bengal Ferris Act, 1885	•
1914	IV	The Bihar and Orissa Public Demands Recovery Act, 1914	•
1915	II	The Bihar and Orissa Excise Act, 1915	As subsequently amended in its application to the State of Orissa.
1920	II	The Bihar and Orissa Places of Pilgrimage Act, 1920	•.
1920	IV	The Bihar and Orissa Mining Settlements Act, 1920	•.
1922	VII	The Bihar and Orissa Municipal Act.	As subsequentlv

1922		The Bihar and Orissa Municipalities, 1922	As subsequently amended in its application to the State of Orissa.
1923	VI	The Bihar and Orissa State aid to Industries Act, 1923	Ditto
1926	I	The Bihar and Orissa Mussalman Wakf (Amendment) Act, 1926	.
1930	II	The Bihar and Orissa Motor Vehicles Taxation Act, 1930	As subsequently amended in its application to the State of Orissa.
1935	VI	The Bihar and Orissa Co-operative Societies Act, 1935	As subsequently amended in its application to the State of Orissa.
		Orissa	
1937	I	The Orissa General Clauses Act, 1937	
1937	III	The Orissa Ministers Salaries Act, 1937	As subsequently amended.
1937	IV	The Orissa Legislative Assembly Speakers and Deputy Speakers Salaries Act, 1937	Ditto

Year	Number	Short title	Modification or amendment
1938	II	The Orissa Legislative Assembly Members Salaries and Allowances Act, 1938	As subsequently amended.
1938	III	The Orissa Co-operative Land Mortgage Bank Act, 1938	Ditto
1938	V	The Orissa Small Holders Relief Act, 1938	.
1938	VII	The Orissa Nurses and Midwives Registration Act, 1938	Ditto
1938	X	The Orissa Prevention of Adulteration and Control of Sale of Food Act, 1938	
1939	II	The Opium (Orissa Amendment) Act, 1939	
1938	III	The Orissa Money-Lenders Act, 1939	As subsequently Amended.
1938	IV	The Orissa Hindu Religious Endowments Act, 1939	
1939	VII	The Orissa Prohibition Act, 1939	
1943	VIII	The Orissa Weights and Measures Act,	

1943	XIII	1943 The Utkal University Act, 1943	As subsequently amended.
1944	V	Hindu Womens Right to Property (Exertion to Agricultural Land in Orissa) Act, 1944	
1946	V	The Orissa Entertainments Tax Act, 1946	As subsequently amended.
1946	VI	The Orissa Drugs Advertisements 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 3the following section shall be substituted, namely: "it shall come into force in such areas, and from such date as the State Government may by notification from time to time, direct".
1947	XI	The Orissa Temple Entry Authorisation and Indemnity Act, 1947	For Sub-section (3) of following Sub-section shall be substituted, 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 State 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 Stage Carriage and Public Carriers Services) Act, 1947	
1948	I	The Orissa Communal Forest and Private Lands (Prohibition of Alienation) Act, 1949	
1948	III	The Orissa Tenants Protection Act, 1948	As subsequently amendment.
1948	IV	The Orissa Maintenance of Public Order Act, 1948	Ditto
1948	V	The Orissa Local Fund Audit Act, 1948	
1948	VIII	The Orissa Revenue Commissioners (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 State Government may, by notification, direct."
1948	XI	The Orissa Temple Entry Authorisation Act, 1948	
1948	XV	The Orissa Grama Panchayat Act, 1948	
1948	XVIII	The Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of Displaced Persons(Land Acquisition) Act, 1948	
1948	XIX	The Land Acquisition (Orissa	

1949	I	Amendment) Act, 1948 The Orissa Motor Vehicles (Amendment) Act, 1949	
1949	IV	The Orissa Local Authorities Census Expenses Contribution Act, 1949	
1949	VII	The Orissa Mohammedan Marriages and Divorces Registration Act, 1949	
1949	VIII	The Orissa Animal Contagious Diseases Act, 1949	
		Regulations	
1936	II	The Orissa Medical Regulation 1936	
1937	IV	The Orissa Criminal Procedure (Election Offences) Amendment Regulation, 1937	
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	

1. Inserted vide Orissa Act No. 16 of 1985.