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ODISHA ACT 5 OF 1944

THE HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL
LAND IN ODISHA) ACT, 1944

(21st April 1944)

AN ACT TO EXTEND THE OPERATION OF THE HINDU
WOMEN'S RIGHTS TO PROPERTY ACT, 1937, AND THE HINDU
WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) ACT, 1938,
TO AGRICULTURAL LAND IN THE PROVINCE OF ODISHA.

Preamble.

WHEREAS the Hindu Women's Rights to Property Act, 1937, ^{XVIII of 1937.} as amended by the Hindu Women's Rights to Property (Amendment) Act, 1938, purported to give better rights to ^{XI of 1938.} women in respect of property in general;

AND WHEREAS it has been established that the said Act does not operate to give women better rights in respect of agricultural land;

AND WHEREAS many transactions have already taken place in the Province of Orissa on the basis that women had acquired better rights under the said Act in respect of agricultural land as well as other kinds of property;

AND WHEREAS it is therefore expedient to extend the operation of the said Act, to agricultural land in the said Province with retrospective effect, but with certain savings, for the purpose of giving women better rights under the said Act in respect of agricultural land in the said Province as well as for validating the transactions referred to above and for other purposes;

It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Hindu Women's Rights to Property (Extension to Agricultural Land in Orissa) Act, 1944.

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

Extension of operation of Hindu Women's Rights to Property Act, 1937, to agricultural lands in Orissa.

2. The expression "property" in the Hindu Women's Rights to Property Act, 1937 as amended by the Hindu Women's Rights to Property (Amendment) Act, 1938 in its application to the Province of Orissa shall include and shall be deemed always to have included agricultural land, and the provisions of the said Act shall apply and shall be deemed always to have applied to agricultural land in the said Province accordingly.

Saving of previous possession and transfer.

3. Notwithstanding anything contained in section 2, where any person who, but for this Act, would have been entitled to any property, has been in possession thereof or has made a transfer thereof, his possession up to the date of the commencement of this Act shall be deemed to be as lawful, and the transfer so made by him shall be deemed to be as valid, as if this Act had not been passed.

Saving of special laws.

4. Nothing in this Act shall be deemed to affect any special law for the time being in force in any part of the Province of Orissa relating to succession to the rights of tenants in agricultural land.