

The Orissa Gazette

EXTRAORDINARY

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LAW DEPARTMENT NOTIFICATIONS

The 11th March 1944

No. 1079-Lcg.—The following Bill, which it is proposed to introduce in the Orissa Legislative Assembly, is hereby published under rule 70 of the Orissa Legislative Assembly Rules, 1937, for general information :—

THE MADRAS ESTATES LAND (ORISSA AMENDMENT) BILL, 1944

A BILL

TO AMEND THE MADRAS ESTATES LAND ACT, 1908, IN ITS
APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS it is expedient to amend the Madras Estates Land Act, 1908 in its application to the Province of Orissa for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Estates Land Madras Act
(Orissa Amendment) Act, 1944. I of 1908

(2) It shall be deemed to have come into force on the 18th June 1943.

2. In section 172 of the Madras Estates Land Act, 1908 (hereinafter referred to as the said Act) the explanation shall be omitted.

3. After section 172 of the said Act the following section shall be inserted, namely :—

" 172A. Notwithstanding anything contained in section 172, when the Revenue Commissioner has heard an appeal under section 171 and an application for revision is made in the same matter under section 172, the application shall be referred to a Commission consisting of the Revenue Commissioner and two other persons appointed by the Provincial Government from among the following classes of persons, namely,—

(a) members of the Indian Civil Service of ten years' standing, (b) members of the Orissa Provincial Service of fifteen years' standing, (c) retired members of the Orissa Provincial Civil Service, or (d) persons qualified for appointment as judges of High Court under sub-section (2) of section 220 of the Government of India Act, 1935. Such Commission shall, in the matter of any application referred to it as aforesaid, exercise the powers conferred on the Board of Revenue by section 172.

4. During the period of two years commencing on the 18th June 1943, the said Act shall have effect as if in section 172 thereof.

(a) for the words " two years " wherever occurred the words " four years " had been substituted, and

Short title and commencement

Amendment of section 172, Madras Act I of 1908

Insertion of new section 172A in Madras Act I of 1908

Disposal of applications where Revenue Commissioner has heard appeal

Temporary amendment of section 172, Madras Act I of 1908

(b) after the proviso the following further proviso had been inserted, namely :—

“ Provided further that every application for a direction under this section made after two years from the date of final publication or republication, as the case may be, shall be dismissed.

STATEMENT OF OBJECTS AND REASONS

Under section 172 of the Madras Estates Land Act, 1908, a period of two years from the date of final publication or republication of record-of-rights has been fixed within which the Board of Revenue shall direct their revision on application or of his own motion. Applications for revision of record-of-rights pertaining to the settlement operations in South Orissa have been filed before the Revenue Commissioner under section 172 of the said Act. Cases have also come to notice in which revision is necessary under the initiative of the Revenue Commissioner (Board of Revenue). Under the present emergency he has not been able to take up all these cases and give the necessary direction for revision within the prescribed period. The object of the present amendment to section 172 is, therefore, to extend the period of said two years to four temporarily with a view to giving time to the Revenue Commissioner to deal with the pending cases and pass orders.

The explanation given under section 172 of the Madras Estates Land Act renders the said section incompatible with the circumstances of the Orissa Province inasmuch as the functions of the Board of Revenue is performed by a single member, the Revenue Commissioner, in the Orissa Province. The object of the amendment in clauses 2 and 3 of the Bill is to provide a special commission in the place of the Collective Board to hear revision applications after they have been heard for the first time under section 171 by the Revenue Commissioner. For want of a similar provision in the Madras Estates Land Act in its application to Orissa Province some revision applications have been held up. The amendment is, therefore, made retrospective in effect to restore such revision applications.

CUTTACK
The 7th March 1944

A. S. KHAN
Member-in-charge

By order of the Governor
J. E. MAHER
Secretary to Government

The 11th March 1944

No. 1083-Leg.—The following Bill, which it is proposed to introduce in the Orissa Legislative Assembly is hereby published under rule 70 of the Orissa Legislative Assembly Rules, 1937, for general information :—

THE CENTRAL PROVINCES TENANCY (ORISSA AMENDMENT) BILL, 1944

A BILL

TO AMEND THE CENTRAL PROVINCES TENANCY ACT, 1898

WHEREAS it is expedient to amend the Central Provinces Tenancy Act, 1898, in its application to that area of the Province of Orissa where it is in force, for the purpose hereinafter appearing; C. P. Act II of 1898

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Central Provinces Tenancy (Orissa Amendment) Act, 1944.

(2) It shall come into force at once.

Amendment of section 85, C. P. Act II of 1898

2. In sub-section (2) of section 85 of the Central Provinces Tenancy Act, 1898, for the words “ within a month from date ” the words “ within a month from the date of the service of the notice ” shall be substituted. C. P. Act II of 1898

STATEMENT OF OBJECTS AND REASONS

A Revenue Officer executing a decree for ejection of a tenant for arrears of rent is required under section 85(2) of the Central Provinces Tenancy Act (XI of 1898), to cause a notice to be served upon the tenant informing him that if he does not pay into the Court the amount due within a month, then he will be ejected from his holding. The construction of the clause being ambiguous, there has been difficulty about computing this period of one month, and there is conflict of judicial opinion as to whether the period should be counted from the date of the order or from the date of service of notice. It is, therefore, considered necessary to clarify the clause by amending section 85(2) of the Central Provinces Tenancy Act, 1898, on the lines of the amended Act of 1920 which is applicable to the ex-Central Provinces area in Sambalpur district.

A. S. KHAN
Member-in-charge

By order of the Governor
J. E. MAHER
Secretary to Government