

The Administration of Orissa States Orders, 1948

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Rule

THE-ADMINISTRATION-OF-ORISSA-STATES-ORDERS-1948 of 1948

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The Administration of Orissa States Orders, 1948Published vide Notification Orissa Gazette Ext. No. 2A/1.1.1948Notification No. 2-A dated 1st January, 1948. - In exercise of the powers conferred by Section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947) (read with Notification No. 111-1-B, dated the 23rd December, 1947) of the Government of India in the Ministry of States, the Government of Orissa are pleased to make the following Order for the effective exercise of Foreign Jurisdiction in Orissa states namely :

1. Short title, extent and commencement.

(a)This Order may be called the Administration of Orissa States Order, 1948.(b)It extends to the whole of Orissa State.(c)It shall come into force at once.

2. Interpretation.

(a)In this Order, unless there is anything repugnant in the subject or context :(1)'District' and Sub-division' means respectively 'Revenue District' and 'Sub-division' formed under paragraph 3.(2)'Commissioner' means in respect of the states of Athmalik, Bamra, Bonai, Dhenkanal, Gangnur, Hindol Keonjhar, Kalahandi, Pal-Lahara, Patna, Rairekhol, Sonapur, and Talcher, the Commissioner, Northern Division and in respect of States of Athgarh, Baramba, Boudh, Daspaila, Khandapara, Nayagath, Narsingpur, Nilgiri, Ranpur and Tigiria, "the Revenue Commissioner Orissa."(3)'Orissa states' means the states of Athgath Athamalik, Bamra, Baramba, Bonai, Boudh, Daspala, Dhenkanal, Gangpur, Hindol, Khandpara, Keonjhar, Kalahandi, Nayagarh, Narsingpur, Nilgiri, Pal-Lahara, Patna, Ranpur, Rairakhoi, Sonapur, Talcher, Tigiria.(4)'Provincial Government' means the Government of the Province of Orissa.(b)The Orissa General Clauses Act, 1937 (Orissa Act I of 1937), applies for the interpretation of this Order as it applies for the interpretation of an

Orissa Act.

3. Revenue Districts and sub-divisions.

- The areas specified in column (i) of the First Schedule hereto annexed shall be formed into the revenue district named in the corresponding entry in column (ii) with head quarters at the places named in column (iii) and sub-divisions as specified in column (iv) of the said Schedule.

3A. Executive Authority in the Orissa States.

(a) Subject to the provisions of this Order and subject also to the general supervision and control of the Provincial Government the Commissioner shall be in charge of the executive administration of the States within his jurisdiction and shall exercise such powers and discharge such functions, as the Provincial Government may assign to him. (b) The Provincial Government may appoint such officers as they think fit to be District Magistrates, Additional District Magistrates and Sub-divisional Magistrates of the districts and sub-divisions respectively: Provided that the same officer may be appointed as the Sub-divisional Magistrate of two or more sub-divisions. (c) The Provincial Government may appoint for each district and subdivision as many officers as they deem fit to be Deputy Magistrates and Sub-Deputy Collectors : Provided that all persons appointed in the Orissa States as District Magistrates, Additional District Magistrates, Sub-divisional Magistrates, and Sub-Deputy Collectors and continuing as such on the date of commencement of this Order shall be deemed to have been appointed as such under this paragraph.

4. Law to be applied.

(a) The enactments specified in the first column of the Second Schedule hereto annexed shall, so far as circumstances admit and subject to any amendments to which the enactments are for the time being generally subject, in the territories to which may extend, apply to all Orissa states and any provision of any law in force, whether substantive or procedural and whether based on custom and usage or statutes, in any of the Orissa states which is repugnant to any provision of any of the said enactments shall to the extent of the repugnancy, cease to have effect from the date of commencement of this Order : Provided that the further modifications and restrictions set forth in the said Schedule shall be made in the enactments applied : Provided further that for the purpose of facilitating the application in relation to Orissa states of any enactment applied by this Order to the said States or of any notification, order, scheme, rule, form or bye-law passed, issued or made thereunder any Court, Tribunal or Authority may, subject to any express provision of this Order, construe the enactment, notification, order, scheme, rule, form or bye-law with such alteration not affecting the substance as may be necessary or proper to adopt it to the matter before the Court, Tribunal or authority : Provided further that in the enactments as so applied (except where the context or modifications hereinbefore referred to otherwise require), reference to "British India" shall be construed as reference to all the Provinces of India and Orissa State. (b) As respects those matters which are not covered by the enactments applied to the Orissa States under sub-paragraph (a), all laws in force in any of the Orissa States prior to the commencement of this Order, whether substantive or procedural and whether based on custom and usage or statutes, continue to remain

in force until altered or amended by an order under the Foreign Jurisdiction Act, 1947 (XLVII of 1947) :Provided that the powers that were exercised by the ruler of each such State under any of those laws prior to the commencement of this Order shall be exercised by the Provincial Government or any other officer specially empowered in this behalf by that Government.Explanation. - In this sub-paragraph the expression "Law" includes rules, regulations, bye laws and orders :Provided further that the powers exercised by any authority other than the Ruler of such State under any of those prior to the commencement of this Order shall, subject to the provision of paragraph six of this Order, be exercised by the Commissioner or by any subordinate authority specially empowered-in this behalf by the Commissioner in case the authority ceases to function on or after the commencement of this Order.(c)As respects those matters regarding which the enactments applied under the sub-paragraph (a) or the lands continued in sub-paragraph (b) are inapplicable, civil, criminal and revenue jurisdiction in the Orissa States shall be exercised in accordance with the principles of justice, equity and good conscience.

5. High Court.

(a)The High Court for the time being exercising jurisdiction in the Province of Orissa shall, so far as circumstances admit, exercise the same jurisdiction in all Orissa States and shall have the same powers and functions in such States. Any reference to the High Court in the Laws applied or continued in force under paragraph four shall be construed as a reference to the High Court for the time being exercising jurisdiction in the Province of Orissa.(b)The Common High Court for Eastern States Union shall cease to exercise jurisdiction in Orissa States from the date of the commencement of this Order and all cases, suits, appeals, petitions and other proceedings pending in that Court shall, from the aforesaid date, be deemed to have been transferred to the High Court referred to in sub-paragraph (a) the latter High Court shall dispose of the same, in accordance with the law applied or continued in force under paragraph 4, as if the cases, suits, appeals, petitions and other proceedings were instituted before it.(c)From the date of constitution of the High Court of Orissa, under the Orissa High Court Act, 1948, the High Court in Patna shall cease to have jurisdiction in any of the Orissa States and all the cases, suits, appeals, petitions and other proceedings pending before that High Court shall, where the Court of Orissa is situated in any of the said States or where the cause of action arose in any of the said States stand transferred by virtue of this Order to the High Court of Orissa.Explanation. - [Omitted].

6. Revenue jurisdiction.

(a)Notwithstanding anything contained in the proviso to sub-paragraph (b) of paragraph 4 of this Order the Commissioner shall be the highest Revenue Authority in all Orissa States and shall exercise all original, appellate, or revisional revenue powers which were exercised by the Ruler of the States prior to the commencement of this Order. He may either on application by a party or on his own motion call for the records of any proceeding of any subordinate Revenue Authority and pass such orders as he thinks fit and may also delegate any or all of his revenue powers either conditionally or unconditionally to any other Revenue Officer subordinate to him:Provided that nothing in this sub-paragraph shall be construed as affecting his powers as appellate authority-if the laws applied or continued in force under paragraph 4 confer on him such appellate powers.(b)Every

Sub-divisional Magistrate and any other officer specially-empowered by the Collector shall, within the local limits, exercise the jurisdiction on all revenue matters under the provisions of the Revenue Laws continued in force under paragraph 4 :Provided that where, prior to the commencement of this Order, original revenue jurisdiction was exercised by the Dewan or Revenue Member or Revenue Minister or Senior State Officer or any other officer of equivalent status, however, designated such original jurisdiction, shall be exercised by the Collector or by any other officer specially empowered in this behalf by the Collector.(c)An appeal shall lie from an order, judgement or decree of a Sub-divisional Officer or officer specially empowered under sub-paragraph (b) to the Collector, who may either hear the appeal himself or transfer it to an Additional Collector or to any Revenue Officer subordinate to the Collector and specially empowered by the Commissioner, to hear revenue appeals. The Collector may withdraw to his file any appeal so transferred.Explanation. - The expression 'Collector' and 'Additional Collector' shall respectively mean the 'District Magistrate' and the 'Additional District Magistrate' of the district constituted under the provisions of the Code of Criminal Procedure, 1898 as applied to the Orissa States.(d)Notwithstanding anything hereinbefore contained, the Collector may, either on application by a party or on his own motion, call for the records of any proceedings of any Subordinate Revenue Authority and pass such orders as he thinks fit.

7. Heads of Departments.

- Subject to the provisions of the Order and subject also to the laws that are applied or continued in force under paragraph 4, all the Heads of Departments of the Provincial Government shall exercise the same powers, functions and jurisdiction in Orissa States which they at present exercise in the Province of Orissa.Explanation. - In this paragraph the expression "Heads of Departments" means the Chief Engineer, Public Works Department, the Director of Public Instruction, the Director of Veterinary Services, the Director of Health and Inspector-General of Prisons, the Inspector General of Police, the Collector of Commercial Taxes, the Controller of the Supply and Transport, the Director of Agriculture and Food Production , the Director of Industries, the Registrar of Co-operative Societies, the Inspector-General of Registration and any other officer who may be declared as such by the Provincial Government.

8. Claims against Rulers of the States.

(a)The Chief Administrator, shall as soon as possible, publish a notification in the Gazette in English and in vernacular calling upon all persons having pecuniary claims, whether immediately enforceable or not, against any of the Orissa States or the Rulers of any such State in his capacity as Ruler of that State, to notify the same in writing to an officer authorised in this behalf by the Commissioner within three months from the date of the notification.Explanation. - A claim shall be deemed to be pecuniary for the purpose of this paragraph, notwithstanding that a suit for its enforcement or a reference of such claim to arbitration is pending or that a decree or award has been passed establishing the same.(b)The notice shall also be published at such places and in such other manner as the Chief Administrator may by special or general order direct.(c)Every such claimant shall, within the period specified in subparagraph (a) notify to the officer authorised by the Commissioner under sub-paragraph (a) in writing his claim with full particulars thereof and any

claim presented after the expiration of such period shall be summarily rejected.(d)Every document including entries in books of account in the possession of or under the control of the claimant on which he finds his claim shall be produced before the Administrator along with the statement of the claim :Provided that if the claim relates to an amount secured by a decree or awards, it shall be sufficient for the claimant to produce before the Administrator a certified copy of the decree and certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder or a true copy of the award and a statement of the sum recoverable thereunder, as the case may be, and if the claim is pending adjudication in any Court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy of the plaint or a true copy of the reference to arbitration as the case may be.(e)Unless the Administrator shall otherwise direct, every document produced under sub-paragraph (a) shall be accompanied by a true copy thereof. The Administrator shall mark the original document for the purpose of identification and after examining and comparing the copy with it shall retain true copy and return the original to the claimant.(f)Nothing in the preceding sub-paragraph shall apply to any pecuniary claim of Government or any local authority.(g)The Administrator shall, after making such enquiry as he may deem fit, decide which claims notified under subparagraph (c) are to be allowed in whole or in part and which are to be disallowed and an his decision, being confirmed by the Commissioner. Administrator shall give written notice of the same to the claimants. The decision of the Commissioner shall be final and shall not be liable to be called into question in any Court whatsoever.(h)No Court shall have jurisdiction to investigate any pecuniary claim against the State or against the Ruler of the State in his capacity as Ruler of that State and such claim shall be determined only in accordance with the provisions of the paragraph.(i)The Commissioner may delegate his powers under this paragraph to any officer other than an Administrator subordinate to him.(j)The provisions of this paragraph shall not apply to any claim against any Orissa state based on cause of action which arose on or after the 1st January, 1948 and such claim shall be disposed of in accordance with the laws applied or continued in force under paragraph 4.

9. Audit.

- The Controller of Orissa shall perform such duties and exercise such powers in relation to the account of the Orissa states, as may be prescribed by rules made under this Order by the Provincial Government.

10. Modification of the Tenancy Laws.

(a)Notwithstanding anything contained in the Tenancy Laws of the states as continued in force under sub-paragraph (b) of paragraph 4 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 Magistrate 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 presume that the rent for the time being payable by him is fair and equitable until the contrary is proved.(b)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 state concerned.(c)An occupancy tenant shall not be liable to ejectment 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 purpose of the tenancy; or(ii)he has broken a condition consistent with the provisions of the Tenancy Laws in force in the state concerned and on breach of which he is under the terms of a contract between himself and his landlord liable to be ejected.(d)The interest of an occupancy tenant in his holding shall on his death pass by inheritance or survivorship in accordance 'with his personal law.(e)A "Sukhabasi" shall be entitled to the rights at an occupancy tenant over his homestead notwithstanding any law or custom to the contrary.Explanation. - (1) An "occupancy tenant" means a tenant or a raiyat having occupancy rights in his holding under the Tenancy Laws continued in force in the various states under sub-paragraph (b) of paragraph 4.(2)An "aboriginal tribe" means any tribe that may from time to time be notified as such by the Provincial Government for the purpose of this Order.(3)A "Sukhabasi" means any person holding only homestead whether or not recorded in the settlement papers as , Ghar" "Bari" or "Gharbari" or a person who is granted land by the Thikadar or by a competent Revenue Officer for the purpose of using it as homestead.

10A.

Notwithstanding anything contained in the Tenancy Laws of the states as continued in force under sub-paragraph (b) of paragraph 4-(a)when land is held as service tenure either under the Ruler 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 full assessment to the Provincial Government acquire occupancy right therein ;(b)when a person holds Khamar, Nij-jote or any other private lands of a Ruler which has been recognised as such by the Provincial Government he shall not be liable to pay such fair and equitable rent as may be fixed by any competent authority appointed in this behalf by Commissioner and thereupon he shall acquire right of occupancy in respect of such lands:Provided that such liability of the holder of any service tenure shall not cease and no occupancy right shall accrue to him therein if on the application of the Ruler the Provincial Government direct that the holder shall continue to render such service.

11. Continuance of existing taxes, duties, fees, etc.

- Until other provisions to the contrary are made by or' under this Order, all taxes, ceases or fees, which, immediately before the commencement of this Order, were being lawfully levied by any Ruler of any Orissa state or any local authority under any law for the time being in force in such state shall continue to be levied :Provided that duties on the entry or exit of goods into or from any Orissa states, and Bethi, Begari, Mangam, or other customary dues cease to be levied from the date of the commencement of this Order.

12. Transitory provisions.

(a)Subject to the provisions of this Order and subject also to any notification or order that may be issued under the laws applied or continued in force under paragraph 4, all persons who immediately

before the commencement of this order were exercising lawful functions in the state and who are continued in service by the Provincial Government and in cases where such persons were exercising functions by virtue of their office, their successors in office as well, shall until other provisions are made by or under this Order by the appropriate authority continue to exercise those functions :Provided that nothing in this sub-paragraph shall affect the provisions of Clause (b) of Rule 2 of the Transfer Rules, 1944 of Patna State.(b)All Officers who, having been invested with power equivalent to those of a Sub-divisional Magistrate or a Magistrate of the first class or second class or third class by a competent authority prior to the 1st January, 1948, continue to exercise those powers under subparagraph (a) shall be deemed to have been invested with the powers of such Magistrate under the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Orissa state under paragraph 4 and no proceedings before any such Magistrate shall be called into question in any Court whatsoever on the ground that the said Magistrate was not validly invested with such powers under the said Code as so applied.(c)All appeals, revision petitions and other proceedings that were pending before any Civil, Criminal or Revenue Court constituted or continued by or under this Order, and exercising jurisdiction which, as far as may be, corresponds to the jurisdiction of the Court before, which such appeals and petitions were filed and such proceedings were commenced :Provided that the law to be followed by such Courts shall be the law . applied or continued under paragraph 4.Explanation. - The expression "Functions" includes the powers, of a Civil, Criminal and Revenue Courts.

13. Pending proceedings.

- For the purpose of this Order, proceedings shall be deemed to be pending in the Court until that Court has disposed of all issues between the parties including any issue with respect to the taxation of the costs of the proceedings.

14. Savings.

- All things done, actions taken, powers exercised, functions discharged, notifications or orders issued by an Administrator or the Chief Administrator or Special Commissioner under any law for the time being in force in the Orissa states shall be deemed to have been done, taken, exercised, discharged or issued by the appropriate authority competent under this Order.

I

[See Paragraph 3]

Sl. No.(1) Area(2) Name of the District(3) Name of the headquarters(4)

Sub-Divisions

Sl. No.	Area	Name of the District	Name of the headquarters	Name	Territorial Limits
(1)	(2)	(3)	(4)	(5)	(6)

1.	The whole of the states of Dhenkanal, Athamallik, Hindol, Pallahara, Rairakhol and Talcher	Dhenkanal	Dhenkanal	Dhenkanal Sadar, Parjanga, Kamakshayanagar	As existing on the 31st December, 1947.
	Pallahara Sadar				
	Athamallik				
	Talcher Sadar				
	Kannia*				
	Rairakhol Sadar				
	Hindol Sadar				
2.	The whole of the states of Ganghpur and Bonai	Sundargarh	Sundargarh	Sundargarh Sadar Panposh, *Bonai, Sadar	As existing on the 31st December, 1947.
3.	The whole of the State of Keonjhar	Keonjhar	Keonjhar	Keonjhar Sadar, Anandpur, Champua	As existing on the 1st January, 1948.
4.	The whole of the States of Patna, Sonapur and Kaiahandi	Bolangir Patna	Bolangir	Bolangir Patna, Sadar, Titilagarh Patnagarh, Kalahandi Sadar, Thuamul Rampur, Dharmagarh, Sonapur Sadar, Birmaharajpur	As existing on the 31st December, 1948.
5.	The whole of the states of Nayagarh, Ranpur Daspalla and Khandapara	Nayagarh	Nayagarh	Khandapara Sadar	The whole of the State of Khandapara
	Nayagarh Sadar				
	Daspalla Sadar				

Ranpur Sadar	The whole of the State of Ranpur				
6.	The whole of the States of Athagarh, Tigiria, Baramba and Narasinghpur	Narasinghpur	Narasinghpur	Baramba States	The whole of State of Baramba
Narsinghpur Sadar	The whole of the State of Narsinghpur				
Tigiria Sadar	The whole of the State of Tigiria				
Athagarh Sadar	The whole of the State of Athagarh				
7.	The whole of the State of Bamra	Bamra	Deogarh	Bamra Sadar	As existed on the 31st December, 1947.
8.	The whole of the State of Nilgiri	Nilgiri	Kuchinda	Nilgiri Sadar	The whole of the State of Nilgiri
9.	The whole of the State of Boudh	Boudh	Boudh	Boudh Sadar	The whole of the State of Boudh.

*This was omitted.

II

[See Paragraph 4]Central Acts

	Enactments applied (1)	Further modifications and restrictions (2)
1.	The Interest Act, 1839 (XXXII of 1839).	
2.	The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	
3.	The Caste Disabilities	

- Removal Act,
1850 (XXI of
1850).
4. The Recusant
Witness Act, 1853
(XIX of 1853).
5. The Legal
Representatives'
Suits Act, 1855
(XII of 1855).
6. The Penal
Servitude Act,
1855 (XXIV of
1855).
7. The Hindu
Widows
Remarriage Act,
1856 (V of 1856).
8. The Forfeiture
Act, 1859 (IX of
1859).
9. The Indian Penal
Code, 1860 (XLV
of 1860).
- 9-A. The Societies
Registration Act,
1860 (XXI of
1860).
10. The Police Act,
1861 (V of 1861).

(a) Reference to an
Inspector-General of Police shall be
construed as reference to Inspector
General of Police, Orissa.

(b) To Section 8 the following
proviso shall be added, namely :

"Provided that every Police
Officer appointed to the Police
Force in any Orissa state prior to
the 31st December, 1947 and
continued in service after that
date shall, till the 31st March, 1948,
be deemed to be a Police Officer for
the purpose of this Act but after

		the latter date he shall cease to be a Police Officer unless he is controlled under this section".
		(c) In Section 46, Sub-section (1), and the first fourteen words of Sub-section (2) shall be omitted.
10-A.	Press and Registration of Books Act, 1867 (XXV of 1867).	
11.	The Indian Divorce Act, 1869 (IV of 1869).	
12.	The Court fees Act, 1870 (VII of 1870).	(a) As amended by Orissa Act V of 1939.
		(b) Omit the second and third paragraphs of Sub-section (1) and Section 1-A.
		(c) For the words "appropriate Government" the words "Provincial Government" shall be substituted.
13.	The Female Infanticide Act, 1870 (VII of 1870).	Omit Section 7
14.	The Cattle Trespass Act, 1971.	(a) Omit Sub-section (2) of Section 1.
		(b) In Section 6 for "Provincial Government" substitute "Magistrate of the District".
15.	The Indian Evidence Act, 1872 (1 of 1872).	(a) Omit paragraphs 2 and 3 of Section 1.
		(b) In Section 57, for Clause (1) substitute the following clause namely :
		"(1) All laws or rules having the force of law or hereto in force or hereinafter to be in force in any Province of India or Orissa

		states."
16.	The Special Marriages Act, 1872 (III of 1872).	
17.	The Indian Contract Act, 1872 (IX of 1872).	Omit the 2nd paragraph of Section 1.
17-A.	Indian Christian Marriage Act, 1872 (XV of 1872).	
18.	The Indian Oaths Act, 1873 (X of 1873).	
19.	The Married Women's Property Act, 1874 (III of 1874).	
20.	The Indian Majority Act, 1875 (IX of 1875).	
21.	The Indian Law Reports Act, 1875 (XVIII of 1875).	Omit the third paragraph of Section 1.
22.	The Specific Relief Act, 1877 (1 of 1877).	
22-A.	The Indian Treasure Trove Act, 1878 (VI of 1878).	In Section 9, for the words "ChiefControlling "Revenue Authority" the word"Commissioner" shall be substituted.
23.	The Elephant's Preservation Act, 1879 (VI of 1879).	Omit the third paragraph of Section 1.
24.	The Legal Practitioners' Act, 1879 (XVIII of 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 ControllingRevenue Authority"

wherever they occur, the words "Commissioner, Orissa States" shall be substituted.

(d) After Section 41, add the now section. '42. Savings. Until other provisions are made by or under this Act-

1. All persons enrolled as Advocates in the register of the Common High Court of Orissa and Chhatisgarh states shall be deemed to be Advocates for the purpose of this Act,
2. All persons enrolled as Pleaders under the authority of the said High Court and such other persons who were in the list of Pleaders in any of the Orissa states on the 31st December, 1947 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
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 Orissa states and were practising as Mukhtars in any of the Orissa states on the 31st December, 1927 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 Mukhtar for the purpose of the Act".

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| 24-A. | Kazi Act, 1880
(XII of 1880). | |
| 25. | The Indian Trusts
Act, 1882 (II of
1882). | Omit the second paragraph of
Section 1 |
| 26. | The Transfer of
Property Act,
1882 (IV of 1882). | In Section 1, omit the second,
third, fourth and the last
paragraphs. |
| 27. | Powers of
Attorney Act.
1882 (VII of
1882). | Omit the second and third
paragraphs of Section 1. |
| 28. | The Land
Improvement
Loans Act, 1883
(XIX of 1883). | (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. | |
| | (c) For Section 12, the following
section shall be substituted,
namely : | |
| | | (d) 12. The powers conferred on
the Provincial Government by
Sections 4 (1), 5 (1) and 10 may be
exercised in the like manner and
subject to the like conditions by
the Commissioner, Orissa states. |
| 29. | The Agriculturists
Loans Act, 1884
(XII of 1884). | (a) Omit Sub-section (2) of Section
1. |
| | | (b) As amended by Orissa Act VI of
1937. |
| | | (c) In Sub-section (1) of Section 4,
the words "or in a province for
which there is a Board of Revenue
or Financial Commissioner", "such
Board of Financial Commissioner, |

Orissa states" shall be substituted.

29-A. Births, Death and
Marriages
Registration Act,
1886 (VI of 1886).

30. The Suits
Valuation Act,
1887 (VII of
1887).

31. The Provincial
Small Cause
Courts Act, 1887
(IX of 1887).

32. The Bengal, Agra
and Assam Civil
Court Act, 1887
(XII of 1887).

Omit Sub-sections (2) and (3) of
Section 1.

(a) Omit Sub-sections (2) and (3)
of Section 1.

(b) For Section 2, the following
section shall be substituted,
namely:

"2. Saving. (1) All Courts (whether known as Courts of Munsiffs of Subordinate Judges of the Second Class 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, jurisdictions and powers conferred and lists published under any enactment for the time being, in force in any Orissa state relating to Civil Courts, 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 to the corresponding provisions thereof."
33. The Charitable Endowments Act, 1890 (VI of 1890).
- (a) Omit Sub-sections (2) and (3) of Section 1.
- (b) For the words "appropriate Government" wherever they occur, substitute the words "Provincial Government".
- (c) In Section 3-
- (i) in Sub-section (1) for the word "Indian" substitute the words "The Orissa State", and
- (ii) in Sub-section (2) for "India or as the case may be, the Province," substitute the words "Orissa states".
34. The Guardian and Wards Act, 1890 (VII of 1890).
- Omit Sub-sections (2) and (3) of Section 1.
35. The Partition Act, 1893 (IV of 1893).
36. The Land Acquisition Act, 1894 (IX of 1894).
- Omit Sub-sections (2) and (3) of Section 1.
37. The Prisons Act, 1894 (IX of 1894.)
- Omit Sub-sections (2), (3) and (4) of Section 1.
38. The Reformatory Schools Act, 1897 (VIII of 1897).
- Omit Sub-sections (2) and (3) of Section 1.
- 38-A. The Epidemic Diseases Act, 1897 (III of 1897)
- 38-B. The Indian Fisheries Act, 1897 (IV of 1897).
39. The General Clauses Act, 1897 (X of 1897)
- (a) Sections 3, 4 and 4-A shall stand unmodified provided that for the interpretation of any enactment in the Orissa states the

definitions contained in these sections shall be applicable only after effect has been given to any modification, restriction or rule of construction prescribed in respect of the enactment by this Order.

(b) Omit Sections 5 and 5-A.

40. The Indian Short Titles Act, 1897 (XLIV of 1897).

41. The Code of Criminal Procedure, 1898 (V of 1898)

(a) In Sub-section (2) of Section 45, the words "Central Government" shall stand unmodified.

(b) To Section 268, the following proviso shall be added, namely :
"Provided that a Court of Session may at its discretion direct that any trial before that Court shall be without jury or without the aid of assessors if the offence took place in any Orissa states where prior to the 1st January, 1948 there, was no trial by jury or with the aid of assessors."

(c) In Sub-section (1) of Section 5, 03, after the words "such attendants" the words "if such witness resides in any Province of India or in any area to which this Code has been applied" shall be inserted.

(d) In Section 30, after the words "and Assam", the words "in the Orissa states" shall be inserted.

42. The Indian Stamp Act, 1899 (II of 1899).

(a) Omit Sub-sections (2) and (3) of Section 1.

(b) As amended by Orissa Act VI of 1943.

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|-------|--|---|
| | | (c) All references to "collectingGovernment" shall be read as referring to the "ProvincialGovernment". |
| 43. | The Glanders and Farcy Act, 1899 (XVIII of 1899). | In Section 10, after the word "Inspector"the words "the Officer-incharge of a Police Station"shall be inserted. |
| 44. | The Prisoners Act, 1900 (III of 1900). | |
| 45. | The Code of Civil Procedure, 1908 (V of 1908). | Omit Sub-sections (2) and (3) of Section 1. |
| 46. | The Indian Limitation Act, 1908 (IX of 1908). | (a) Omit Sub-sections (2) and (3) of Section 1. |
| | | (b) In Section 13, the words "or the CrownRepresentative" shall be omitted and the words "CentralGovernment shall stand unmodified. |
| | | (c) Article 149 of the First Schedule shallstand unmodified. |
| 47. | The Indian Criminal Law Amendment Act, 1908 (XIV of 1908). | For the words "that Province" inSub-section (2) of Section 1 the words "the territoriessubject to its administration" shall be substituted. |
| 48. | The Indian Registration Act, 1908 (XVI of 1908). | Omit Sub-sections (2) and (3) of Section 1. |
| 49. | The Whipping Act, 1909 (IV of 1909). | |
| 50. | The Anand Marriage Act, 1909 (VII of 1909). | |
| 50-A. | Indian Electricity Act, 1910 (IX of | |

- 1910).
- 50-B. The Prevention of Seditious Meeting Act, 1911 (X of 1911).
- 50-C. The Criminal Tribes Act, 1911 (III of 1911).
51. The Indian Lunacy Act, 1912 (IV of 1912). Chapter IV of the Act consisting of Sections 37-61 shall not apply.
52. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912).
53. The Official Trustees Act, 1913 (II of 1913). (a) Omit Sub-sections (2) and (3) of Section 1.
- In Section 4-
- (1) For Sub-section (1) substitute "(1) The Provisional Government shall appoint an official trustee for the Orissa State."
- In Sub-section (2) omit Clause (d).
54. The Mussalman Wakf Validation Act, 1913 (VI of 1913).
55. The Destructive Insects and Pests Act, 1914 (XV of 1914).
- 55-A. The Local Authorities Loans Act, 1914 (IX of 1914).
56. The Hindus Dispositions of Property Act, 1916 (XV of 1916).
- 56-A. Cinematograph Act, 1918 (II of

- 1918).
57. The Provincial
Insolvency Act,
1920 (V of 1920).
- 57-A. The Identification
of Prisoners Act,
1920 (XXXIII of
1920).
58. The Indian
Elections Offences
and Enquiries Act,
1920 (XXXIX of
1920).
- 58-A. The Police
(Incitement of
Disaffection) Act,
1922 (XXII
of 1922).
59. The Indian Boilers
Act, 1923 (V of
1923).
60. The Workman's
Compensation
Act, 1923 (VIII of
1923). Omit Sub-sections (2) and (3) of
Section 1.
61. The Legal
Practitioners
(Women) Act,
1923 (XXIII of
1923).
62. The Musalman
Wakf Act, 1923
(XLII of 1923).
63. The Indian
Soldiers
(Litigation) Act,
1925 (V of 1925). Omit Sub-sections (2) and (3) of
Section 1.
64. The Indian
Succession Act,
1925 (XXXIX of
1925).
- 65.

	The Contempt of Courts Act, 1926 (XII of 1926).	Omit Sub-sections (2) and (3) of Section 1.
66.	The Indian Trade Unions Act, 1926 (XVI of 1926).	(a) Omit Sub-sections (2) and (3) of Section 1. (b) References to "appropriate Government" shall be read as references to the "Provincial Government".
67.	The Legal Practitioners (Fees) Act, 1926 (XXI of 1926).	Omit Sub-sections (2) and (3) of Section 1.
68.	The Indian Forest Act, 1927 (XVI of 1927).	Omit Sub-sections (2) and (3) of Section 1.
69.	The Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928).	
70.	The Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929).	
71.	The Child Marriage Restraint Act, 1929 (XIX of 1929).	Omit Sub-sections (2) and (3) of Section 1.
72.	The Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929).	Omit Sub-section (2) of Section 1.
73.	Indian Sales of Goods Act, 1930 (III of 1930).	Omit Sub-sections (2) and (3) of Section 1.
74.		

	The Hindu Gains of Learning Act, 1930 (III of 1930).	
75.	The Mussalman Wakf Validation Act, 1930 (XXXII of 1930).	
75-A.	The Indian Press (Emergency of Powers) Act, 1931 (XXIII of 1931).	
76.	The Criminal Law Amendment Act, 1932 (XXIII of 1932).	Omit Sub-sections (2) and (3) of Section 1.
76-A.	The Indian Partnership Act, 1932 (IX of 1932).	
77.	The Factories Act, 1934 (XXV of 1934).	Omit Sub-sections (2) and (3) of Section 1.
78.	The Payment of Wages Act, 1936 (IV of 1936).	Omit Sub-sections (2) and (3) of Section 1.
79.	The Hindu Women's Rights to Property Act, 1937 (XVIII of 1937).	As amended by Orissa Act V of 1944 in its application to the Province of Orissa.
80.	The Arya Marriage Validation Act, 1937 (XIX of 1937).	
81.	The Muslim Personal Law (Shariat) Application Act, 1937 (XXVI of 1937).	Section 6 shall be omitted.
82.		

	The Criminal Labour Amendment Act, 1938 (XX of 1938).	Omit Sub-sections (2) and (3) of Section 1.
83.	Employment of Children Act, 1938 (XXVI of 1938).	Omit Sub-sections (2) and (3) of Section 1.
83-A.	The Motor Vehicles Act, 1939 (IV of 1939).	<p>1. In Section 2 (a), the following new clauses shall be inserted, namely :</p> <p>"(1-a) 'Administrator' means the Officer appointed by the Provincial Government to be in-charge of the executive administration of one or more of the Orissa states under sub-paragraph (b) of paragraph 3 of the Administration of the Orissa States Order, 1948.</p> <p>"(19-A) 'Orissa states' means those states which have been specified in Clause (d) of subparagraph 9 of the Administration of the Orissa States Order, 1948."</p> <p>(29-A) 'State Transport Service' means a service in which an Orissa state has entire financial interest to or any other Transport Service in which the state may have partial financial interest and in such a case the Provincial Government shall declare such service as State Transport Service for the purpose of this Act.</p> <p>(b) In Clause (20) after the words "the Regional Transport Authority" the words "or Administration" shall be inserted.</p> <p>2.(a) In Section 14, the provisions to Subsection (1) of Section 144 shall be omitted.</p>

(b) To Sub-section (2), the following proviso shall be added namely :

"Provided that if the Provincial Government so requires a Provincial Transport Authority or a Regional Transport Authority may consist of a single official".

3. In Sub-section (1) of Section 47 and in Section 55 after Clause (t) the following clauses shall be inserted, namely ;

"(g) other conditions being equal in the interest of proper co-ordination of transport facilities the expediency of giving due consideration to a State Transport Service.

(h) The necessity for preventing unhealthy competition in a route or routes or area on which the State Transport Service may ply."

4. In Section 57 -

(a) In Sub-section (2) after the words "shall be made" the following words shall be inserted namely :

"In the case of the State Transport Service not less than two weeks and in other cases";

(b) In Sub-section (3) after the words "not being less than ten days in the case of an application by the State Transport Service and in other cases" shall be inserted;

(c) In Sub-section (5), after the words "making the representation" the words "and any Administrator if he desires to be heard" shall be inserted.

5. Section 58. For the existing section the following section shall be substituted, namely:

"58. (1) A permit other than a temporary permit issued under Section 6 shall normally be effective without renewal for such period not less than three years, as the Regional Transport Authority may specify in the permit:

Provided that if the Regional Transport Authority is satisfied that an existing or a prospective State Transport Service can or is going to be extended to any route or area on the permit within a period of three years from the date on which the permit is to be effective, the permit shall continue for such shorter period as the Regional Authority may consider suitable in order to avoid conflict with the prospective extension of such State Transport Service.

(2) All permits and all authorisations that may be treated as permit under any existing law or custom having the force of law in any Orissa state shall lapse to the extent that any of the provisions or such permit or authorisations is contrary to the provisions of this Act and for the rest shall not continue in force beyond the 30th September, 1948, unless extended by the Regional Transport Authority having authority in the area before the said date and it so extended, shall continue only for such period as may be specified by the Regional Transport Authority subject to such conditions as are consistent with the provisions of this Act and as may be prescribed by the Regional Transport Authority.

Provided that no order under this Sub-section extending any permit or authorisation which is ab initio void under the existing laws in the State shall be made:

Provided further that the Regional Transport Authority shall in no case extend an existing permit or authorisation beyond a total period of three years from the date of its issue.

(3) A permit may be renewed on an application made and disposed of as if it were an application for permit :

Provided that other conditions being equal an application for renewal shall be given preference over new applications for permits by parties other than State Transport Service.

6. Section 62, For the opening paragraph of Section 62, the following shall be substituted namely :

"Without following the procedure laid down in Section 57, the Regional Transport Authority or an Administration, as the case may be; may grant permits authorising to be used, for a transport vehicle temporarily for a limited period not exceeding four months in the case of permits by a Regional Transport Authority and not exceeding ten days in the case of permits by an Administration."

Section 133. Delete Sub-section (3).

84. The Dissolution of Muslim marriage Act, 1939 (XXX of 1939).

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|-----|--|--|
| 85. | The Commercial Documents Evidence Act, 1939 (XXX of 1939); | |
| 86. | The Arbitration Act, 1940 (X of 1940). | Omit Sub-sections (2) and (3) of Section 1. |
| 87. | The Weekly Holidays Act, 1940 (XVIII of 1940). | (a) Omit Sub-sections (2) and (3) of Section 1. |
| | (b) Section 11-For the word "Province"the words "Orissa States" shall be, substituted (ListIII). | |
| 88. | The Industrial Statistics Act, 1942 (XIX of 1942). | Omit Sub-sections (2) and (3) of Section 1. |
| 89. | The Hindu Married Women's Right to Separate Residence andMaintenance Act, 1946 (XIX of 1946). | |
| 90. | The Industrial Employment (Standing Orders) Act, 1946 (XIX of1946). | |
| 91. | The Essential Supplies (Temporary Powers) Act, 1946 (XXIV of1946). | (a) Sub-section (3) of Section 3 shall beomitted. |
| | (b) Section 5 shall be omitted. | |
| | | (c) For Section 17, the following section shallbe substituted, namely: |

"17. Savings- Any order made or deemed to be made under any law in force in any of the Orissa states on the 31st December, 1947 and relating to matters covered by this Act shall continue in force so far as is inconsistent with this Act until repealed, modified or altered by a competent authority under this Act. All appointments made, licences or permits granted and directions issued under any such order and in force on the 31st December, 1947, shall likewise continue in force and be deemed to be granted or issued in pursuance of this Act until modified, cancelled or altered by a competent authority under this Act".

- 92. The Hindu Marriage Disabilities Removal Act, 1946 (XXVIII of 1946).
- 93. The Industrial Disputes Act, 1947 (XIV) of 1947).
- 94. The Minimum wages Act, 1948 (XI of 1948).
- 95. The Employees State Insurance Act, 1948 (XXXIV of 1948).
- 96. The Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1949).
- 96-A.

Omit Sub-sections (2) and (3) of Section 1.

- The Code of Criminal Law Removal of Racial Discrimination Act, 1949 (XVII of 1949).
97. The Code of Criminal Procedure (Amendment) Act, 1949 (IX of 1949).
- 97-A. The Rehabilitation Finance Administration Act, 1948 (XII of 1948).
98. The Displaced Persons (Legal Proceedings) Act, 1948 (IX of 1948).
- For Sub-section (3) of Section 1 of the Act the following sub-section shall be substituted, namely :
- "(3) It shall come into force at once."
99. The Industrial Disputes Procedure (Banking and Insurance Companies) Ordinance, 1949 (Ordinance No. VI of 1949).
- (a) Omit Sub-section (2) of Section 1.
- (b) For the words "Provincial Government" wherever they occur, the words "the Orissa states" shall be substituted.
100. The Code of Criminal Procedure (Amendment) Act, 1949 (XXXII of 1949).
- 101.

The Hindu
Marriage Validity
Act, 1949 (XXI of
1949).

Provincial
Acts
(Bengal)

The Bengal
Embankment Act,
1855 (Bengal Act
XXXI of 1855).

For the word "Collector" wherever
it occurs, the words "District
Magistrate" shall be substituted.

Sections 4, 5, 6, 26, 34 and 76 shall
apply.

The Bengal
Vaccination Act,
1880 (Bengal Act
V of 1880).

The Births and
Deaths
Registration Act,
1873 (Bengal Act
IV of 1873).

The Bengal Public
Gambling Act,
1867 (Act II of
1867).

The Bengal
Ferries Act, 1885
(Bengal Act I of
1885).

Bihar and
Orissa
Acts

Bihar and Orissa
Excise Act, 1915
(Bihar and Orissa
Act II of 1915).

(a) Omit Sub-sections (2) and (3)
of Section 1.

(b) "Board" means in respect of
the states of Athmalik, Bamra,
Bonai, Dhenkanal, Gangpur,
Flindol, Keonjhar, Kalahandi,
Pallahara, Patna, Rairakhol,

Sonopur and Talcher, the
Commissioner, Northern
Division" and in respect of
Athagarh, Bamra, Boudh,
Daspalla, Khandpara, Nayagarh,
Narasimpur, Nilgiri, Ranpur and
Tigiria the
Revenue Commissioner of
Orissa".

(c) Reference to the Collector shall
be construed as reference to the
District Magistrate.

(d) In Clauses (a) and (g) of
Sub-section (2) of Section 7, the
words Commissioner of the
Division" shall be omitted.

(e) In Sub-section (3) of Section 8,
the words 'or the Commissioner of
a Division" shall be omitted and the
word "or" shall be inserted after
the word "Collector".

(f) For the words "Province" and
"the Province of Bihar and Orissa"
wherever they occur the words "the
Orissa States" shall be substituted.

(g) In Sub-section (2) of Section
34, the words beginning with "to
the Commissioner of the
Division" ending with
"recommendations (if any)" shall
be omitted.

(h) In Section 35, the proviso shall
be omitted.

(i) Sections 97 and 98 shall be
omitted.

The Bihar and
Orissa State Aid to
Industries Act,
1923 (B.O. Act I of
1923).

The Bihar and
Orissa Muslim

Omit Sub-sections (2) and (3) of
Section I as amended by Orissa Act
V of 1943 and XXII of 1947.

Wakf Amendment
Act, 1926
(Bihar and Orissa
Act I of 1926).

Bihar and Orissa
Co-Operative
Societies Act, 1935
(Bihar and Orissa
Act VI of 1935).

Bihar and Orissa
Public Demand
Recovery Act,
1914 (Bihar
and Orissa Act IV
of 1914).

As amended by Orissa Act 3 of
1942.

(a) Clauses (2) and (3) of Section I
shall be omitted.

(b) Section 2 shall be omitted.

(c) In Sub-section (3)-(i) For the
words "Secretary of States for
India in Council" in Clause (2),
the following words shall be
substituted, namely:
"Governor General or the
Governor as the case may be".

(ii) For the words "Commissioner"
in Clause (3) the following shall be
substituted, namely:

"Chief Administrator and
Special Commissioner."

(d) In Sub-section (1) of Section 5.
the proviso shall be omitted.

(e) in Section 18 (i)-

(i) the words "in council"
in Sub-clause (g) shall be omitted.

(ii) Clauses (k) and (a) shall be
omitted.

(f) Sub-sections (3), (4) and (5) of
Section 26 shall be omitted.

(g) For the words "the Board of
Revenue" in Sub-section (1) of
Section 48, the following words
shall be substituted, namely :

"The Commissioner"

(h) For the word "Commissioner" wherever it occurs, in Section 60, the following words shall be substituted, namely "The Special Commissioner".

(i) For Section 62, the following shall be substituted, namely :

"62. The Collector may revise any order passed by a certificate officer, Assistant Collector, under this Act, and the Commissioner may revise any such order passed by a Collector under this Act".

(j) Section 69 shall be omitted.

(k) For the words "The Bihar and Orissa Gazette" wherever they occur, the following shall be substituted, namely "The Orissa Gazette".

(l) For the word "Province" and the "Province of Bihar and Orissa" wherever they occur, the following shall be substituted, namely "The Orissa State".

(m) In Schedule I-

(i) Clauses (1) and (2) shall be omitted.

(ii) Sub-clause (3) of Clause 4 shall be omitted.

(iii) Clauses (10), (11) and (14) shall be omitted.

(n) In Schedule II-

(i) Sub-clauses (3), (4) and (5) of Clause-26 shall be omitted.

(ii) Sub-clause (3) of Clause 26 shall be omitted.

(iii) the proviso to Clause 27 shall be omitted.

(iv) Clauses (38), (39), (40), (41) and (43) shall be omitted.

The Bihar and
Orissa Municipal
Act, 1922 (Bihar
and Orissa Act VI
of 1922).

(1) For Sub-section (2) of Section 1
the following sub-section shall be
substituted, namely :

"(2) It extends to the whole of
Orissa States".

(2) Sub-section (4) of Section 1
shall be omitted.

(3) For the words "the Province of
Bihar and Orissa" wherever they
occur the words "the Orissa State"
shall be substituted.

Orissa

The Orissa
General Clauses
Act, 1937 (Orissa
Act I of 1937).

The Orissa Hindu
Religious
Endowment Act,
1939 (Orissa Act
IV of 1939).

The Hindu
Women's Right to
Property
(Extension
of Agricultural
Land in Orissa)
Act, 1944 (Orissa
Act V of 1944).

The Orissa
Essential Article
Control and
Requisitioning (Temporary
Powers) Act, 1947
(Orissa Act I of
1947).

Omit Clause (b) of Section 2.

(a) Omit Sub-sections (2) and (3)
of Section 1.

(b) For Section 18, the following
section shall be substituted
namely:

"18. Savings. Any order made or deemed to be made under any law in force in any of the Orissa states on the 31st December, 1947, and relating to matters covered by this Act shall continue in force so far as consistent with this Act until repealed, modified or altered by a competent authority under this Act. All appointments made, licences or permits granted and directions issued under any such order and in force on the 31st December 1947, shall likewise continue in force and be deemed to be granted or issued in pursuance of this Act until modified, cancelled or altered by a competent authority under this Act".

The Orissa
Maintenance of
Public Order Act,
1948 (Orissa Act
IV of 1948).

(a) Omit Sub-sections (2) and (3)
of Section 1.

(b) For the words "Province of
Orissa" the words "Orissa States"
shall be substituted.

The Orissa
Temple Entry
Authorisation Act,
1948 (Orissa
Act XI of 1948).

For Sub-section (3) of Section 1,
the 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 Provincial
Government may by notification
appoint".

The Orissa Sales
Tax Act, 1947
(Orissa Act XIV of

For the words "Province of Orissa"
or 'Orissa' wherever they occur, the
words Orissa States" shall be

1947).

The Orissa Motor
Spirit (Taxation
on Sales) Act,
1946 (Orissa Act
IX of 1946).

Orissa
Entertainments
Act, 1946 (Orissa
Act V of 1946).

The Orissa
Agricultural
Income Tax Act
1947 (Orissa Act
XXIV of 1947).

substituted.

For the words "Province of Orissa"
or "Orissa" or "Province" whatever
they occur the words "Orissa
States" shall be substituted.

(a) For the words "Province of
Orissa" wherever they occur, the
words "Orissa States" shall be
substituted.

(b) Sections 2 and 13 shall be
omitted.

(a) For the words "the Province of
Orissa" and "Provincial" wherever
they occur, the words "Orissa
States" shall be substituted.

(b) Sub-section (p) of Section 2
shall be omitted.

(c) After the words and figures "the
Angul Laws Regulation 1936",
occurring in Clause (d) of Section
6 and in Clause (c) of sub-section
(2) of Section 7 the words or under
any State Law or custom having
the force of law for the time being
in force" shall be inserted.

(d) After the words "any Orissa
Act" occurring in Clause (e) of
Sub-section (2) of Section 7,
the words "or State Law for the
time being in force" shall be
inserted.

(e) For Clause (b) of Sub-section
(1) of Section 15, the following shall
be inserted, namely :

"(b) Nothing in this Sub-section
shall be deemed to entitle an
assessee who is assessed to
Income-tax Laws for the time being
in force in the Orissa States to
claim a deduction in respect of any

sum paid by him as mentioned in Clause (a) if such sum was exempted under any of the provisions of the said law.

Bihar and Orissa
Excise (Orissa
Amendment) Act,
1947.

The Utkal
University
(Amendment)
Act, 1949 (Orissa
Act III of 1949).

The Orissa Local
Authorisation
Census Expenses
Contribution Act,
1949 (Orissa Act
IV of 1949).

The Orissa Land
Encroachment
Act, 1947 (Orissa
Act XXXIII
of 1947).

In Section 2-

(1) For Clause (1), the following
clause shall be substituted,
namely :

"(a) Land acquired under the
provisions of the Land
Acquisition Act, 1894, or acquired
otherwise for the purposes of
Government or any local
authority or a Railway company
while such land remains as the
property of Government, local
authority or Railway Company,
as the case may be."

(2) For Clause (c), the following
clause shall be substituted, namely
:

"(c) Land belonging to or recorded
as belonging to Government or any
local authority which is used

for any public purpose as road, canal, irrigation tank, drinking water reservoir, embankment or which is required for repair or maintenance of such road, canal, irrigation tank, drinking water reservoir, or embankment while such land continues to be so used or required".

(3) For Clause (d), the following shall be substituted, namely :

"(d) Communal lands, used or recorded as Gochar, Rakhit, Samasan, Sarba-sadharan and forest in the record of rights prepared under any law for the time being in force in the State".

(4) In the proviso to Section 3 for the words "Orissa Tenancy Act, 1913" the words "Tenancy Law in force in the State" shall be substituted.

(5) In Section 10, after the words, "Revenue Commissioner", "Northern Division" shall be inserted.

The Land
Acquisition
(Orissa
Amendment) Act,
1948 (Orissa
Act XIX of 1948).
Orissa Medical
Regulation, 1936
(Orissa
Regulation II
of 1936).
The Orissa
Nurses, Midwives
Registration Act,
1938 (Orissa Act
VII of 1938).

Orissa Food
Adulteration Act,
1938 (Orissa Act
X of 1938).

Cinematograph
Rules, 1939.

The Utkal
University Act,
1943 (Orissa Act,
XIII of 1943).

The Orissa
Preservation of
Private Forests
Act. 1947
(Orissa Act VIII of
1947).

For the existing Section 3 etc., the
following section shall be
substituted, namely:

"3. It shall come into force in such
area and from such date as the
Provincial Government may
by notification from time to time
direct."

The Orissa
Compulsory
Labour Act, 1948
(Orissa Act X
of 1948).

For Sub-section (3) of Section 1,
the following Sub-section shall be
substituted

"It shall come into force on such
date as the Provincial Government
by Notification direct".

The Orissa Court
of Wards Act,
1947 (Orissa Act)
(XVI of 1947).

The Bengal
Embankment
(Orissa
Amendment) Act,
1947 (Orissa Act of
1947).

The Opium
(Orissa
Amendment) Act,

1939.

The Orissa Local
Fund Audit Act,
1948 (Orissa Act V
of 1948)

The Orissa Grama
Panchayat Act,
1948 (Orissa Act
IV of 1948).

(a) For the words "Province of Orissa" wherever they occur, the words "Orissa States" shall be substituted.

(b) In Sub-section (2) of Section 2 after the words "Union Board" wherever they occur, the words "or any other local authority" shall be inserted.

(c) In Clause (e) of Sub-section (1) of Section 40, after the words "or Panchayat" the words "or of any other local authority" shall be inserted.

(d) For Section 115, the following section shall be substituted, namely :

"115. The Provincial Government may make bye-laws for a Panchayat within the Orissa states consistent with the Act and the rules made with the Act and the rules made thereunder for the purpose of promoting or maintaining the health, safety and convenience of persons residing within the local area of a Grama Panchayat and for furtherance of Administration of Grama Panchayats under the Act."

(e) In Section 116, for the words "District Board" and the Chairman, District Board" wherever they occur the words "The Provincial Government" shall be substituted.

Enactments repealed or amended when the remaining provisions other than those of Chapter VI are brought into force in any specified area [Section 2]

Year Short title

Extent of repeal

			Where the enactment is in force
(1)	(2)	(3)	(4)
1942.	Rairakhol States Village Panchayat Act	The whole	Rairakhol
1943.	Bonai State Village Panchayat Order	do	Bonai
1939.	Baramba Sanitation Rules, Baramba Praja Parishad Order	do	Baramba
1947.	Raja Nilagiri Sanitation Regulation	do	Nilagiri
1946.	Nilagiri State Village Panchayat Act	do	Nilagiri
1931.	Khandapara Town Sanitation Rules	do	Khandapara
1940.	Dhenkanal State Village Panchayat Act	do	Dhenkanal
	Athamallik Panchayat Rules	do	Athamallik
1942.	Ranapur Village Panchayat Act	do	Ranapur
1945.	Ranapurgarh Sanitation Regulation	do	Ranapur
1944.	Athagarh Sanitation Regulation	do	Athagarh
1946.	Pal-Lahara Village Panchayat Order	do	Pal-Lahara
1945.	Nayagarh Town Municipal Rules	do	Nayagarh
1947.	Tigiria Panchayat Rules	do	Tigiria
1947.	.Boudh Sanitation Rules	do	Boudh
1939.	Boudh Village Panchayat Order	do	Boudh
	Bamra Panchayat Rules	do	Bamra
	Rules for the management of Bamra Sanitation Committee	do	Bamra
1946.	Kalahandi Panchayat Order	do	Kalahandi
1945.	Talcher Grama Panchayat Rules	do	Talcher
1947.	Daspalla State Panchayat Order	do	Daspalla
1942.	Gangpur Village Panchayat Act	do	Gangpur
1946.	Keonjhar Village Panchayat Act	do	Keonjhar
The Orissa Development of Industries,Irrigation, Agriculture, Capital Construction and Re-settlementof Displaced Persons (Land Acquisition) Act, 1948 (Orissa ActXVIII of 1948).			
The Orissa Removal of Civil Disabilities Act,1946 (Orissa			

Act XI of 1946).

The Orissa Stamp (Temporary Amendment) Act, 1949 (Orissa Act V of 1949)

Orissa Mohammeda Marriages and Divorces Registration Act, 1949 (Orissa Act VII of 1949).

The Orissa Opium Smoking Act, 1947 (Orissa Act XVI of 1947).

Wherever the words "Province of Orissa" occur the words "Orissa States" shall be substituted.

For Sub-section (3) of Section 1 the following sub-section shall be substituted, namely :

"(3) It shall come into force in the Orissa States, Athagarh, Gangpur, Khandapara, Nayagarh, Nilagiri and Daspalla at once. In other Orissa States such as Bonai, Bamra, Baramba, Pallahara, Tigiria, Kalahandi, Sonapur, Rairakhol, Keonjhar, Athamallik, Bolangirpatna, Dhenkanal, Ranpur, Hindol, Narasinghpur, Boudh and Talcher, the whole of the Act with the exception of Section 8 shall come into force on such date as the Provincial Government may by notification appoint in this behalf at the expiration of one year after the said date."

(a) Section 8 shall come into force;

(b) Section 10 shall have effect as if the figure '8' were inserted after the figure '7'.

(c) Section 12 shall have effect as if the figure '8' were inserted after the figure '7'; and

(d) Sub-sections (1) and (2) of Section 13 shall have effect as if the words "the smoking of opium is carried on in any place or that" were inserted after the words "has reason to believe that".

(i) Reference to the 'Collector' shall be construed as references to 'District Magistrate'.

(ii) For the Schedule to the said Act, the following Schedule shall be substituted, namely :

Schedule 3

[See Section 21]

Name of the States where repealed	Enactment repealed	Extent of repeal
(1)	(2)	(3)
Athamallik, Bolangirpatna, Dhenkanal, Ranpur and Rairakhol	The Bihar and Orissa Opium Smoking Act, 1928 (Bihar and Orissa Act 11 of 1928)	Whole
Hindol	Opium Smoking Rules, 1946	do
	The Narsinghpur Opium Smoking Act, 1943	do
	The Narsinghpur Opium Smoking (Amendment) Act, 1943	do

Boudh	The Opium Smoking Prohibition Order No. 63-Ex. 134-46, dated the 11th September, 1946	do
Athagarh	The Opium Smoking Prohibition Order	do
Gangpur	The Gangpur Opium Smoking Act	do
Khandapara	The Opium Smoking Prohibition Order	do
Nayagarh	The Nayagarh Opium Smoking Act, 1947, prohibiting opium smoking in the State	do
Nilgiri	Notification Prohibiting the smoking of opium	do
Daspalla	The Daspalla Opium Smoking Act	do