

# The Orissa Estates Abolition Rules, 1952

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The Orissa Estates Abolition Rules, 1952Published vide Notification No. 5576-E. A-4/52-R., dated 24th September 1962, Orissa Gazette, Extraordinary No.23467 of 1952Notification No. 5576-E. A-4/52-R. - In exercise of the power conferred by Sub-section (1) of Section 47 of the Orissa Estates Abolition Act, 1951 (Orissa Act 1 of 1952), the Governor of Orissa is pleased to make the following rules, namely :Part - I

#### 1. Short title and commencement.

(1)These rules may be called the Orissa Estates Abolition Rules, 1952.(2)They shall come into force at once.

#### 2. Definitions.

- In these rules, unless there is anything repugnant in definitions the subject or context .(a)"the Act" means the Orissa Estates Abolition Act, 1951;(b)"Form" means a Form set out in the schedule to these rules;(c)"Schedule" means the Schedule appended to these rules(cc)[ "Section" means a section of the Act] [Inserted by Revenue Department Notification No. 31931-E. A, 11-8/59-R, dated 30.7.1959.](d)all words and expressions used in these rules and not defined therein shall have the same, meanings as are respectively assigned to them in the Act.

#### 3. Mode of service of notice or order.

(1)Except as otherwise provided in the Act, any notice or order required to be served under the provisions of the Act, shall be served by delivering or tendering a copy thereof, duly signed and scaled, to the person on whom it is to be served or to his duly authorised agent or to his agent in charge of the whole of the estate or part thereof to which the notice or order relates. A copy of every such notice or order shall be affixed to the notice boards respectively of the offices of the Collector of the district from which the notice is to be issued and the Collector of the district in which the notice

is to be served.(2)Where the person on whom the notice or order is to be served or his agent in charge of the estate to which the notice or order relates cannot be found or where such person has no agent empowered to accept service of notice or order on his behalf, service may be made on any adult male member of the family of such person residing with him.(3)Where the serving officer delivers or tenders a copy of the notice or order to the person to be served with such notice or order personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service to be endorsed on the original notice or order.(4)Where the person to be served with notice or order or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer after using all due and reasonable diligence cannot find the person to be served with the notice or order and there is no agent empowered to accept service of notice or order on his behalf, or any other person on whom service can be made, service may be made by affixing a copy of the notice or order on the outer door or some other conspicuous part of the house in which the person to be served with the notice or order ordinarily resides or carries on business or personally works for gain or on the outer door of the office or cutchery of the estate to which the notice or order relates.(5)The serving officer shall, in all cases in which the notice or order has been served under Sub-rules (3) or (4) endorse or annex, or cause to be endorsed or annexed, on or to the original notice or order a return duly affirmed by him stating the date on which and the manner in which the notice or order was served and the names and addresses of two Persons witnessing such service.(6)Notwithstanding anything contained in the foregoing Sub-rules, the Collector may, if he thinks fit, order that the notice or order shall be served-(i)by sending a copy thereof, duly signed and sealed by registered post with acknowledgement due to the person on whom such notice or order is to be served; or(ii)if the notice or order relates to any estate, by affixing such notice or order to a conspicuous place within the estate to which the notice or order relates, In respect of cases referred to in Clause (i), the posting of the notice or Order shall be sufficient proof of the service of such notice or order of the person concerned in respect of cases referred to in Clause (ii), a return by the serving officer stating the date of such service attested by two persons shall be sufficient proof of the service of notice or order on the person concerned.(7)Where the person to be served with a notice or order under the Act is a minor or a person of unsound mind or an idiot, the service shall be made in the aforesaid manner on the guardian, committee or other legal curator of such minor or person of unsound mind or idiot as the case may be.

### **3A. [ Mode of realisation of dues under Section 5(d) or (k) from the perpetual annuity. [Inserted by the Revenue Department Notification No. 18425-R-dated 28.4.1959.]**

- In case where perpetual annuity is payable under Clause (2) of Section 28 any amount ordered under Clause (d) or (k) of Section 5 to be deducted from the compensation money shall, until realisation thereof, be realised by deducting from the perpetual annuity payable every year an amount not exceeding twenty-five per-centum of the said annuity.]

#### **4. Form of notices under Clauses (h), (i) and (j) of Section 5.**

- The notice under Clause (h) of Section 5 shall be in Form A, the notice under Clause (i) of Section 5 shall be in Form B or B (1) and the notice under Clause (j) of Section 5 shall be in Form C.

#### **4A. [ Manner of enquiry for the deductions from the compensation payable to an Intermediary of the value of benefit enjoyed by him by alienating sairat interests Section 5(k). [Inserted by Revenue Department Notification No. 6943 EA-R-dated 25.9.1956.]**

- In order to determine the amount to be deducted from the compensation of an Intermediary under the first proviso to Clause (k) of Section 5, the Collector may call for any records either from the Intermediary or any other person as may be considered necessary for the purpose. If no records are available, the Collector may examine the Intermediary or any other person and verify the nature of enjoyment of any right under any contract referred to under the said clause an authorized agent to show cause why the amount proposed by him should not be deducted from the compensation payable to him and after bearing him or his authorised agent; as the case may be, shall finally determine the amount to be so deducted].

#### **4B. [ [Inserted by the Revenue Department Notification No. 12429 EA-R-Dated, 22-3-1961, See Orissa Gazette Extraordinary No. 277 A-dated 23-3-1961.]**

The rent payable for lands which under enquiry under Clause (1) of Section 5 shall bear interest at the usual rate from the date of final order setting aside or confirming the lease, settlement or transfer covered by the said section. Provided that no such interest shall be payable if the rent is paid within one year from the said date.]

#### **5. Determination of fair and equitable rents under section 7.**

(1) In determining the ground-rent payable by an Intermediary under Sub-section (1) of Section 6 for homesteads left in his possession, the Collector shall have regard to the average rent payable by occupancy raiyats as rent in respect of homesteads of a similar description and with similar advantages in the vicinity or, where no such homestead exists, to the average rent payable by occupancy raiyats in respect of any other lands of a similar description and with similar advantages in the vicinity. (2) In determining the ground-rent payable by an intermediary under the said section in respect of lands (other than home stead lands on which buildings or other structures stand, the Collector shall have regard to the average rate of rent payable by tenants for land, for a similar description and with similar advantages in the vicinity. (3) In determining the rent payable by an Intermediary in respect of lands left in his possession under Section 7, the Collector shall have regard to the average rate of rent payable by occupancy raiyats for lands of a similar description and with similar advantages in the vicinity. (4) [ In determining the rent payable by an Intermediary for

settlement under Clause (d) of Section 7, the Collector shall have regard to the rent payable by occupancy raiyats for the lower class of paddy land in the vicinity.] [Inserted by S.R.O. No-267/77 - dated 15.4.1977.]

**5A. [ Settlement of waste lands and tanks under Section 7(d). [Inserted by S.R.O. No. 330/74-dated 2.5.1974, See, Orissa Gazette Extraordinary No. 924 - dated 3.5.1974.]**

(1)As soon as may be after the declaration of an estate as trust estate under Section 8-D the Commissioner of Endowment appointed under the Orissa Hindu Religious Endowments Act, 1951 or the Board of Wakfs under the Wakfs Act, 1954 or the Collector of the District or any officer authorised by him in this behalf as the case may be, shall proceed to specify the waste lands and tanks in possession of the Intermediary which were being exclusively used for religious purposes immediately before the date of vesting.](2)The specification of waste lands or tanks or both, as the case may be, shall be made after giving opportunity to the Intermediary or Intermediaries concerned to be heard and after such local enquiry as may be necessary.(3)The specification of waste lands or tanks or both as the case may be shall be furnished to the Collector concerned in Form D. A copy thereof shall also be furnished to the Intermediary concerned.(4)The settlement of any land or tank referred to in Clause (d) of Section 7 shall be made subject to the condition that no such land or tank shall be transferred by sale, lease, gift or otherwise except with the previous sanction of -(i)The Commissioner of Endowments appointed under the Orissa Hindu Religious Endowments Act, 1951 in respect of the trusts governed by the Orissa Hindu Religious Endowments Act, 1951 and Shri Jagannath Temple Act, 1955.(ii)board of wakfs constituted under the Wakfs Act, 1954 in respect of the trusts governed thereunder.(iii)The Collector of the district or any officer authorised by him in respect of other religious trusts.

**6. [ Manner of filing of claims and enquiry thereof under Section 8-A (1) and (2). [Inserted by the Revenue Department Notification No. 5943EA-R-dated 25.9.1956.]**

(1)For the settlement fair and equitable rent of the lands and buildings which are deemed to be settled with him under Section 6 or 7 the intermediary shall file his claim in the form of an application in Form H of the Schedule furnishing therein a complete and accurate statement and description of all such lands for determination of fair and equitable rent thereof.](2)Any person who is discharged from the condition of personal service under Sub-section (3) of Section 8, shall file his claim before the Collector for settlement of the lands in the form of an application Form I of the Schedule.(3)An application under Sub-rules (1) or (2) shall [(..... be verified in the manner prescribed for verification of a plaint under the Code of Civil Procedure, 1908 (v of 1908)] [Omitted by Revenue Department Notification No. 651 EA-R-dated 2-1 64. See Orissa Gazette, Extraordinary No. 7 dated 4.1.1964.], by the applicant or his, agent duly authorised in this behalf.

**6A. [ Manner of filing claims for settlement of waste lands and tanks under Section 7 (d). [Inserted by S. R.O. No. 330170,-dated 2-5-1974, See Orissa Extraordinary No; 624-dated 3.5.1974.]**

(1)For the settlement of fair and equitable rent on tanks and waste lands to be settled with him under Section 7 (d) the Intermediary shall file his claim in the form of an application in Form P furnishing therein a complete and accurate statement and description of the lands and tanks referred to in Sub-rule (1) of 5-A for determination of fair and equitable rent thereof.(2)An application under Sub-rule (1) shall be verified in the manner prescribed for verification of a plaint under the Code of Civil Procedure, 1908 (V of 1908) by the applicant or his agent duly authorised in that behalf.]

**6B. [ Determination of fair and equitable rent and terms and conditions for settlement of lands and buildings under Section 7-A. [Inserted by S. R.O. No. 330170,-dated 2-5-1974, See Orissa Extraordinary No; 624-dated 3.5.1974.]**

(1)The determination of fair and equitable rent in respect of the lands and buildings settled under Section 7-A shall be made in the manner Prescribed under Rule 5.(2)Settlement of lands or buildings or both under Section 7-A shall be subject to the condition that no transfer or lease of any such land or building shall be made without the previous sanction of the State Government and any transfer or lease made without such sanction shall be void.]

**7. The manner, terms and conditions for settlement of lands under Section 8.**

(1)Any person who is discharged from the conditions of service provided under Sub-section (3) of Section 8 shall acquire such tenancy right therein as may-be determined by the Collector and shall be liable to pay from the date the service ceases such rent as may be assessed by the Collector as fair and equitable.(2)In determining the fair and equitable rent the Collector shall have regard to the average rate of rent payable by occupancy raiyats for lands of a similar description and with similar advantages in the vicinity.

**7A. [ [Inserted by the Revenue Department Notification No. 38989EA-R-dated 9.9.1950, See Orissa Gazette part IV No. 38-dated 19.9.1960.]**

The rent realisable under Section 8-B of the Act shall bear interest at the usual rate from the date of final disposal of proceedings under Sections 6 or 7 or under Sub-section (3) of Section 8 of the Act.Provided that no such interest shall be payable if the rent is paid within one year from the said date.][[7B. Manner of enquiry under Section B-A (4)] [Inserted by the Revenue Department Notification No 6943-EA-DT 25.9.1956.].- The enquiry to be conducted by the Collector under Sub-section (4) of Section 8-A shall be of a summary nature. The Collector shall issue notice to the parties to appear before him at a specified time and place with their witnesses and documents in support of their respective claims, In case any of the parties desires summons to be issued for the

appearance of any witness or production of any document the Collector shall summon accordingly, provided that necessary process fees and expenses of witnesses are deposited within a reasonable time to be fixed by the Collector. The Collector, if he thinks fit, may depute an officer to make local enquiry and the report of the officer so deputed shall form part of the records of the case.]

**8. [ Procedure for disposal of appeals under Section 9. [Substituted by Revenue Department Notification No. 6943-EA dated 25.9.1956.]**

(1)The procedure to be followed by the Board of Revenue in disposing of appeals against any order of the Collector under Sub-section (4) of Section 3-B, Clauses (h), (i) and (k) of Section 5, Sub-section (1) of Section 6 or 7 Subsection (3) of Section 8 and Sub-sections (3) and (4) of Section 8-A shall be the same as is provided under Order XLI of the Code of Civil Procedure, 1908 (V of 1908).]

**8A. [ Manner of notification under Section 9 (2). [Inserted by Revenue Department Notification No. 41962 EA dated 1.10.1959.]**

- All claims referred to in Sub-sections (1) and (2) of Section 8-A allowed by the Collector prior to the date of commencement of the Orissa Estates Abolition (Amendment) Act, 1956 (Orissa Act XV of 1956), shall be drawn up by him in Form) of the Schedule and public notice thereof; shall be given by beat of drum in the appropriate locality and by pasting of the said form at such conspicuous places as he deems fit. ]

**8B. [ Manner of filing of claims for references to Tribunal under Section 8-A (5). [Inserted by S. R. O. No. 330170-dated 2.5.1974, See Orissa Gazette Extraordinary No. 624-dated 3.5.1974.]**

- An application by an intermediary under Section 8-A claiming that estate held by him/her is a trust estate, shall be filled in Form L of the Schedule and shall be verified in the manner prescribed for verification of a plaint under the Code of Civil Procedure, 1908 (V of 1908) by the applicant or his agent duly authorised in that behalf. The application shall be accompanied by three copies thereof and shall be presented to the Collector having jurisdiction either in person or through an authorised agent or sent by registered post with acknowledgment due.(2)The Collector of the district while making a reference under Section 8-A(5) shall also send three copies of the application to the Tribunal.]

**8C. [ Manner of publishing reference under Section 8-E (1). [Inserted by S. R. O. No. 330170-dated 2.5.1974, See Orissa Gazette Extraordinary No. 624-dated 3.5.1974.]**

(1)As soon as may be after receiving the reference from the Collector under Section 8-A(5), the Tribunal shall publish the particulars of all reference received thereunder in the notice board of his office and also at a conspicuous place of the village or villages where the trust estate is situated and

while publishing the same shall also invite objections from the persons interested.(2)A copy of the said particulars shall also be sent by registered post to the:-(i)Endowments Commissioner, where the trust estate belongs to a Hindu Religious Institutional-(ii)Board of Wakfs, where the same belongs to Muslim Wakfs;(iii)The Collector of the district in all other cases].

**8D. [ Filing objection. [Inserted by S.R.O. No. 330174-dated 2.5.1974, See Orissa Gazette Extraordinary No. 624-dated 3.5.1974.]**

(1)Objections, if any, filed in pursuance of the provision of Sub-rule (1) of Rule 8-C shall contain the grounds on which the objector relies and shall be filed in triplicate within 30 days from the date of publication of the said rule on the notice Board of the Tribunal.(2)Copies of the objection petition shall be sent by the Tribunal to the Endowment Commissioner or the Board of Wakfs of the Collector as the case may be and to the trustees concerned.]

**8E. [ Fixing of date of hearing. [Inserted by S.R.O. No. 330174-dated 2.5.1974, See Orissa Gazette Extraordinary No. 624-dated 3.5.1974.]**

- After receipt of all such objections, if any, the Tribunal shall fix a date of hearing and shall give notice thereof to the parties concerned and also to the Endowment Commissioner or the Board of Wakfs or the Collector of the district, as the case may be, in case such Commissioner or Board or Collector is not already impleaded as a party.]

**8F. [ Decision of the Tribunal to be intimated to the Collector and others. [Inserted by S.R.O. No. 330174-dated 2.5.1974, See Orissa Gazette Extraordinary No. 624-dated 3.5.1974.]**

- On receiving the Tribunals order as to whether an estate is a trust or not the Collector who made the reference to the Tribunal shall intimate the said order to the Intermediary concerned and also to the officer entrusted with the maintenance of record-of-rights under the Orissa Survey and Settlement Rules, 1962.]

**9. Procedure to be followed by Tribunals.**

(1)The Tribunal appointed under Sub-section (3) of Section 13, Sub-section (4) of Section 30, or under Section 36 or Sub-section (4) of Section 37 shall follow such procedure as is laid down for trial of suits in the Code of Civil Procedure, 1908.(2)The Tribunal shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purposes of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the Tribunal shall be deemed to be Court for the purpose of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1908.(3)The Tribunal shall follow in regard to the appointment of costs the same principles as laid down in Section 35 of the Code of Civil Procedure, 1908.(4)(a)If any person other than a Government servant is appointed to be a member of the Tribunal, he shall be entitle to such fees as may be fixed by the State Government from time to

time.(b)The fees fixed under Sub-rule (1) shall be included in the costs of the Proceedings of the Tribunal.

**9A. [ Manner of filing claims and references under section 13-D. [Inserted by Revenue Department Notification No. 2785-EA-R dated 26.4.1963.]**

(1)An application by the Trustee in respect of a trust estate under Section 13-D shall be in Form L and shall be verified in the manner prescribed for verification of a plaint under the Code of Civil Procedure 1908 (V of 1908) by the applicant Or his agent duly authorised in that behalf.(2)The application shall be accompanied by three copies thereof and shall be presented to the Tribunal having jurisdiction either in person or through his authorised agent or sent by registered post with acknowledgement due.(3)The Collector of the district while making a reference under the said section shall also send three copies thereof to the Tribunal.

**9B. Manner of publishing particulars of claims and references under Section 13 G (1).**

- After expiry of a period of three months from the date of the vesting notification as defined in Section 3-A the Tribunal shall publish the particulars of all claims and references received under Section 13-D in the notice board of his office and also at a conspicuous place of the village or villages where the trust estate is situated and while publishing the same shall also invite objections from persons interested.(2)A copy of the said particulars shall also be sent by registered post to the-(a)Endowment Commissioner where the trust estate belongs to a Hindu religious institution; and(b)Board of Wakfs where the same belongs to a Muslim Wakf.

**9C. Filing of objections.**

(1)Objections, if any, under Rule 9-B shall contain the grounds on which the objector relies and shall be filed in triplicate within thirty days from the date of publication of the particulars in pursuance of the said rule in the notice board of the Tribunal.(2)Copies of the objection petition shall be sent by the Tribunal to the Endowment Commissioner of the Board of Wakfs, as the case may be and to the Trustee concerned.

**9D. Fixing of date of hearing.**

- After receipt of all such objections, if any, the Tribunal shall fix a date of hearing and shall give notice thereof to the parties concerned and also to the Endowment Commissioner or the Board of Wakfs, as the case may be, in case such Commissioner or Board is not already impleaded as a party.

**9E. Decision of Tribunal to be intimated to Collector.**

- Upon the declaration of an estate to be a trust estate the Tribunal shall, as soon as may be, intimated the fact to the Collector of the district concerned.]



## **10. Manner of notification of claims by creditors and maintenance holders (Section 18).**

(1) Every creditor, whose debt is secured by the mortgage of or is a charge on, any estate or part thereof vested in the State Government under Section 3 and every maintenance holder in an estate, succession to which is governed by the law of primogeniture, who is in receipt of a monetary allowance in lieu of maintenance, which is a charge on the estate or part thereof vested in the State Government under the said section may within six months of the date of such vesting or from the date on which such creditor is dispossessed under the provisions of Clause (h) of Section 5 or within three months from the date of appointment of the Claims Officer, whichever date is later, notify his claim by filing a petition in writing before the Claims Officer giving the following particulars of his claim, namely : (i) Name and address of the creditor or maintenance-holder; (ii) name and address of the Intermediary; (iii) amount of principal advanced or amount of allowance which the maintenance-holder is entitled to receive; (iv) number of tauzi and khewat, number of the estate or any other particulars to identify the estate mortgaged or charged (if a part of an estate is mortgaged or charged, the share mortgaged or charged shall be stated here) or number of tauzi and khewat, number of the estate or any other particulars to identify the estate on which the maintenance allowance is charged; (v) a certified or true copy of the documents forming the basis of the claim; (vi) the amount of interest on the total of the profits from the mortgaged property already realised by the creditor; and (vii) any other particulars which may be necessary for the determination of the claim of the creditor or maintenance-holder. (2) The petition of claim by the creditor or the maintenance-holder shall be filed in duplicate and shall be verified in the same manner as laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

## **11. Determination of amount due to creditor of maintenance-holder (Section 20).**

(1) on receipt of the statement of claims, the Claims officer shall serve a notice on the intermediary of the estate together with a copy of the statement of claims filed by the creditor or maintenance-holder under Rule 10 and shall call upon the Intermediary to file a written statement within fifteen days of the service of the notice or such further times as the Claims Officer may allow. if the claim of the creditor or maintenance-holder is admitted by the intermediary, the Claims Officer shall determine, in case of a creditor, the principal and the interest in the manner provided in Sub-section (2) of Section 20 and in case of a maintenance-holder shall determine (4) of Section 20. (2) The Claims Officer shall give reasonable opportunities to the parties and other persons interested in the claim for producing evidence and of being heard and then proceed to determine the principal and the interest due to the creditor or the claim of the maintenance-holder for allowance in the manner provided in Section 20. If the Intermediary fails to submit his written statement without any just or reasonable ground within the period allowed under Sub-rule (1) the Claims Officer may proceed to determine the claim ex parte. (3) The Claims Officer shall record a summary of the evidence tendered and briefly state the reasons for coming to a decision regarding the principal amount and interest due to a creditor or the claim of a maintenance-holder. (4) Save as otherwise expressly provided in these rules, the Claims Officer shall, in hearing and disposing of

claims filed under Section 18, follow, so far as may be. the same procedure as is provided in the Code of Civil Procedure 1908, an the hearing and disposal of suits.(5)The rate of interest admissible under Clause (e) of Subsection (2) of Section 20 shall be as follows, namely : (a)Three Per centum per annum simple interest if the principal ascertained exceed Rs. 50,000/- (Rupees fifty thousand) but in no case shall the amount of interest calculated on any such principal be less than the amount calculated on any such principal under Clause (b); (b)four per centum per annum simple interest, if the principal ascertained exceeds Rs. 10,000/- (Rupees ten thousand but does not exceed Rs- 50,000/- (Rupees fifty thousand) but in no case shall the amount of interest calculated on any such principal be loss than the amount calculated on any such principal under Clause (c); (c)five per centum per annum simple interest if the principal ascertained exceeds Rs. 5,000/- (Rupees five thousand) but does not exceed Rs. 10,000/- (Rupees ten thousand) but in no case shall the amount of interest calculated on any such principal under Clause (d); and (d)six per centum per annum simple interest if the principal ascertained is Rs. 5,000/. (Rupees five thousand) or less than Rs. 5,0001. (Rupees five thousand).

## **12. [ Disposal of appeals under Sub-section (2) of Section 21. [Substituted by the Revenue Department Notification No. 14883-EA-R-dated 12.5.1958.]**

- In hearing and disposing of appeals preferred under Section 21, the District Judge shall, so far as may be, follow the same procedure as is provided in the rules under Order XLI of the Code of Civil Procedure, 1908, for the disposal of Civil appeals]

## **13. Mode of preparation of the compensation Assessment Roll (Section 23).**

- [(1) When an estate is vested by issue of notification under Section 3] [Added by the Revenue Department Notification No. 1865-EA-R-dated 8.1.1964.] the compensation Officer shall issue to each Intermediary a notice in Form D calling upon him to file a return furnishing the particulars and information on the points specified in the said notice in respect of his estate within a Period not exceeding one month from the date of service of such notice or such further time as the Compensation Officer may allow. When an estate is held jointly by two or more shareholders the notice in Form D shall be issued to each such share-holder. [(1-a) When the Intermediary interests of all Intermediaries or a class or classes of Intermediaries are vested by issue of a notification under Section 3-A and on the expiry of the period prescribed in Section 3-B (2), the Compensation Officer shall cause a notice in Form D to be published in every village to which notification relates calling upon all the Intermediaries generally whose interests are affected to furnish information on the points specified in the said notice within one month from the date of service of such notice : Provided that where a village is uninhabited the notice as aforesaid shall be served in the nearest inhabited village.] [Added by the Revenue Department Notification No. 1865-EA-R-dated 8.1.1964.] Provided further that the Compensation Officer may extend the time limit in case of any Intermediary, if he is satisfied that it will not be reasonably practicable for him to furnish the information within one month. (1-b) The notice under Sub-rule (1-a) shall be served by proclamation in the village and by posting a copy of it to some conspicuous place in the village. (1-c) After expiry of the period specified in Sub-rule 1 or (1-a), as the case may be, the Compensation Officer shall Proceed to fix the compensation on the basis of materials, if any, furnished by the Intermediary and such materials as

may otherwise be ascertained by him](2)The net income in respect of an estate of an Intermediary shall be calculated in Form E :[Provided that if at the time of the calculation of the net income or at any time thereafter the amount of rent payable for the previous agricultural year be altered in pursuance of any proceedings in appeal or revision in any Court or Tribunal the amount of rent so altered shall be taken into consideration and the net income of the estate shall be accordingly determined or revised as the case may be.] [Added by the Revenue Department Notification No. 68-EA-R dated 20.1.1953.](3)(a)The Compensation Officer shall prepare the Compensation Assessment Roll in Form F for each estate, showing separately the amount of gross asset total liabilities, the net income, the compensation due on the entire estate as well as to each of the share-holders, if the estate is hold jointly by two or more share-holders the amount as may be determined by the Compensation Officer for payment to creditors and maintenance-holders it any from the compensation payable to each share-holder and the net amount of compensation payable to each such Intermediary.(b)If the Estate lies within the jurisdiction of more than one Compensation Officer, the Compensation Officer of the district on the revenue roll of which the estate is borne shall calculate the net income and prepare the Compensation Assessment Roll.(c)The amount to be recovered from the compensation payable to each Intermediary towards the value of the benefit enjoyed by each by alienating sairat interest as may be determined under Clause (k) of Section 5 of the Act and the amount to be recovered from each towards arrears of revenue and cess and all other dues of the State Government ordered to be recovered Under Clause (d) of Section 5 of the Act, any amount received by the Intermediary or other shareholders as interim compensation and the interest payable on [.....] [Omitted vide Revenue Department Notification No. 10767-EA-R/9.4.1958.] the compensation payable to the Intermediary or other share-holders shall be entered in the said roll by the Compensation Officer before final payment.(d)The amount of interest payable shall be entered in the said Roll after a date is fixed for issue of payment order.(4)The Compensation Officer shall give reasonable opportunity to the Intermediary and other persons concerned to be heard and to place before him evidence before initializing the Roll. He shall record a brief summary of the evidence and record his finding.

#### **14. Procedure for ascertaining gross assets Section 26.**

- [(1) For the purpose of determining the value of rent payable in kind in respect of any land under Clause (b) of Sub-section (2) of Section 26 of the Compensation Officer shall determine the rent payable in kind during the previous agricultural year, valued at a price under the existing Tenancy Law or any other law or rule for the time being in force.] [Substituted by the Revenue Department Notification No. 43253EA-R-dated 7.6.1915, See Orissa Gazette Extraordinary No. 1278A-dated 31.7.1975.](2)In determining the annual rent under paragraph (iii) of Clause 2 (b) of Section 26 in respect of buildings used primarily as offices or cutcheries for the.collection of rents, or rest-houses for estate servants on duty, or goals used primarily for storing rent in kind, the Compensation Officer shall after such enquiry as he deems reasonable, ascertain the annual rental accruing or likely to accrue for similar buildings in the vicinity and with similar advantages. The amount thus ascertained after deducting therefrom a sum equivalent to twenty-five percent in lieu of depreciation and cost of maintenance shall be deemed to be the annual rent for such buildings.(3)[ Calculation of the gross income forest made and approved in the manner provided under Section 26 (2) (b) (v) shall be communicated to the Compensation Officer concerned who shall intimate the same by

registered post with acknowledgement due or otherwise to his satisfaction to each of the share-holders in the estate.] [Inserted by Revenue Department Notification No. 2770-EA-R-dated 25.1.1961, See, Orissa Gazette part III No. 5-dated 25.2.1961.](4)[ Every appeal to the Board of Revenue against the calculations made by the [Compensation Officer] [Renumbered by Revenue Department Notification No. 2770-EA-R-dated 25.1.1961, See, Orissa Gazette part III No. 5-dated 25.2.1961.] under paragraph (v) of Clause 2 (b) of Section 26 shall be made within thirty days of the publication of the draft Compensation Assessment Roll under Subsection (1) of Section 3.]

**14A. [ [Inserted by Revenue Department Notification No. 17832 EA-R-dated 25.10.1957.]**

Where in respect of an estate vested in the State Government a declaration has been made entitling an Intermediary to the benefit of Clause (2) of Section 28 and it is necessary that a determination of gross income from any other interest within the meaning of item (vi) of Sub-clause (b) or Clause (2) of Section 26 should be made, the Compensation Officer shall, while taking into account the value of personal service Jagir lost to such an Intermediary under Subsection (3) of Section 8 assess the said gross income on the basis of expenditure which the Intermediary would otherwise have incurred for securing such service during the previous agricultural year, Such officer shall before such assessment hold such enquiry as he deems necessary.]

**14B. [ [Inserted by Revenue Department Notification No. 3307-EA-R-dated 26.7.1960.]**

Where in respect of an estate referred to in Clause (1) of Section 28, which has vested in the State Government it is necessary that a determination on gross income from any other interest within the meaning of item (vi) of Sub-clause (b) of Clause (2) of Section 26 should be made, the Compensation Officer shall, while taking into account the value of personal service jagir lost to the intermediary in respect of such estate under Subsection (3) to Section 8, assess the said gross income in respect of lands held as such service jagir on the basis, of the rent which would otherwise have been payable to such Intermediary for the-previous agricultural Year. Such officer shall before such assessment hold such enquiry as he deems necessary].

**15. Determination of money value of service or obligation to which an estate is subject (Section 27) (1) (g).**

- Where an estate is held in lieu of the performance of any service or obligation ordinarily performed on payment of remuneration, or where the estate is held burdened with any service or obligation, the service or obligation shall be computed into cash on the basis of the money value of such service or obligation during the preceding agricultural year.

## **16. Determination of amount for any improvement made in respect of waste lands (Section 28) (1).**

- The determination of the cost of improvement made in respect of waste land shall be made on the basis of the actual amount spent by the Intermediary for the better utilisation of land or the actual result achieved whichever is less. For this purpose the Compensation Officer shall make such enquiries as he deems fit, examine witnesses and documents and make local inspection, if necessary. He may also take expert advice to determine the exact nature of improvement.

### **16A. [ Manner of enquiry by Endowment Commissioner (Section 28) (2). [Inserted by the Revenue Department Notification No. 4720 EA-R-dated 19.2.1958, See Orissa Gazette Extraordinary No. 69-dated 20.2.1958.]**

- On receipt of a reference from the Compensation Officer under the first proviso to Sub-Section (2) of Section 28 of the Act, the Endowment Commissioner after due intimation of the place, date and hour of enquiry to the Trustee Intermediaries of estates relating to Hindu Religious Trust or Institutions may take such oral or documentary evidence as he deems necessary, hear the parties that appear before him and forward his recommendations to the Compensation Officer.]

## **17. Computation of compensation for mines and minerals under Section 30(1).**

(1)The Compensation Officer shall issue a notice to the Intermediary in receipt of royalties on account of mines and minerals or in receipt of income from mines worked directly by him comprised in the estate, calling upon such Intermediary, to file a return within thirty days of the service of the notice or such further time as may be allowed by the Compensation Officer, furnishing the following particulars, namely : (a)Description of the mine and minerals; (b)Boundaries of the mines; (c)Name of the estate in which the mine is situated; (d)Gross annual income from royalties or gross income from mines worked directly by the intermediary during each of the previous 12 years on the basis of the annual returns filed by the Intermediary for the assessment of cess or income-tax during a period of twelve agricultural years preceding the agricultural year in which the date of vesting falls, or any shorter period for which returns have been filed; (e)Income-tax paid and payable every year on the royalty or the gross income from mines, as the case may be. (2)On receipt of the returns, under Sub-rule (1), the Compensation Officer shall proceed to determine the net annual income in Form G.

## **18. Computation of net income from mines and minerals and determination of compensation payable therefor (Section 30) (2).**

- In computing the net income of an Intermediary under Sub-Section (2) of Section 30 from royalty or from a mine worked directly by such Intermediary, the deduction to be made from the gross income on account of cost of collection shall be ten percent of such gross income.

**19. Manner of calculation of compensation when the interests of Intermediary entitled to receive royalty of directly working a mine lies within the jurisdiction of more than one Compensation Officer.**

- In case the interest of an intermediary entitled to receive royalty or directly working a mine lies within the jurisdiction of more than one Compensation Officer, each Compensation Officer shall fill up columns 1 to 3 (a) and columns 5 to 6(a) of form G and the rest of the columns shall be filled up by the Compensation Officer of the area in which such Intermediary has the largest amount of income.

**20. Reference of the question of determination of compensation payable for mines and minerals to Tribunal under Section 30(5)(c).**

- Where no agreement is reached between the Compensation Officer and the Intermediary as to the amount of compensation payable to the latter for mines and minerals within a period of three months from the date on which the amount of the net income from royalties computed under Sub-secs. (2) and (3) of Section 30 have been communicated to him, the Compensation Officer shall refer the question of determination of the amount to the Tribunal appointed for the purpose under the said Section.

**21. Manner of publishing draft Compensation Assessment Roll under Sub-Section (1) of Section 31.**

(1)After the draft of the Compensation Assessment Roll under Section 23 or 30, as the case may be, has been prepared, the Compensation Officer shall publish the same by affixing a copy thereof to the notice board of the Office of the [Sub-divisional Officer or Revenue Divisional Officer] [Substituted by Revenue Department Notification No. 17689-EA-R. dated 20.4.1961.] of the Sub-division in which the Compensation Assessment Roll has been prepared and also in the office of the Collector of the district. [It shall also be published in the notice board of the Sub-Divisional Officer or Revenue Divisional Officer, taluk Officer or Tahasildar within whose jurisdiction the estate is situated] [Inserted by Revenue Department Notification No. 17689-EA-R. dated 20.4.1961.] [in case of estates relating to public Hindu Religious Institutions, Endowments, a copy of the draft Compensation Assessment Roll shall be sent to the Commissioner of Endowments appointed under Section 4 of the Orissa Hindu Religious Endowments Act, 1951 (Orissa Act 2 of 1952), for publication in his notice Board] [Inserted by the Revenue Department Notification No. 43983-EA-R., dated 2.9.1962.] The Compensation Assessment Roll shall be published for a period of thirty years clear days from the date on Which the draft was first published on the notice board aforesaid. [The records shall be kept in charge of the Compensation Officer, who shall give every facility to the parties for inspecting the same. Any person interested in the compensation case may be allowed to take extracts from the case records of such documents or orders which can be treated as public documents for the purpose or granting copies. But if any person asks for copy of the said document or order it shall be issued in the manner provided for the grant to copies of public documents.] [Substituted vide Revenue Department Notification No. 32597-R-EA-dated 3.8.1959.](2)[ During the period of publication

mentioned in Sub-rule (1) any person interested in the Compensation Assessment Roll may file objections to one or several entries in the said Assessment Roll stating clearly the points of such objections. On the expiry of the period of publication the Compensation Officer after giving reasonable notice to such persons filing the objections, shall hear the parties, and shall receive such evidence as he may consider necessary. The Compensation Officer, after hearing the parties, may either reject the objections and uphold the entries made in the draft Compensation Assessment Roll or partly or fully allow the objections and accordingly modify any entry or entries made therein.] [Substituted vide Revenue Department Notification No. 940-EA-R-dated 12.4.1957.]

## **22.**

[\* \* \*] [Omitted vide Revenue Department Notification No. 14883-EA-R-dated 13.5.1958.]

## **23. Manner of publication of Compensation Assessment Roll under Section 33.**

- After all objections and appeals have been disposed of in respect of any Compensation Assessment Roll or after the period for filing an appeal has expired, the Compensation Officer shall publish the Compensation Assessment Roll by affixing it to the notice board of the office of the Sub-Divisional Magistrate of the Sub-division in which the Compensation Assessment Roll has been prepared and also in the office of the Collector of the district.

## **24. Period within which the certificate to be made under Section 34.**

- The certificate under Section 3 shall be made within thirty days from the date of final publication of the Compensation Assessment Roll.

## **24A. [ Time-limit to receive compensation money Section 37 (3). [Inserted vide Revenue Department Notification No. 4720-EA-dated 19.2.1958 and Substituted by the Revenue Department Notification No. 14882-dated 13.5.1958 and 13477-R-dated 1.3.1965 see Orissa Gazette Extraordinary No. 250-A- dated 1.3.1965.]**

(1)For the purposes of Clause (a) of Sub-Section (3-A) of Section 37, the notice shall be in Forms M and N.(2)The said notice shall be served on the person entitled to payment of compensation by registered post acknowledgment due or through a process-server.[Provided that where the ex-intermediary cannot be found inspite of diligent search, the notice may be served on him by affixing a copy of the notice to a conspicuous part of the house where the ex-intermediary is last known to have regided.](3)The notice in Form M, shall be issued as soon as may be after the final publication of the Compensation Assessment Roll and the notice in Form N shall be issued after the expiry of the period specified in Form N.(4)For the purpose of Sub-Section (3-B) of Section 37, the prescribed period shall be fifteen days].

**25.**

[\* \* \*] [Omitted vide Revenue Department Notification No. 14883-R-EA-, dated 13.5.1958.]

**25A. [ [Inserted vide Revenue Department Notification No. 948-R-EA-Dated 12.4.1957.]**

Where the Compensation Officer deposits the amount of compensation payable in respect of an estate which is held by a limited owner or the holder of a life interest [\* \* \*] with the Collector of the district, the Collector shall invest the said amount of compensation in such amount of long-term Government securities issued by the Reserve Bank of India as shall be redeemable is not less than thirty years or such further period as may be available and shall bear interest at not less than two and half per centum per annum. If no long-term security be available for purchase the Collector shall have power to deposit the said compensation in any short-term loan bearing interest at not less than two and half per centum per annum and then re-invest loan. The amount of compensation shall remain so deposited until it is ordered by the Collector to be made over to any person or persons becoming absolutely entitled thereto.]

**26. [ Restrictions and conditions subject to which interim compensation shall be made under (Section 38). [Substituted vide Revenue Department Notification No. 6943-R-EA-dated 25.9.1956.]**

- Where under the provisions of Sub-Section (3) of Section 37, the first annual payment is not made within the period of one year from the date of vesting and where there is no dispute about the claim of the intermediary to receive the compensation, there shall be paid to the intermediary to receive the compensation, there shall be paid to the intermediary by the Collector interim Compensation in annual instalments each equal to one thirtieth of the estimated amount of compensation payable after deducting the arrears of revenue, cess or any other Government dues recoverable as arrears of land revenue, if any, [The payment shall be made on his furnishing two personal sureties for the amount paid on each annual instalment and on execution of an Indemnity Bond in Form K of the Schedule]. Any amount or amounts so paid shall be deducted from and adjusted against the compensation payable under the Act. Any excess of wrong payment shall be recovered. [From the Intermediary or his legal representative] [Inserted vide Revenue Department Notification No. 32983-EA-R-dated 16.7.1962.] as if it is an arrear of land revenue].

**26A. [ Manner of calculation of interim annuity payable to trustee intermediaries (Section 38) (3). [Inserted vide Revenue Department Notification No. 4720-EA-R-dated 19.2.1958.]**

- In calculating the approximate amount of the perpetual-annuity under Sub-Section (3) of Section 38 of the Act the Collector shall take into account the approximate amount dedicated exclusively for public, charitable, or religious purposes annually out of the net income of the estate]



## 27. [ [Inserted vide Revenue Department Notification No. 1037-R-EA-dated 13/16.3.1954.]

While making enquiries under Clause (i) of Section 5 of the Act, the Collector shall follow the same procedure as is provided in Order XXXIX of the Code of Civil Procedure, 1908 (V of 1908) in the matter of issuing temporary injunctions or passing such other interlocutory order as may be deemed necessary or expedient on the parties concerned for purposes of such enquiry.]

## 28. [ Fees in respect of applications and appeals. [Inserted vide Revenue Department Notification No. 561-EA-R- dated 2.1.1964, see Orissa Gazette Extraordinary No. 7, dated 4.1.1964.]

- In respect of applications and appeals under the Act there shall be paid such fees as are specified in the table appended hereto and all such fees shall be paid in the shape of Court-fees stamps.]Table of Fee

Serial No.	Applications, memoranda, etc., in respect of which fees are payable	Amount of fees
1	2	3
1.	Claims petition under Sub-Section (1) or (2) of Section 8-A.	1.10
2.	Objection petition under Sub-Section (4) of Section 8-A.	1.10
3.	Memorandum of appeal under Section 9(1).	
	(a) if filed before the Board of Revenue	6.00
	(b) if filed before any other authority	4.00
4.	Claim petition under Section 18.	3.00
5.	Objection petition under Sub-Section (1) of Section 31.	1.10
6.	Memorandum of appeal under Section 32.	4.00
7.	Memorandum of appeal under Section 32-A.	6.00
8.	Application for adjournment filed in any proceeding under the Act	1.00
9.	Vakalatnama or Mukhtarnama, if filed before :	
	(a) the Board of Revenue	4.50
	(b) any other authority	1.50

Part - II [\* \* \*] [Omitted vide Revenue Department Notification No. 4720-ER-dated 19.2.1958.]

## Schedule

Form - A[See Rule 4]Form of Collector's Written order under Section 5(b)ToShri/Shrimati  
 .....Whereas it has been brought to my notice that you are in possession of the estate bearing Touzi/Khewat No..... (if the estate does not bear any Touzi or Khewat numbers of any other particulars to identify the estate) as specified below in the district of.....I.....Collector, appointed by the Government of Orissa under the Orissa Estates Abolition Act, 1951, do hereby direct you to give up possession of the said estate by the

..... of so as to enable me to take charge thereof under Section 5 of the Act. Particular of the state in respect of which the notice is given

:-..... Given under my hand and seal on this..... day of..... 19.. Collector Form - B [See Rule 4] To Whereas it appears to me that you have (i) settled or leased out the land (specify particulars here.....) situated in Estate..... bearing Touzi or Khewat No..... (if the estate does not bear any Touzi or Khewat numbers, any other particulars to identify the estate) in the district of ..... (ii) leased out mines and minerals (specify particulars of such mines or minerals or descriptions thereof) comprised within the estate..... bearing Touzi or Khewat numbers, any other particulars to identify the estate) or (iii) have transferred an interest (specify the kind or extent of interest.....) in the building (specify place and location.....) used primarily by you as your office or cutchery for the collection of rent of your estate, rest houses for your estate servants on duty, gola for storing rent in kind with/to Shri/Shrimati (specify address) after the 1st day of January, 1946, you are hereby directed to appear before me personally or through authorised agent to show cause within 14 days of the service of the notice why the aforesaid settlement/lease/transfer should not be dispossessed and why the property, as aforesaid, should not be taken possession of under Section 5(g) of the Act. Given under my hand and seal this..... day of..... 19.... Collector Form - B (1) [See Rule 4] Form of Collector's notice under Section 5(i) of the Act on lessees and transferees To Whereas it appears to me that you have (i) taken settlement or lease of the land (specify particulars here.....) situated in estate..... bearing Touzi/Khewat No (if the estate does not bear any Touzi or Khewat numbers, any other particulars to identify the estate) in district of..... (ii) taken lease of mines and minerals (specify particulars of such mines or minerals or descriptions thereof) comprised within the estate..... bearing Touzi/Khewat..... No..... or (iii) are the transferee of an interest (specify the kind or extent of interest.....) in the building specify place and location.....) used primarily by the Intermediary ..... as his office or cutchery for the collection of the rent of his estate ...../ as rest-houses for his estate-servants on duty/as golas for storing the kind rent of the said estate after the 1st day of January, 1946, you are hereby directed to appear before me personally or through an authorised agent to show cause within 14 days of the notice why the aforesaid settlement/lease/transfer, as aforesaid, should not be set aside and why the property as aforesaid should not be taken possession of under Section 5(g) of the Act. Given under my hand and seal of the Court this day of..... 19/20..... Collector Form - C [See Rule 4] Form of Collector's notice under Section 5(ii) To Shri/Shrimati..... (Specify the designation of the Intermediary holding state alongwith the particulars of the estate). Whereas your estate or your interest therein has vested in the State under the Orissa Estates Abolition Act, 1951, you are hereby directed to produce on or before (specify the date.....) the accounts, registers, maps, plans and other documents specified below which are in my opinion necessary for the management of the aforesaid estate before Shri authorised by me in this behalf. (1) Jamanbandi of your interest in the Estate (of cash and produce rent and sairat rent). (2) Wasual Baki Book (Register showing demand, collection and balance). (3) Siaha Book. (4) Khatian or Khewat of the estate, if any. (5) Counterfoils of rent receipts. (6) Register of lands in your khas possession together with the connected documents or papers in support of it. (7) Maps of villages situated in your estate, if any available. (8) Any other document or papers relating to the management of the estate. Given under my hand and seal this ..... day of..... 19.... Collector Note - Any of the items (1) to (8) not required should be cancelled. Form - D [Notice under Rule 13] To (Name of the Intermediary with father's name and

residence).Take notice that I ..... appointed as Compensation Officer by the State Government under Section 23 of the Orissa Estates Abolition act, 1951, shall proceed to determine the Compensation payable in respect of your estate under the provisions of the said Act, and you are hereby called upon to submit a return giving the following particulars and information relating to your estate within a period of 30 days from the date of service of this notice.

**1. Name of the estate and district in which situated.**

**2. Touzi/Khewat number.**

**3. Names of villages comprised in the estate.**

**4. Nature and extent of interest of Intermediary in the estate.**

**5. Aggregate of the rents and all cases (to be shown separately) which were payable in respect of the estate for the previous agricultural year-**

(a)by the Intermediary subordinate Intermediary in case such immediately subordinate Intermediary is an Intermediary of a permanent or resumable tenure.(b)by the raiyats or any other persons cultivating the land other than the land settled with the Intermediary under Sub-Section (1) of Section 7.

**6. The aggregate of the rents determined in accordance with the provisions of Section 6 and 7 in respect of the lands in possessions of the Intermediary.**

**7. Rents of lands acquired by Intermediary either in execution of decrees for arrears of rent or otherwise (such lands not being in khas possession of the Intermediary or settled with any raiyat) as the rate payable before such acquisition.**

**8. Annual rent of buildings used primarily as offices or kutcheries for the collection of rents or rest houses for estate servants on duty or golas used primarily for storing rent in kind.**

**9. The gross income of the previous agricultural year from fisheries, trees, jalkars, ferfies, hats and bazars.**

**10. The gross income from forests calculated in the manner prescribed in Section 26(2)(v).**

- 11. Gross income of the previous agricultural year from any other interest appertaining to the estate and not expressly mentioned above.**
- 12. Value of improvement made by the Intermediary in respect of waste lands with details of improvement carried out and the amount spent by the Intermediary on the work of improvement.**
- 13. Any sum which was payable as land revenue or rent including cesses to the State Government or to the immediately superior Intermediary as the case may be, in respect of the estate for the previous agricultural year with name of the superior Intermediary.**
- 14. Any sum which was payable as agricultural income tax in respect of agricultural income derived from the estate for the previous agricultural year.**
- 15. Any sum which was payable by the Intermediary as income tax in respect of any income other than royalties from mines derived from such estate for the previous agricultural year.**
- 16. Any sum which was payable as choukidari tax or municipal tax in respect of any building used primarily as office or kutchery for the management of such estate or as rest houses for estate-servants on duty or golas used primarily for storing rent in kind.**
- 17. Any other tax or legal imposition payable in respect of the estate and not expressly mentioned above or the value of any services or obligations of any other from to be rendered or discharged as a condition precedent to the enjoyment of the estate (Nature or services or obligations to be specified).**
- 18. [ (a) Whether the net income or any portion of the net income of the estate is held under trust or other legal obligation and has been dedicated exclusively to public, charitable or religious purposes : [Inserted vide Revenue Department Notification No. 17831-R-EA-dated 25.10.1957.]**

(b) the amount of pecuniary benefit, if any, reserved for or enjoyed by any individual or individuals including a trustee or sebayat or marfatdar in respect of a Hindu Religious Trust or a mutawalli in the case of Wakf or any such person known by any other name, from the net income of such estate.] Given under my hand and seal this ..... day of..... 19..... Compensation Officer [Form - DD] [Added vide Revenue Department Notification No. 1865 EA-R-dated 8.1.1964, see Orissa

Gazette Extraordinary No. 28 - dated 8.1.1964.][Notice under Rule 13]To all Intermediaries whose interests are affected by issue of Notification No. dated.....of Government of Orissa in Revenue and Excise Department under Section 3-A of the Orissa Estates Abolition Act.Take notice that I appointed as compensation officer by the State Government under Section 23 of the Orissa Estates Abolition Act, 1951, shall proceed to determine the compensation payable in respect of your estate under the provisions of the said Act, and you are hereby called upon to submit a return giving the following particulars and information relating to your estate within a period of 30 days from the date of service of this notice.

**1. Name of the estate and district in which situated.**

**2. Touzi/Khewat number**

**3. Names of villages comprised in the estate**

**4. Nature and extent of interest or intermediary in the estate.**

**5. Aggregate of the rents and all cases (to be shown separately) which were payable in respect of the estate for the previous agricultural year -**

(a)by the immediately subordinate Intermediary in case such immediately subordinate Intermediary is an Intermediary of a permanent or resumable tenure;(b)by the raiyats or any other persons cultivating the land other than the land settled with the Intermediary under Sub-Section (1) of Section 7.

**6. The aggregate of the rents determined in accordance with the provisions of Sections 6 and 7 in respect of the lands in possession of the Intermediary.**

**7. Miscellaneous income such as income from the Neelam Kharda land or other acquired lands, annual rent on estate buildings used as office, kutchery or rest-house gross income from any Sairat sources, forests, if any, under Section 26 of the Act.**

**8. Any sum payable in respect of the estate as revenue or rent or cess to any superior Intermediary (to be specified) or State Government or any tax etc., paid during the previous agricultural years under Section 27 of the Act.**

**9. (a) Whether the net income or any portion of the net income of the estate is held under trust or other legal obligation and has been dedicated exclusively to public charitable or religious purpose :**

(b) the amount of pecuniary benefit, if any, reserved for or enjoyed by any individual or individuals including a trustee or sebayat or Marfatdar in respect of Hindu Religious Trust or a Mutawalli in the case of a Wakf or any such person known by any other name, from the net income of such estate. Given under my hand and seal this ..... day of ..... 19.... Compensation Officer Form - E Form for Calculation of Net Annual Income vide Rule 13(2) District..... Name of the estate with the name of the Intermediary

Serial No.	Touzi No., Khewat No. and other particulars of the estate.	Amount of rent payable in respect of the estate by the immediately subordinate Intermediary in case such immediately subordinate Intermediary is a permanent or resumable tenure and in all the cases by the raiyats or any other persons cultivating the land other than the land settled with the Intermediary under Section 7 (Section 26(2) (a) and (b).			Amount of rent of land acquired by an Intermediary in execution of decrees for arrears of rent of otherwise (such lands not being in khas possession of such intermediary or settled with any raiyat) (Section 26(2)(b)(ii).	
		Amount of cess payable in respect of the estate (Section 26(2)(a) and (b).	Amount of rent-fixed under Section 6 and 7 in respect of the estate (Section 26(2)(i).			
1	2	3	4	5	6	
Amount of rent determined for building used primarily as offices or kutcherias for the collection of rents or rest houses for estate servants on duty or folas used primarily for storing rent in kind (Section 26(2)(h)(iii).		Amount of gross income of the previous agricultural year from fisheries, trees, jalkars, ferries, hats and bazars (Section 26(2)(b)(iv).	Amount of income from forest as determined under Section 26(2)(b)(v).	Amount of gross income of previous agricultural year from any other sources not included in columns 3 to 9 (Section 26(b)(vi).	Total gross asset of the estate (Total of Cols. 3 to 10).	Amount of land revenue or rent payable in respect of the estate (Section 27(1)(a).
7		8	9	10	11	12
Amount of cess payable in respect of the Estate Section 27(1)(a)		Amount of Agricultural Income Tax payable in respect of any agricultural income derived (if the Intermediary has	Amount of Income Tax payable by the Intermediary in respect of any income other than royalties from mines for the previous agricultural year (if the Intermediary has	Amount of Choukidari tax or Municipal tax payable for buildings used primarily as office or cutchery for the management of the estate or as rest houses	Amount of cost of management calculated on the total gross asset as entered in	

from the estate in the previous agricultural year (Section 27(1)(b).		different sources of income assessable to income-tax), the amount of tax payable by him on the income from the estate other than the income from royalties on mines should be determined in accordance with the rate of assessment which would have been applicable if the Intermediary had no income other than the income derived from such estate (Section 27(1)(c).	for estate servants on duty or golas used primarily for storing rent in kind (Section 27(1)(d).	column 11 in accordance with Section 27 (1)(e).
13	14	15	16	17
Amount of any other tax or legal imposition payable in respect of the estate or the value of any services or obligations of any other form to be rendered or discharged as a condition precedent to enjoyment of the estate (Section 27(1)(g)).	Any amount which the Compensation Officer may consider suitable on account of damage, destruction or deterioration in value of forest or other properties brought about after the 1st day of January, 1946 by any act or omission or commission of the Intermediary in respect of his estate (Section 27(1)(h)).	Total amount to be deducted (Total of Cols. 12 to 19)	Net income of the estate (Col. 11 minus Col. 20)	Remarks.
18	19	20	21	22

[Form - F] [Substituted vide Revenue Department Notification No. 948-E.A. D/12.4.1957 and amended by Notification No. 10767 E.A.R.-D/9.4.1958.] Form of Compensation Assessment Roll This is to be filled up for each estate [Section 23 - Rule 13(3)] Part - I { || - | Serial No. | Name of the estate | Total amount of gross asset of the estate (Section 26). | Total amount of liabilities against the estate (Section 27). | Total annual income as entered in Form E. | Amount of compensation payable (calculated on total net income in Col. 5) (Section 28). | Amount as determined for any improvement that the intermediary has made in respect of waste lands (Section 28). | Compensation for mines and minerals determined under Section 80. | - | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | - | ||||| }

Total compensation payable in respect of the estate.	Name of the Intermediary with the holding the estate and entitled to the compensation along with the father's name	Amount payable to creditors as maintenance holder is determined under Chapter IV (Section 28(3) and	Amount of net compensation payable to the Intermediary and to each share-holder	Remarks
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and address and (4). owning the estate.  
percentage of share in  
the estate held byhim.

Sub-serial No.	Name and address	Share in the estate	Proportionate compensation			
9	10(a)	10(b)	10(c)	10(d)	11	12 13

N.B. - Deductions under Section 5 and 38 of the Act shall be made before final payment and after the Collector passed an order for such deductions. Part - II {||-| Serial No. | Name of the estate | Name and address of the Intermediary | Amount of net compensation payable to the Intermediary and each share holder owning the estate Section 33)(same as Column 12 above). | Amount to be deducted on account of alienation of fair Interests (Section 5(k).) | Amount to be deducted on account of Revenue and cess outstanding against the Intermediary or any of the shareholders [Section 5(d)] | Amount to be deducted on account of Agricultural Income Tax outstanding against the intermediary or any of the shareholders [Section 5(d)]. -| 1| 2| 3| 4| 5| 6| 7|-| ||||| }

Amount to be deducted on any other account of Government dues outstanding against the Intermediary or any of the share-holders [Section 5(d)].	Total deductions to be made [Columns 5 to 8]	Amount of net compensation payable to the Intermediary and each share-holder owning the estate [Column 4 minus Column 9]	Interest payable on the net amount of Compensation.	Total	Deduction to be made on account of interim payment of compensation [Section 38]	Net payment made to be [Column 12 minus 13]	Remarks
8	9	10	11	12	13	14	15

Form - G [Vide Rule under Section 30 of the Orissa Estates Abolition Act, 1951] Compensation Assessment Roll in respect of mines and minerals. Name of the Intermediary with father's name and residing along with the name of the estate held by him.

Serial No.	Description and location of the mines or minerals	Annual gross income from royalty during the last 12 agricultural years or any shorter period Section 30(2)	Average amount of gross annual income from royalty	Cost of collection calculated according to the rate prescribed in the rule under Section 30(2).	Net annual average income royalty.	Annual gross income from the working of the mines worked directly by the Intermediary during the 12 agricultural years or any shorter period 30(3).
Year	Amount	Year	Amount			



1	2	3	3(a)	4	5	6	
				Average annual income tax payable on the amount of income in column 8 (if the intermediary has no different sources of income assessable to income-tax the proportionate amount payable by him on the income from royalty on mines should be calculated and entered in this column [Section 30(2)]			
Average annual gross income from directly worked mines.	Net annual income from royalty on mines worked directly, i.e. 5 per cent of the amount in column 6 (a), Section 30(3).	Total of columns 5 and 7.		Net annual income from royalty	Amount of compensation payable under [Section 30(4)]		Remarks
6(a)	7	8	9	10	11	12	

[Form - H] [Inserted vide Revenue Department Notification No. 6943-R-EA-dated 25.9.1956.]

**Court Fee Stamp**

Form of application to be made by the Intermediary of an estate which has vested in the State under the Orissa Estate Abolition Act, 1951 for determination of fair and equitable rent or ground rent under Sections 6 and 7 of the Act [See Rule 6] To The Collector of the District

.....I..... Son/Wife of ..... Village ..... P.O.....

P.S..... District..... Intermediary of estate/described in Annexure-A to this application, beg to apply under Sub-rule (1) of Rule 6 of the Orissa Estates Abolition Rules, 1952 for determination of fair and equitable rent under Secs. 6 and 7 of the Orissa Estates Abolition Act, 1951, in respect of the lands and buildings described in the enclosed Annexure-A.

**2. All the lands described, in the enclosed Annexure-A were on the date of vesting of such estate in my khas possession of my temporary lessees/or in the possession of the mortgagee as state therein, and all buildings or structures together with the lands on which they stand, also described in the said Annexure-A, were in my possession at the commencement of the said Act and used for the purpose mentioned in Sub-Section (1) of Section 6/7 of the said Act before the 1st day of January 1946 and as such said lands as**

well as the said buildings or structures should be deemed to be settled by the State Government with me subject to the payment of such fair and equitable rent or ground rent as may be determined by the Collector under the provisions of the said Act and the rules framed thereunder.

3. The total extent of lands held by me either an Intermediary or in any other capacity situated in the State of Orissa, excluding those in the vested estate, is acre as detailed in Annexure B.

4. I, therefore, request that fair and equitable rents or ground rents for all lands/buildings or structures described in Annexure-A may be determined according to law.

Date.....Signature of the applicant or his authorised Agent.VerificationI..... declare that the facts contained in the above application including Annexure A are true to the best of my knowledge, belief and information.

Date..... Identified by.....Signature and DesignationSignature of the applicant or hisauthorise agentDate.....Place.....

Annexure - A to Form - HList of lands, buildings and structures in respect of which determination of fair and equitable rent and ground rent under Sections 6 and 7 of the Orissa Estates Abolition Act, 1951, is requested.Name of

Intermediary.....Date.....Anchal.....

Serial No.	Name of the village with Thana and Thana No.	Name of the Estate	Touzi/Khewat No.	Khatian No.	Plot or Survey No.	Class of land/ building etc.
1	2	3	4	5	6	7

Area	Whether with respect to lands in possession ofthe applicant or his temporary lessee or mortgagee on the date ofvesting.	Whether, with respect of buildings or structuresin possession of the applicant at the commencement of the O.E.A.Act, 1951 and used for purposes mentioned in Section 6(1) beforethe 1st January, 1946.	If in the possession of a temporary lessee or mortgagee give full details of the temporary lease or mortgagebond e.g. name of the lessee or mortgagee	Remarks
------	---	--	---	---------

with address,  
period of lease  
or mortgage  
covered, the  
lease or  
mortgage  
bonds  
amount advanced  
etc.

8                      9                                      10                                      11                                      12

Annexure - B to Form - H

Serial No.	Name of the village or town	Name of P.S. with District	Khatian No.	Plot or Survey No.	Area
1	2	3	4	5	6

[Form - I] [Inserted vide Revenue Department Notification No. 6943-R-EA-dated 25.9 1956.]

Court Fee Stamp

Form of application to be made by the persons discharged from personal service of an intermediary under Sub-Section (3) of Section 8 of the Orissa Estates Abolition Act, 1951 for settlement of such land under the said Sub-section.[See Sub-rule (2) of Rule 6]ToThe Collector of District  
.....I.....Son/wife.....Village.....P.O.....P.S:..... District beg to apply  
under Sub-rule (2) of Rule 6 of the Orissa Estates Abolition Rules, 1952 for settlement of the land,  
which I held under service tenure, under Sub-Section (3) of Section 8 of the said Act. The  
description of the lands are given in the enclosed Annexure-A.

**2. All the lands described in the enclosed Annexure. - A were, on the date of vesting of the estate.....bearing Touzi/Khewat No.....of which the lands from a part, held by me under the Intermediary of the aforesaid estate on favourable terms for personal service of the nature described in the Annexure-A to be rendered to him. The said lands should be deemed to be settled with me by the State Government under Sub-Section (3)of Section 8 in such manner and under such terms and conditions as may be determined by the Collector under the provisions of the said Act.**

**3. I, therefore, request that the said lands as described in Annexure-A may be settled with me according to law.**

VerificationI ..... declare that the facts contained in the above application including Annexure-A are true to the best of my knowledge, belief and information. Identified by  
.....Signature and designation.....Date.....Signature of the

applicantDate.....Place.....Annexure-A to Form - I  
 List of lands in respect of which settlement under Sub-Section (3) of Section 8 is requested  
 Name of the person.....Discharged from personal service .....District.....Anchal.....

Sl. No.	Name of village with thana and thana No.	Name of Estate with Tenure Touzi/ Khewat number where the lands are situate	Khatian No. in respect of the land	Plot No.	Class of land	Area	Nature of service rendered in lieu of land	Remarks
1	2	3	4	5	6	7	8	9

[Form - J] [Inserted vide Revenue Department Notification No. 6943-R-EA-dated 25.9.1956.] In pursuance of Sub-Section (2) of Section 9 of the Orissa Estate Abolition Act, 1951 (Orissa Act 1 of 1952), as amended by the Orissa Estates Abolition (Amendment) Act, 1956 (Orissa Act 15 of 1956), it is notified for the information of the public that the following claims referred to in the Sub-Section (1) and (2) of Section 8-A of the said Act were allowed by the Collector of .....district prior to the commencement of the Orissa Estates Abolition (Amendment) Act, 1956 (Orissa Act 15 of 1956).

## 2. Any objections in respect of the said claims received within a period of three months from the date of this notification shall be duly considered.

List of claims

Sl. No.	Case No.	Name of Estate with Touzi or Khewat No.	Name of the Intermediary or persons whose claimshave been allowed	Description of the claims	Date of final order	Remarks	
Khatian No.	Plot or Survey No.	Rent settled					
1	2	3	4	5	6	7	8 9

[Form - K] [Inserted vide Revenue Department Notification No. 41848-R-EA-dated 29.11.1958.] [Rule 26] (Bond of Indemnity) To In consideration of the State Government having consented to pay me an Interim Compensation of Rs ..... (in words) ..... (a year pending fixation) of final amount of compensation, I ..... of ..... (full address) agree that this Interim compensation, is subject to revision by final fixation after completion of necessary enquiries by the State Government or other such action as they may deem fit to take in the matter and that I promise to have no objection to such revision on the ground that the interim Compensation now to be paid exceed the compensation to which I may be found entitled. And I further agree to indemnify that any amount paid to me as Interim Compensation may be deducted from final compensation that may be payable either to me or to my legal representatives under Section 37 of the Orissa

Estates Abolition Act, 1951 (Orissa Act 1 of 1952), and that in the event of the excess amount shall be recovered from me or my legal representatives [as if it is an arrear of land revenue] [Inserted vide Revenue Department Notification No. 41848-R-EA-dated 29.11.1958.] as provided under Rule 26 of the Orissa Estates Abolition Rules, 1952. Signature [Form - L] [Inserted vide Revenue Department Notification No. 32933-R-EA- dated 19.7.1962.] [Form of application under Section 8-A(5)] To The..... Sir, Whereas the Government of Orissa have published a notification in the Orissa Gazette, dated..... declaring that..... in the State of Orissa have passed to and become vested in the State from all encumbrances, I..... trustee/I..... the authorised agent of trustee.... son of resident of..... Village/Town..... Thana..... District ..... of Trust Estate beg to state that ..... Estate, particulars of which is furnished in the Orissa Estates Abolition Act, 1951 (Orissa Act 1 of 1952), and is as such entitled to the settlement of lands/tanks/buildings under Section 7(d) and 7-A of the Act. Date..... Trustee or Authorised Agent of the Trustee Statement of particulars of the Trust Estate.

- 1. Name of the Trust Estate.**
- 2. Name of the district and police station in which the Trust Estate is situated.**
- 3. Touzi No. Khewat No./Khata No. relating to the Trust Estate.**
- 4. Name or names of village(s) comprised in the Trust Estate.**
- 5. A short history of the creation of the Trust.**
- 6. The purpose for which the Trust Estate was created.**
- 7. If the Trust Estate is comprised of part of a village the details of the plot numbers with area of each plot in each-village.**
- 8. The amount of pecuniary benefit, if any, reserved in-favour of any individual and the full particulars thereof.**

Signature of the Trustee or his Authorised Agent. Date..... Verification I..... son of..... resident of..... Police Station..... P.O..... District..... Trustee/Authorised Agent of..... Trust Estate, declaration that the facts contained in the above application are true my knowledge, belief and information.

Identified by	Signature of Applicant
Signature and Designation	Date.....
Date.....	Place.....

[Form - M] [Inserted vide Revenue Department Notification No. 13477-R-EA-dated 1.3.1965, See Orissa Gazette Extraordinary No. 250 - dated 1.3.1965.][Notice under Rule 24-A (a)(1)](Name of the Intermediary with address)Whereas the compensation payable in respect of the ..... (Name and detail of estate) has been finally published under Section 33 of the Orissa Estates abolition Act, 1951, and whereas you are entitled to compensation or a portion thereof according to the said roll, you are hereby directed to furnish the information on the following items within fifteen days from the date of receipt of this notice :

**1. Name of the Intermediary.**

**2. Father's name**

**3. Personal identification mark.**

**4. Height.**

**5. Residential address showing the village and pargana.**

**6. Date of birth**

**7. Specimen signature of the Intermediary (if he can sign his name) duly attested by a Gazetted Officer.**

**8. Thumb and finger impression of the annuity holder who is illiterate duly attested by a Gazetted Officer.**

Date.....Place.....Compensation Officer.[Form - N] [Inserted vide Revenue Department Notification No. 13477-R-dated 1.3.1965, see Orissa Gazette, Extraordinary No. 250 - dated 1.3.1965.][Notice under Rule 24-A](Name of Intermediary with address)Whereas the compensation payable in respect of ..... name and details of the Estate) has been finally published under Section 33 of the Orissa Estate Abolition Act, 1951, and whereas you are entitled to compensation or a portion thereof according to the said roll; you are hereby directed to take steps for receiving payment of the amount of compensation on or before the date/dates specified below failing which the said amount shall be deposited as Revenue Deposit.Compensation Officer.Date/Dates on or before whichpayment should be received.[Form - O] [Inserted by S.R.O. No. 330/74, dated 2.5.1974, See Orissa Gazette Extraordinary No. 624-dated 2.5.1974.][Specification of lands under Section 7(d) of the O.E.A. Act, 1951]Name of intermediaryStatus of the lands heldNotification No. and date of vestingNo. and date of the Tribunal's order declaring the Estate as Trust Estate, if any.Particulars of Lands

Name of village	Khata No.	Plot No.	Classification Areas	Purpose for which the lands was utilised beforethe vesting of the Estate
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1                      2                      3                      4                      5                      6

Signature and designation of the authority[Form - P] [Inserted by S.R.O.No. 330/74. dated 2.5.1974.]

Court Fee Stamp

Form of application to be made by the Intermediary of an estate which has vested in the State under the Orissa Estates Abolition Act, 1951 for determination of fair and equitable rent in respect of land and/or tank settled under Section 7 (d) of the Act.ToThe Collector of the District..... son/wife of.....Village ..... P.O..... P.S..... District.....

**1. Intermediary of trust estate described in Annexure-A to this application, beg to apply under Sub-rule (1) of Rule 6-A of the Orissa Estates Abolition Rules, 1952 for determination of fair and equitable rent under Section 7 of the Orissa Estates Abolition Act, 1951 in respect of the lands and tanks described in the enclosed Annexure-A.**

**2. All the lands and tanks described in the enclosed Annexure-A were on the date of vesting of such estate in my possession and used fro the purpose mentioned in Section 7(d) of the said Act immediately before the date of vesting and as such the said lands and tanks should be settled by the State Government with me subject to the payment of such fair and equitable rent determined by the Collector under the provisions of the said Act and the Rules framed thereunder.**

**3. I therefore, request that fair and equitable rents or ground rents for all lands tanks described in Annexure-A may be determined according to law.**

Signature of the applicant or his authorised Agent.VerificationI.....declare that the facts contained in the above application including Annexure-A are true to the best of my knowledge, belief and informationIdentified by .....Signature and DesignationSignature of the applicantor his authorised agent.Date.....Place.....Annexure-A To Form - PList of lands and tanks in respect of which determination of fair and equitable rent settled under Section 7(d) of the Orissa Estates Abolition Act, 1951 is requested.Name of the Intermediary .....Tahasil.....Date :.....

**1. Serial No.**

**2. Name of village with Thana and Thana No.**

**3. Name of Estate**

**4. Touzi/Khewat No.**

**5. Khatian No.**

**6. Plot or Survey No.**

**7. Class of lands/tanks etc.**

**8. Area**

**9. Whether lands and tanks were in possession of the applicant on the date of vesting.**

**10. Purpose for which the land was utilised before vesting of the trust estate.**

**11. Remarks**

Signature of the applicant or his Authorised Agent.[Rules under Clause (e) of Sub-Section (2) of Section 47 of the Orissa Estates Abolition Act, 1951] [See Orissa Gazette Extraordinary No. 233-dated 25.3.1952.](24th September, 1952)No. 5533-EA-46/52-R - In exercise of the powers conferred by Sub-Section (1) of Section 47 of the Orissa Estate Abolition Act, 1951 (Orissa Act 1 of 1952) and in supersession of the notification of the Government of Orissa in the Revenue Department No. 3071 E.A. 46/52, dated 5th July, 1952, the Governor of Orissa is pleased to make the following Rules, namely :

**1. On publication of the notification in the Gazette Sub-Section (1) of Section 4 of the Orissa Estates Abolition Act, 1951, any Intermediary who is the proprietor of permanently-settled estate or is governed by the law of primogeniture and who wishes to surrender his estate situated in the area as specified in the said notification in respect of which area proposal for surrender is invited, shall within a period of one month from the date of publication of the notification in respect of which area proposal for surrender is invited, shall within a period of one month from the date of publication of the notification send proposal in writing addressed to the Secretary, Revenue Department, the specific terms and conditions on which he intends to surrender his estate, giving the address to which the reply may be sent.**



**2. If the State Government decide that the proposal is unreasonable, so that no useful purpose shall be served by continuing negotiations, they may serve a registered notice within a period of one month from the date of receipt of the said proposal under the signature of the Secretary of the Department to the address specified in Rule 1 stating that negotiations are closed.**

**3. If the Government decides to consider the proposal, they may inform the Intermediary by serving a registered notice within a period of one month from the date of receipt of the proposal about their decision and may call for further details that may be considered necessary for conducting the negotiations. A notice may also be served on the Intermediary at the address as herein before specified fixing a day, time and venue for negotiations and finalisation of the agreement to be entered into under Sub-Section (2) of Section 4 of the said Act. The Intermediary or a person duly authorised to act fully on his behalf shall attend discussions and be prepared to sign any agreement arrived upon in the discussions. Failing appearance of the Intermediary or a person duly authorised in his behalf for this purpose on the day time and venue fixed, it shall be presumed that the negotiations are broken and no further action shall be taken.**

**4. If in pursuance of Rule 3 the proposal suggested is suitable and the terms of the agreement are accepted by both the parties the said terms shall be drafted forthwith and signed by the Intermediary or intermediaries where there are more than one Intermediary jointly interested in the agreement, and by the Secretary, Revenue Department on behalf of the State Government and thereupon the agreement shall be final.**

**5. The agreement so executed shall be published in the Gazette and in two consecutive issues of two news-papers circulating in the State of Orissa and shall be affixed in a conspicuous place for a period of not less than fifteen clear days in the office of the Collector.**

[Orissa Estates Abolition Act, Section 38, Sub-Section(2) Payment of Interim Compensation - Amendment to Treasury Rules - Orissa Treasury Code, Volume I - Part II - Rule 12] [See Orissa Gazette Part III dated 18.3.1955.] Finance Department Notification No. 5827-F.D./14.3.55. Chapter - IX Payment of Interim Compensation

**613. The following procedure shall be followed for payment of interim compensation to the Intermediary under Sub-Section (2) of Section 38 of the Orissa Estates Abolition Act, 1951 (Orissa Act 1 of 1952) (hereinafter referred to as "the Act"), namely -**

(a)The Collector by written order served in the manner provided in Rule 3 of the Orissa Estates Abolition Rules, 1952 (hereinafter referred to as "the Estates Abolition Rules") require the Intermediary to furnish by a specified date an application for interim compensation stating clearly the number and date of the vesting order under Sub-Section (1) of Section 3 of the Act by virtue of which the Estate passed to and became vested in Government or the case number as noted in the written order served by the Collector.(b)The application for interim compensation shall be in Form No. O.T.C. 65 and shall be accompanied by a Statement in Form No. O.T.C. 63 for calculation of net annual income.In case where the Intermediary fails to apply or furnish the statement in Form No. O.T.C. 63 for the Collector shall arrange to get the statement complied with reference to the records available in his office as well as in the Anchal Office.

**614. On receipt of application with the statement mentioned in Clause (b) of Rule 613 the Collector shall enter it in the Register of applications for Interim Compensation in Form No. O.T.C. 68 showing the date of receipt, date of vesting order of the estate and of final disposal of each such application.**

The vesting orders of Government issued under Sub-Section (1) of Section 3 of the Act shall be allotted serial numbers separately for each district and the Interim Compensation Assessment Roll shall indicate number of vesting order, so called below each serial number separate numbers where necessary shall be assigned for each such share-holder whose name is shown in the Interim Compensation Assessment Roll. These numbers shall be quoted in all connected records to facilitate linking and prevent the risk of wrong payment.Similar procedure shall be followed where the Intermediary fails to apply and the Collector takes up the assessment of interim compensation suo motu.

**615. Manner of calculating approximate amount of compensation payable under Section 38 (2) of the Act. - The Collector shall then arrange to get gross asset of each estate calculated in accordance with the principle laid down in Rule 14 of the Estate Abolition Rules.**

He shall make a rough estimate of the annual rents payable to the Intermediary in respect of any land and buildings used primarily as Officers of Cutcheries for collection of rent or rest-houses for estate servants on duty or golas used primarily for storing rent in kind under Clause (b) of Sub-Section (2) of Section 26 in accordance with the principles laid down in Rule 14 of the Estates Abolition Rules even though the rents thereof may not have been actually determined.(b)The Collector shall prepare an estimate of the approximate amount of compensation as far as possible, having due regard to the principles laid down in Rules 15 and 16 of the Estates Abolition

Rules.(c)(i)The Collector shall prepare an estimate of the net income of such Intermediary from mines and mineral comprised in such estate, in the manner specified in Rules, 17, 18 and 19 of the Estates Abolition Rules.(ii)For purposes of calculation on interim compensation in Form No. OTC 64 prescribed for Compensation on Assessment Roll may be used but no deduction need be made under Sub-sections (3) and (4) of Section 28 of the Act and the figures in column 7 of the said Form shall be treated as nil. The estimated amount of compensation payable to the Intermediary shall be arrived at by adding the estimate of the approximate amount of compensation payable for mines and minerals to the estimate of the approximate amount of compensation payable in respect of other assets less the amount recoverable under Clause (d) of Section 5 of the Act.Note - In calculating the estimated amount of compensation case should be taken to see that incomes are not over-assessed and expenditures are not under-assessed so as to result in over payment.(d)The interim compensation shall be equal to one-thirtieth of the total compensation estimated under Sub-clause (ii) of Clause (c).(e)the Collector shall withhold the payment of such interim compensation-(i)where there is a dispute about the interest of such Intermediary in an estate or part of an estate or in respect of the right of such Intermediary to receive compensation until such time as the dispute is decided upon by a competent authority; and(ii)where attachment order has been served on the State Government by a competent Court or authority attaching such compensation.

**616. On determination of the Interim compensation in the manner prescribed in Rule 615 the Collector shall serve notice in the manner prescribed in Rule 3 of the Estates Abolition Rules on each share-holder entitled to receive interim compensation to furnish the following documents :-**

(a)two personal sureties for the amount paid on each annual instalment in the Form No. O.T.C. 67 accompanied by a declaration in Forms O.T.C. 67-A from each of the persons whose personal sureties are furnished.(b)an indemnity bond in Form 'K' of the Schedule to the Orissa Estates Abolition Rules.(c)An application in Form No. O.T.C. 65 where such application has not been received.Provided that none of the documents mentioned in Clause (a) and (b) need be furnished by the Trustee Intermediary to receive interim annuity.

**617. On receipt of the documents mentioned in Rule 616 the Collector shall arrange to issue an order for payment of interim Compensation in favour of the Intermediary in Form No. O.T.C, 6 (which shall be prepared in quadruplicate) and send a copy each to the payee, the Treasury Officer concerned and the Accountant General, Orissa (hereinafter called "Accountant General") and keep a copy in his office. The fact of issue of payment order shall be recorded in the Register of Interim Compensation Payment Order in Form No. OTC 70 and also the Register of Application in Form No. OTC 68 under the dated initial of the Collector. On receipt of intimation of payment, that is to say, the memorandum attached to Form No. OTC. 69, the column No. It of the Register of Interim Compensation Payment**

**Order (O.T.C. 70) and also Column 10 of the Register of Application (O.T.C. 68) shall be filled up under the dated initial of the Collector. The payment order and the payment made against it shall be checked in audit.**

Note - In order to prevent the possibility of double claim, a note regarding issue of payment order shall be made in the appropriate column of the Register of Application for Interim compensation.

**618. Register of Interim Compensation Payment Order. - Each disbursing officer (Treasury Officer shall enter his copy of the order in a register in Form No. O.T.C. 36 (which shall be suitably modified for this purpose) and put his initial in the column "Name of Intermediary" and draw a red-ink line across the page below the entry. The treasury voucher number and date shall be entered in the remarks column after payment is made.**

**619. Payment of claims. - Save as hereinafter provided the Intermediary shall receive payment after identification by comparison with the particulars received with the Interim Compensation Payment Order The acquittance of the Intermediary shall be taken on the reverse of the Payee's copy of the Order (which shall treated as bill) with one anna receipt stamp, if necessary.**

Where the Intermediary is unable to appear himself herself to receive the payment he/she shall sign on the place provided for the purpose on the reverse of the order with one anna stamp receipt. If necessary, and present the order to the Treasury through his/her duly authorised agent together with a life certificate signed by a person exercising the powers of a Magistrate under the [Code of Criminal Procedure, 1898 (V of 1898)] [Now See Criminal Procedure Code 1973 (Act No. 2 of 1974).] or by any Registrar of Sub-Registrar appointed under the Indian Registration Act, 1908 (XVI of 1908) or by any Pensioned Officer who, before retirement, exercised the powers of a Magistrate or any Gazetted Officer, or by a Munsif. A separate receipt which need not be stamped, shall be endorsed by the Agent, in token of having actually received the amount.

**620. After payment is made the Treasury Officer shall detach the memorandum below the copy of his order and forward the same to the Collector concerned for noting the payment in the relevant columns of the vouchers alongwith the copy of the order received by him direct from the Collector to the Accountant General for purpose of audit in a registered cover with the Treasury Schedules.**

[Special rules for the payment of final Compensation to the intermediaries of estates under the Orissa Estates Abolition Act, 1951-Amendments to Treasury Rules] [See, Orissa Gazette Part-III-No. 22-dated 1.6.1956.]

## **Part II – Orissa Treasury Code, Volume I**

Finance Department Notification No. 13792-F.dated 19.5.1956Chapter-XII-Introductory

**621. The rules in this Chapter will regulate the procedure with regard to the payment of compensation payable under the Orissa Estates Abolition Act, 1951.**

**622. In this Chapter, except where it is expressly otherwise provided or the context otherwise requires -**

The payments to Intermediaries under Sections 4, 37 and 38 of the Orissa Estates Abolition Act, 1951 are determined in accordance with the provisions of Section 28 of the said Act.

**622A. For the purposes of these rules, unless, there is anything repugnant in the subject or context-**

(i)'The Act' means the Orissa Estates Abolition Act, 1951 as amended.(ii)'The Collector' means the Collector of the district of origin in which the estate vested in Government is situated, or, an Additional District Magistrate having jurisdiction or Sub-divisional Officer within his respective Jurisdiction when duly authorised by the said Collector by an order in writing.A Sub-divisional Officer can authorise payment only, from the Sub-Treasury situated within the Subdivision but a Collector or Additional District Magistrate can authorise payment either from the District Treasury or any of the Sub-Treasuries within the district.(iii)'District Treasury Officer' means the Treasury Officer at the district of origin in which the estate vested in Government is situated.(iv)'Sub-Treasury' means the Treasury subordinate to the District Treasury of the district of origin in which the estate vested in Government is situated.(v)The 'year' means the financial year beginning from 1st April and ending in 31st March,(vi)The term 'Gazetted Officer' means a Gazetted Officer under the Government of Orissa.II-Place of Payment

**623. Compensation is payable from the District Treasury or any of the Sub-Treasuries thereunder of the district in which estate vested in Government is situated If, however, the estate is situated under more than one District Treasury the compensation will be payable from the District Treasury or any of the Sub-Treasuries thereunder of the district on the Revenue Rolls of which the estate is borne and in case it is borne on the Revenue Rolls of a district not within the State of Orissa, then from the District Treasury or any of the Sub-Treasuries thereunder of the district in Orissa in which the estate or a portion of it is situated. In case of doubt the Orissa in which the estate or a portion of it is situated. In case of doubt the Board of Revenue will decide**

**the Treasury from which payment will be made.**

### III-Change Of Place Of Payment

**624. The Treasury Officer incharge of a District Treasury may, in case where he is satisfied that payment of compensation annuity at the District Treasury will cause hardship to the Intermediary, authorise payment of compensation annuity payable at the District Treasury-or any subordinate Treasury thereunder, in any of the outlying Treasuries subordinate to the District Treasury or any treasury in the State and may transfer the payment of annuity from one subordinate Treasury to the District Treasury or from one subordinate Treasury to another in the same district or from one Subordinate or District Treasury of his district to another subordinate of District Treasury of any other District in the State. A charge when necessary in the place of payment should also be noted in the register of Compensation Annuity Order (O.T.C. Form 72) as well as in the Compensation Annuity Payment Order (both halves).**

On receipt of an application for transfer from one treasury to another, the Treasury Officer will call for the Intermediary's copy of the Compensation Payment Order and enface on both copies thereof the order for payment at the new treasury and forward both the copies to the Treasury Officer who will in future pay the Intermediaries. In case where Intermediary is copy of the Compensation Payment Order is lost and renewed under the provisions of S. R. 628 at the time of transfer the fact that the Intermediary's copy of the Compensation Payment Order has been lost should be intimated to the Treasury Officer of the district to which the payment is transferred. Simultaneously with the issue of payment order of the new treasury the fact of transfer should be intimated to the Collector and the Accountant-General.

**625. Compensation Annuity Payment Order (O.T.C.) 75. - (a) The Compensation Officer should ensure that the compensation payable has been worked out after taking into account all recoverable amounts from the Intermediary including those recoverable under Sections 5 (d), 38 (3), 28 (4) and 38 (2) of the Act and that the annual equated instalments under Section 37 (3) of the Act have been correctly fixed, showing separately for each year the amount of principal and the amount of interest.**

Before publication of the draft compensation assessment roll under Section 31 (1) of the Orissa Estates Abolition Act, the Compensation Officer should see that the Internal Audit Organisation appointed for the purpose have checked and certified the correctness of the calculations, computations etc. shown in the compensation assessment rolls with reference to relevant records in

the matter.(b)On determination of compensation under Sections 4 and 37 of the Orissa Estates Abolition Act in the manner prescribed in the Orissa Estates Abolition Rules the Compensation Officer shall report to the Collector the amount of compensation payable to each Intermediary in respect of each estate. On receipt of report from the Compensation Officer regarding the amount of Compensation payable to each Annuity holder in respect of each estate to the Collector shall make necessary entry in the appropriate column of the Register of Compensation Annuity Payment Order (Form O.T.C. 72 under his dated initials. A copy of the Compensation Annuity Payment Order should also be sent to the Accountant-General. The fact of issue of Payment Order shall be recorded in the Register of Compensation Annuity Payment Orders in Column 10 of O.T.C. Form 72.Payment of final compensation annuity can be made only upon "Annuity Payment Order" issued by the Collector in OTC 75. The Compensation Officer should send the requisition to the Collector furnishing the particulars as the Annexure "A" to these rules. The Accountant-General will also be furnished with the requisite particulars and requested to carry out necessary adjustment under the proper head of account in the accounts of his office for March (Preliminary) every year.The Collector (of the district) should maintain permanent registers in O. T. C. 72 note separately for each estate, all orders affecting the vesting of the estate, the compensations due and all particulars of payment authorities in favour of the original Intermediaries of theirs, after death for keeping a strict watch over the payments with a view to guard against the risk of frauds, over payment and fictitious, payment.The Touzis vested in Government under Section 3 (1) of the Orissa Estates Abolition Act shall be allotted serial numbers separately for each district and the corresponding Assistant Roll shall indicate the vesting order under section 3 (1) of the Act a/id the serial number of the estate so allotted. Below each such serial number separate sub-numbers, where necessary shall be assigned for each shareholder whose name is shown in the Compensation Assessment Roll. These numbers should be quoted in all connected records to facilitate linking and to avoid risk of wrong payment.(c)In issuing a Compensation Payment Order in OTC 75, the Collector will attach to the Order, a specimen signature of the Intermediary if he can sign his name, such signature being duly attested by a Gazetted Officer. If the Intermediary cannot sign his name, his thumb and finger impression of the left hand duly attested by a Gazetted Officer or Chairman of the Panchayat Samiti or retired Gazetted Government servants shall be attached.

## **625A.**

(1)Where the Compensation is payable as perpetual annuity under Clause (2) of Section 28 of the Act, the Collector shall issue the Perpetual Annuity Payment Order to the person or persons as may be shown in the Compensation Assessment Roll as finally published under Section 33 of the Act after observing all the formalities required under these Rules, and for this purpose, all the forms prescribed for use for payment of compensation under Clause (1) of Section 28 of the Act shall be used with suitable alterations as may be necessary. The alterations so made in the forms shall be duly attested by the person making the entry. A copy of the order shall be endorsed to the Commissioner of Endowments for his information where the order relates to a Hindu Religious Institution of public nature. In case of change of Trustee, the Endowment Commissioner should Promptly report the fact to the Collector and the Treasury Officer concerned as prescribed in Sub-rule (2) below.(2)The Endowment Commissioner shall on every change of Trustee of an institution in receipt to the perpetual annuity, report promptly to the Collector and the Treasury

Officer concerned the date from which the payment to the outgoing Trustee should cease and the new Trustee shall commence. In order to enable the Collector to prepare fresh payment order, necessary particulars of the new Trustee shall be furnished to the Collector by the Endowment Commissioner in the form prescribed in Annexure-'A' to Subsidiary Rule 625 (b) of the Orissa Treasury Code, Volume 1. On receipt of the information, the Collector shall immediately record the fact in Column 11 of the Register of Compensation Annuity Payment Order in O.T.C. Form No. 72 and call for the annuity holders copy of payment order from the outgoing Trustee under intimation to the Accountant-General and the Treasury Officer concerned. At the same time he shall issue a new payment order in Form No. 75 in favour of the new-Trustee after cancelling the previous one. A copy of such payment order shall also be sent to the Accountant-General. On receipt of the intimation either from the Endowment Commissioner or from the Collector, the Treasury officer shall promptly record the fact in the Register of Compensation Payment Order in Form No. O.T.C. 73 and on disburser's copy of the Compensation Payment Order and stop payment. On receipt of fresh payment order he shall operate upon the same in usual manner and return to the previous Payment Order to the Accountant-General duly cancelled for record.

## **626.**

(1) On receipt of a Compensation Payment Order in Form No. O.T.C. 75 a Treasury, the Intermediary's copy shall be made over to him after proper identification when he appears to receive his compensation for the first time. The specimen signature or the thumb impression, as the case may be, of the Intermediary shall be taken, when necessary in the space provided for the purpose in the Treasury copy of the Compensation Payment Order. (2) The Treasury copies of the Compensation Payment Orders shall be pasted in serial order, in a file, maintained of the purpose. This file must be kept in the personal custody of the Treasury Officer in such a manner that the Intermediaries shall not have access thereto... Note 1 - The Compensation Payment Orders will ordinarily be filed in one series for the whole district but the Collector may allow filing by Sub-Treasury series when this course is found more convenient. Note 2 - In cases where compensation is drawn through an authorised agent, who has executed the necessary indemnity bond as laid down in Rule 639, personal appearance of the intermediary is not necessary even for first payment.

## **627. Deleted.**

## **628.**

(1) Treasury Officers are authorised to renew Compensation Payment Orders without reference to the Collector in cases in which Intermediary's half is lost, worn or torn, or the entries on the reverse of either the Intermediary's or the disburser's half are completely filled up. The renewed Compensation Payment Orders shall bear the old number, date and facsimile of signature of the issuing officer and the old ones, if available, shall be retained by the disbursing officer for three years and then destroyed. A note of the issue of title new Compensation Payment Order shall be made in the 'Remarks' column of the Register of Compensation Payment Orders prescribed in subsidiary Rules 632. (2) On the renewal of a Compensation Payment Order, the portion of the original order containing the facsimile of the Intermediary's signature or his thumb impression) as



the case may, where it is kept shall be cut and pasted on the renewed Compensation payment Order before the latter is signed by the Treasury Officer. Note - In the case of compensation paid at Sub-Treasury, the Compensation Payment Orders shall be returned to the District Treasury for renewal.

**629. [(1)] [Renumbered as Sub-rule (1)-V7de Finance Department Notification. No. 22600-Pen-9156-dated 12.9.1956.] In case of lump payment of the outstanding balance of compensation under the proviso to Sub-section (3) of Section 37 of the Orissa Estates Abolition Act the Intermediary must surrender his copy of the Compensation Payment Order to the Treasury Officer who shall thereupon cancel both the copies and send them to the Collector. The application for such lump payment will be made to Government through the Collector and the fact of collection of the Payment Order will be reported to the Collector by the Treasury Officer. On receipt of final sanction from Government to the lump sum payment the Collector will issue necessary authority to the Treasury Officer for making payment to the Intermediary in the manner prescribed in S. R. 650, The Treasury Officer shall report the fact of payment to the Collector authorising such payment. A copy of the final sanction order of Government and of the Collector's authority for payment should also be furnished to the Accountant-General Orissa for the purpose of audit of payments.**

In case where Government have decided to pay in one lump sum a Portion of the Compensation as the first instalment, the Intermediary in whose favour an Annuity Payment Order has been issued may submit an application to the Collector claiming the difference between the annuity he has already received from the date of issue of the payment order and the lump amount decided by Government to be paid in one instalment. He should return his copy of the payment order alongwith the application with the original Annuity Payment Order. The Collector shall call for the copy of the payment order from the Treasury Officer. After scrutiny of the payment order, he shall work out the difference payable to the Ex-Intermediary and issue a fresh payment order after cancelling both the copies of the Order issued by him previously, leaving a note to the effect in the Registrar of Compensation Annuity Payment; (Form O.T.C. 72) under his dated initials. The fact of cancellation to payment order and issue of fresh order shall be intimated by the Collector to the Accountant-General.(2)[ ] [Added vide Finance Department Notification. No. 22600-Pen 9/56 dated 12.9.1956.] In cases where Government have decided to pay in one instalment the en-ire amount of compensation to such class of Intermediaries as may be notified by the State Government as small Intermediaries, the Collector shall arrange to issue an order for payment of compensation in Form No. OTC 75-A (which shall be prepared in quadruplicate) and send a copy each to the payee, Treasury Officer concerned and the Accountant-General, Orissa and keep copy in his office. Only copy of paragraph 1, shall be sent to the payee with the request to appear before the Treasury Officer to receive payment on the date specified in the order. The fact of issue of payment order in lump

sum under general orders of the State Government may be recorded in the Register of Compensation Annuity Payment Order in Form No. OTC 72, preferably in a separate volume for facility of reference particularly as these cases are special in nature. Notes shall also be kept indicating that the Intermediaries have been paid off finally. The entry in the register shall be made under the dated initial of the Collector. On receipt of the intimation of payment i.e. to say the memorandum attached to Form No. 75-A column 12 of the register of Compensation Payment Order shall be filled up under the dated initial of the Collector. The payment order and the payment made against each shall be checked in audit.(3)In cases where the compensation payable in respect of an estate is ordered to be paid in one instalment and the compensation of 4n individual Intermediary is Rs. 500/- or less, the Collector after issuing the required payment order under Sub-rule (2) above shall draw the amount of compensation in respect of such Intermediaries in Orissa Treasury Code Form No. 75-B and endorse the Bill with a spare copy marked in red ink as "Office copy" in favour of the local Tahasildar for encashment and local disbursement. If the space provided in the Orissa Treasury Code Form No. 75-B is not sufficient to write out the names of the Intermediaries,, the Collector shall enclose to the bill a list of the payees showing the name of ex-intermediary father's name, extent of interest, address and the amount payable before it is sent to the Tahasildar. The Collector at the same time shall intimate the ex-intermediary to receive the payment from the Tahasildar within 60 days from the date of issue of the orders failing which the said money shall be placed in Revenue Deposit in the Treasury. The Tahasildar shall keep an account of the payment orders received by him in a Register in Orissa Treasury Code Form No. 73. After the parties appear before the Tahasildar to receive the payment the compensation money shall be paid in the same manner as provided in Sub-rule (2) after duly identifying the payees and obtaining their acknowledgement in support of the payment in the Remarks column of the list attached to the office copy of the Bill. After expiry of 60 days from the date of issue of payment order the Tahasildar shall return the payment order along with the list endorsing thereon a certificate to the effect that the amount have been duly paid by him to the ex-intermediaries concerned. In case of any non-payment the Tahasildar shall place the amount in Revenue Deposit and note the number and date of treasury challan against the relevant item of the list. The Collector on receipt of the intimation from the Tahasildar shall file the list of payment in the relevant case record after making necessary note of disbursement in the register maintained in Form No. 72 under dated initial. If any amount has been placed in Revenue Deposit, he shall also make a note of the fact in the register in Orissa Treasury Code Form No. 72.(4)In case where the Compensation payable in respect of any estate is ordered to be paid in one instalment the amount may, with the consent of the Intermediary be remitted to him by postal money order after deducting the money order commission from the compensation amount. In such cases the Collector instead of drawing the amount from the Treasury in cash shall present the bill in O.T.C. Form No. 75-B along with a properly prepared money order form or forms as the case may be. The purpose of the money order must be briefly stated on the acknowledgement portion of the money order form in contention of the entry "Received the sum specified on the reverse on.....sufficient space being left below the manuscript entry thus made for the signature or thumb impression of the payee The money order acknowledgement will as usual be received by the Treasury Officer who after exercising necessary check prescribed in S. R. 156 (2) shall transmit it to the Collector for record. The acknowledgement of the Intermediary shall be preserved by the Collector and the fact of payment shall be recorded in the Register of Compensation Annuity Payment Order. If the Intermediary does not receive the money or the money order if received back

undelivered, the Collector on receipt of the said information shall arrange to place the amount in Revenue Deposit by presenting a challan in the Treasury.(5)(i)When the compensation or any portion thereof has been attached under the orders of a competent Court or authority before issue of payment order, the following procedure shall be observed. If the compensation is payable in one instalment the Collector shall draw the amount under attachment in Form O.T.C. 75-B and disburse it to the attaching Court or authority as the case may be under to the Intermediary by registered post with acknowledgment due. He shall then issue the authority for payment of the balance, if any, in Form No. 75. A. If the compensation is payable in more than one instalment, the Collector shall draw instalment as when they become payable under intimation to the Intermediary by registered Post with acknowledgement due until the attachment order is fully complied with. He shall then issue the authority for payment of the balance, if any in Form No. 75.(ii)When an order attaching the compensation or a portion thereof is received after payment order has been issued, but before full payment is made, the Collector shall cancel the payment order previously issued under intimation to the Treasury and the Intermediary concerned and follow the procedure laid down in the preceding Paragraph for satisfying the attachment.(iii)When an attachment order is received after full payment or payment in part has already been made or when the amount of -Compensation still payable is not otherwise sufficient to fully satisfy the order the fact should be forthwith by the Collector to the notice of the attaching authority, but auction should simultaneously be taken under Para (a) or (b) as the case may be, for complying with the attachment order as far as possible.(iv)The details of payment made to comply with attachment orders shall be noted in the register in Form No. O.T.C. 72 and in such other register or registers as may be prescribed by Board of Revenue.(v)When any amount due to the State Government and outstanding against an Intermediary is to be recovered from the compensation under the provisions of any clauses (b), (d), and (k) of Section 5 of the Orissa Estates Abolition Act, 1951, the following procedure shall be observed namely : (a)if the compensation is payable in one instalment-(i)The Collector, while issuing Payment Order in Form No. O.T.C. 75-A shall indicate therein separately the total compensation payable, the amount to be paid in cash to the Intermediary and the amount to be adjusted by transfer credit to the relevant Heads of account.(ii)He shall also enclose a challan in duplicate to the Payment Order showing the amount to be adjusted by transfer credit to the Head of Account concerned.(iii)The Treasury Officer on receipt of the Payment Order along with the challan shall make payment of the amount to the Intermediary as mentioned in Payment Order and effect the adjustment by book transfer-to the Head of Account shown in the challan.(b)if compensation is payable in more than one instalment-(i)The Collector shall in the first instance, draw the Government dues recoverable under this clause in Form No. O.T.C. 75-B and take steps to credit the same to the relevant. Head of Account by following the procedure mentioned in items (ii) and (iii) of Sub-clause (a);(ii)He shall then issue a Payment Order for the balance in Form No. O.T.C. 75-A.Note - The fact of recovery of Government dues should be noted in the Miscellaneous Case Record opened for the purpose by the officer issuing the payment order over his dated signature.(c)If the Compensation amount is to be disbursed through the local Tahasildar or by money order-(i)The Collector while issuing Payment Order in Form No. O.T.C. 75-B shall indicate separately the total compensation payable, the amount to be disbursed to the Intermediary through the local Tahasildar or by money order and the amount to be adjusted under Clauses (b), (d) and (k) of Section 5 of the Orissa Estates Abolition Act, 1951.(ii)The procedure as laid down in items (ii) and (iii) of Sub-clause (a) above shall be observed for adjustment of State dues and effecting payment of compensation to

the Intermediary through local Tahasildar or by money order.(d)In all cases of recoveries under Clauses (b), (d) and (k) of Section 5 of the Orissa Estates Abolition Act, 1951, the Treasury Officer should send the original challan to the Collector retaining the duplicate with him for transmission to the officer under whose requisition the deduction was made so as to enable the latter to close his accounts.

**630. When the Interim Compensation Payment Order has been issued under Section 38 (2) of Orissa Estates Abolition Act to are Intermediary, special care should be taken to see that final compensation has been fixed after taking into account the interim compensation paid to the Intermediary and to send the copy of the Collector's order authorising the Treasury Officer to pay interim compensation alongwith the voucher to the Accountant-General if not already done, for audit in his office. A note of the number and date of final compensation annuity payment order should be made by the Collector in the Register of Interim Compensation Payment Order (Col. 12 of Form No. OTC 70).**

**631. [.....] [Deleted vide Finance Department Notification. go. 37724-F.-D/9.12.1964.]**

**632. Register of Compensation Payment Orders. - Each disbursing Officer shall keep a register in Form OTC 73 of the compensation Payment orders issued on his office which will serve as an index to the files or Orders referred to in Sub-rule (2) of Subsidiary Rules, 626. After seeing that the new order is correctly entered in this register the disbursing officer, shall put his initials in the column of name of Intermediary and rule a red ink line across the page below the entry The column for remarks will be blank as long as the order of payment is in force; but when both copies of the order are returned on account of death of an intermediary or otherwise for which the name-of Intermediaries can be removed permanently off the list maintained in the office of the disbursing officer the date and cause of return shall be entered therein black ink under the disbursing officer's initials. If the disburser's copy only is returned on account non-appearance of an Intermediary, the date will be entered in red ink and on reclaiming it, this date will be struck out**

In case the heir or heirs of the deceased intermediaries apply for compensation their Compensation Payment Orders should be treated as fresh orders and the procedure adopted for the issue of original orders will apply. The fact of issue of fresh orders to the heir or heirs of the deceased Intermediaries may also be intimated to the audit to admit payment against these new orders. It is

essential that the Compensation Payment Order should state the period for which the compensation is payable. In Calculating such period the competent authority shall deduct from 30 years the period for which the compensation has already been paid to the deceased Intermediary,

**633. On the receipt of an intimation about the death of an Intermediary prompt action shall be taken to record the fact in the register of compensation payment and on the disburser's copy of the Compensation Payment Order. The fact of the death of an Intermediary should also be reported to the Accountant-General.**

#### V-Manner Of Payment

**634. Due date. - The compensation annuity payments shall be paid on any working day on which claimed at the treasury on valid authority on or after the date on which they became due for payment in each year.**

**635. Payment of claims. - Save as hereinafter provided on Intermediary must take payment in person after identification by. compensation with the Compensation payment order.**

**636. A compensation annuity holder should as far as possible take payment in person. Where however, the Annuity holder including a female annuity holder nor accustomed to appear in public or an annuity holder who is unable to appear in consequence of bodily illness or infirmity) desires payment through an authorised representative he or she should produce at the time of each payment life certificate signed by some person exercising the powers of a Magistrate under the Criminal Procedure Code or by a Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 or by any pensioned officer who before retirement, exercised the powers of Magistrate or any Gazetted Officer or by a Munsif.**

**637. An intermediary not resident in India may draw his compensation in India through a duly authorised agent, who must produce a certificate by a Magistrate, a Notary, a Banker or a Minister of Religion on each occasion that the Intermediary was alive on the date up to which his compensation is claimed. The authorised agent of the compensation holder should be a citizen of India having sufficient property to give a security and that any agent or representative who is illiterate should not be recognised by**

**Government even though he is authorised by the Intermediary.**

**638.**

(1) An Intermediary of any description resident in India is exempted from personal appearance if he draws his compensation through an agent who has executed a bond in the following form to refund over payments and produce a life certificate signed by a person authorised under Subsidiary Rule 636 to such certificates. Bond of Indemnity To..... In consideration of myself/ourselves/they being authorised as Per authority, dated the..... to draw (in words) which amount represents the compensation payable to Shri ..... the annuity holder and Intermediary of the..... Estate, Serial No..... of the vesting order under Section 3 (1) of the Estates Abolition Act, dated the..... during his absence from ..... and being paid the said amount by ..... on the strength of said authority. I/We/they hereby agree to indemnify against all claims in respect of the said payment and engage to refund to ..... on demand any over-payment that may subsequently be detected to have been made to me/them as his agent/agents. Signature (2) Where compensation in respect of one or more estates is Payable to several Intermediaries who are exempted from personal appearance and it is considered inconvenient for the authorised, agent to execute a separate bond in respect of each such Intermediary the Collector may allow such agent to execute a single consolidated bond for a group of such Intermediaries who are exempted from personal appearance irrespective of the amount of compensation involved in each case. (3) The Bond of Indemnity, which must be stamped may be, of the following form in the case of a firm or bank. To..... In consideration of our their being permitted to draw the pay leave salary/pension of ..... during his absence from ..... we/they hereby engage to refund to Government on demand, any overpayment that may be made to us them as his agent agents. It must be seen that the person signing the Bond of Indemnity has authority to bind the firm or the bank.

**639. The compensation of a person drawing his compensation through an authorised agent who has executed a bond to refund over-payments, shall not be paid on account of a period of more than a year after the date of the life certificate last received and the disbursing officer shall be on the watch for authentic information of the decease of any such Intermediary, and on receipt thereof, shall promptly stop further payments.**

**640. When an Intermediary is a minor, or is for any other reason incapable of managing his own affairs, and has no regularly appointed manager or guardian, or when no such manager or guardian is nominated by the sanctioning authority, the Collector may on application by or on behalf of the Intermediary and subject to such conditions as he may impose, declare and suitable person to be the manager or guardian for the purpose of receiving, on-behalf of the Intermediary, the compensation due to him, and payments of**

**compensation may be made to such manager or guardian in the same was as to the original holder; provided that sufficient proofs are forth coming at the time of each payment of the original bolder being alive and eligible, to receive the compensation for the period covered by the payments. Such declaration may, at any time be revoked or altered at -the discretion of the Collector.**

**641. The compensation disbursing officer should report promptly to the Collector the death of any Intermediary and when an Intermediary or his authorised agent fails to appear to receive his compensation for two consecutive instalments after the due date of payment, enquiries should be made through the District Police as to the cause of his non-appearance.**

**642. Forms of compensation bills and connected certificates. - (1) Save hereinafter provided in this rule, claims for payment of compensation shall be presented on bills in Form O.T.C. 74 a copy of which will be supplied by the disbursing officer to each Intermediary or his agent or representative. The bill must be duly receipted by the Intermediary or by some other person authorised to give legal acquittance on his behalf, and if the Intermediary cannot sign, his thumb impression shall be taken on the bill.**

The Intermediary's copy of the Compensation Payment Order must invariably be presented with the bill. In the case of illiterate Intermediaries and purdanashin ladies acquittance by seal mark attested by some well-known and respectable person may be accepted in lieu of thumb impressions. (2) The Treasury Officer shall keep proper watch over the payment orders (Disburser's portion) issued to him, After expiry of thirty days from the date of issue of Compensation Annuity Payment Order, he shall have no power to. pay and shall promptly report to the Collector of the nonpayment of compensation. On receipt of such information the Collector shall draw the amount of the said annuity or compensation in Form No. O.T.C. 74 or 7"5-N and put the same as Revenue Deposit by transfer credit under intimation of the fact to the Intermediary by Registered post with acknowledgement due. An entry to the effect that the compensation money has been kept in Revenue Deposit shall be made in Register No. 72 under the dated initial of the Collector. The Treasury Officer shall also keep not in the Register of Compensation Payment Order in Form O.T.C. No. 73 and on the copy of the payment order Form 75 or 76-A received by him previously. Form repayment of the amount placed under Revenue Deposit the procedure prescribed in Subsidiary Rules 427 at seq. of Orissa Treasury Code. Volume I shall be followed.

**643. A life certificate must accompany every claim which is not personally presented except in the casts specified in Subsidiary Rules, 637 and 638. When payment is made on life certificate, it can be made only for periods**

**completed on or before the date of the certificate. The life certificate must be signed by a person authorised under these rules to sign such certificate.**

**644. When an Intermediary draws his compensation through an agent or representative, the claim must be supported by the written authority of the Intermediary to pay the compensation to the agent or the representative nominated to receive payment on his behalf. In such cases the endorsement "Received Payment" must be signed by the Intermediary and a separate receipt which need not be stamped, shall be endorsed by the authorised agent or the nominee, as the case may be, in token of having actually received the payment.**

**645. Notwithstanding anything contained in these rules a leper Intermediary on account of the contagious nature of his disease, shall be paid without being called upon to produce the Compensation Payment Order or a Bill. He shall merely appear before the disbursing officer who shall order one of the staff to fill up (in lieu of the Intermediary doing it himself a bill form in O.T.C. 74 on which payment shall at once be made and the fact recorded in the register, which shall be initialled by the disbursing officer as having been paid in his presence. In such cases a duly countersigned certificate of payment should also be recorded on the bills. Lepers shall never be allowed to sign or affix their thumb impressions on compensation bills.**

Note 1 - In the case of Treasuries where payments are made through the State Bank of India, the Treasury Officer shall draw the money required from the Bank and shall have the payment made in his presence and shall record a certificate of disbursement in the voucher as stated above. Note 2 - In case the leper Intermediary is unable to move or to appear before the disbursing officer due to seriousness of the disease for receiving payment of compensation, such payment may be made through the Tahasildar. After payment the Tahasildar should record a certificate on the body of the Bill that the amount of the Bill has been paid by him personally to the leper Intermediary.

**646. Checks to be applied by the Disbursing Officer. - On appearance of an Intermediary claiming payment of compensation his personal marks shall be checked by the Disbursing Officer and the signature to the receipt shall be compared with the facsimile of the signature taken on the disburser's copy of the Compensation Payment Order. If the Intermediary cannot sign his name, his thumb impression on the receipt shall be compared with the original impression taken on the order. In cases of doubt, the matter should be referred to the Collector for his orders before payments are made by the**



## **Disbursing Officers.**

(2) An intermediary drawing compensation for the first time shall be required to produce the copy of the order by which the sanction to his compensation was communicated to him and his signature or thumb impression on the Bill shall be compared with the specimen signature or thumb impression attached to, and received with the Compensation Payment Order.

**647. When the intermediary draws his compensation through another person the Disbursing Officer must take special precautions against fraudulent presentation of claims and satisfy himself of the existence of the Intermediary and of the identity of the payee before any payment is ordered and if he feels any suspicion, he shall refer it to the Intermediary and to the Collector before and suspicion, he shall refer it to the Intermediary and to the Collector before payment.**

**648. In view of the special risk of fraud involved in the payment of compensation to women who do not appear in public, special care shall be taken in the identification of such Intermediaries. The descriptive rolls, when originally prepared, and the periodical certificates of the continued existence of such women. Shall be attested by two or more persons of respectability in the town, village, or pargana.**

**649. Record of Payment. - Every payment must be entered on the reverse of both copies of the Compensation Payment Order and attested by the signature of Disbursing Officer.**

**650. Lump sum payment of the outstanding balance of compensation money under the proviso to section 37 (3) of the Orissa Estates Abolition Act. - The payment of the outstanding balance of compensation under the Proviso to Sub-section (3) of Section 37 of the Orissa Estates Abolition Act can be made upon the authority issued by the Collector after obtaining prior sanction of Government only to and upon the receipt of the person legally entitled to receive it and not otherwise.**

VI-Periodical Identification Of Intermediaries

**651. General Rules. - On the first and subsequent appearances of an Intermediary the Disbursing Officer shall, except in the case of Intermediaries mentioned in Sub-rule (2) below, take an impression of the thumb and all the fingers of the Intermediary's left hand on the compensation bill. The Intermediary shall then be identified from the particulars given in the disburser's copy of the Compensation Payment Order, identification shall also be made by an examination of the impression given on the bill with those attached to the Compensation Payment Order, or by reference to the Intermediary's photograph where one is pasted on the disburser's copy of the Compensation Payment Order, if he cannot be identified by other means with absolute certainty.**

(2) Except Rules of merged States, persons who are or had been Gazetted Officers and persons whose annual compensations exceed Rs. 1,000/- and persons who have been specially exempted by Government on the ground that there can be no difficulty in future identification, all Intermediaries shall be liable to the operation of this rule. (3) Pardanashin ladies and illiterate Intermediaries must give a thumb impression on their bills in the presence of the person who grants the life certificate, or in the case of illiterate Intermediaries who personally attend the paying Office, before the Disbursing Officer. Note - In all cases referred to in Subsidiary Rules 636, the Disbursing Officer must take special precautions to prevent impositions and must, at least once in 5 (five) years receive proof independent of that furnished by the life certificate of the continued existence of the annuity holder. For this purpose, the Disbursing Officer, shall save in the case of exemptions from personal appearance allowed by orders of Government, require the personal attendance and due identification of all male annuity holders who are not incapacitated by bodily illness or infirmity from so attending and in all cases where such inability may be alleged, he shall require proof thereof in addition to the proof submitted by an annuity holder's existence. The Disbursing Officer is personally responsible for any payment wrongly made and in all cases of doubt, he must consult the Collector. He shall also report cases of wrong payments to the Accountant General soon after detection. An annuity holder of rank may be privately identified by the Disbursing Officer and need not be required to appear at the Disbursing Office. VII-Undrawn Compensation And Arrears

**652. [\* \* \*] [Deleted by Finance Department Notification. No. 8415-F.-dated 21.3.1960.]**

**653. Death of Intermediaries. - Subject to any rule or order issued by the competent authority in this behalf the following procedure will regulate payment of arrears of compensation annuity as well as the subsequent instalments of the same in respect of a deceased annuity holder :**

(i) On the death of an annuity holder, his copy of the annuity payment order shall be returned by his family to the Collector of the district with a report stating the date of death. The report of date

should be also sent to the Treasury Officer so that the disburser's copy of the annuity payment order may be returned immediately by the Treasury Officer to the Collector of the district under intimation to the Accountant-General. On receipt of intimation of deaths of an annuity holder the Collector shall at once make a note of the fact in column of the Register of Compensation Annuity Payment Order (Form O.T.C. 72). (ii) The legal representative successor of the deceased should apply as early as possible to the Collector of the district for payment of the arrears dues as well as subsequent instalment of the annuity. On receipt of this application the Collector should proceed to investigate the claims of the representative. If the arrears of compensation payable, together with future instalments due, do not exceed Rs. 1000/- the Collector may admit the claim for payment on his own authority after taking an indemnity bond from time. If, however the sum total of the arrears and subsequent instalments due exceeds Rs. 1,000/- (one thousand rupees) the Collector should insist on the production of a successful certificate by the legal representatives.

**654. Reports to the Accountant-General and the Collector. - Every Compensation Disbursing Officer shall submit to the Accountant-General as well as to the Collector once a year a statement of cases of failure to draw compensation.**

Annexure - A Showing the particulars to be furnished to the Collector to enable him to issue the Compensation Annuity Payment Order (SR. 625-b)

**1. Number and date of the vesting order under Section 3 (1) of the Orissa Estates Abolition Act, 1951, as well as reference to the page and date of the Gazette in which notified. (The vesting orders may be assigned distinctive serial numbers for each district and these numbers may be quoted in all connected documents).**

**2. Copy of the Compensation Assessment Roll in Form 'F' together with the subsidiary Form 'E' and 'G' duly signed by the Compensation Officer and a copy of the certificate of publication of the Compensation Assessment Roll, issued under Section 34. (The serial and sub-serial numbers given to the name of the Intermediary appearing in the Compensation Assessment Roll may be quoted in all connected documents.**

**3. Name of the Intermediary or Annuity holder.**

**4. Father's name.**

**5. Personal identification marks.**

**7. (A) Height.**

**6. Residential address showing the village and pargana.**

**7. Date of birth.**

**8. Specimen signature of the Annuity holder, if he can sign his name, duly attested by a Gazetted Officer or Chairman of the Panchayat Samiti or retired Gazetted-Government servant.**

Note 1 - If the Intermediary cannot sign his name, his thumb and finger impressions of left hand duly attested by a Gazetted Officer, Chairman of the Panchayat Samiti or retired Gazetted Government servant shall be taken. Note 2 - In case where compensation is drawn through an authorised agent, who has furnished the necessary indemnity bond as laid down in Rule 638 the specimen signature of the authorised agent, and in case he cannot sign his name, his thumb and finger impression of the left hand duly attested by a Gazetted Officer, Chairman of the Panchayat Samiti or retired Gazetted Government servant shall be taken.

**9. A copy of photograph in passport size duly certified by a Magistrate or Gazetted Officer except Purdanasin ladies, persons who are or had been Gazetted Officers, person whose compensation does not exceed Rs. 7,500-**

Note - Photograph should be affixed to compensation payment 4) orders of all Intermediaries who are lepers.

**10. [\* \* \*] [Deleted by Finance Department Notification. No. 9304-F.-Dated, 23.3.1959.]**

**11. A formal order by the Compensation Officer that (a) the time within which appeals under Section 32 may be made in respect of any entry in or omission from a compensation Assessment Roll has expired or (b) where any such appeal has been made under that section, the same has been disposed of and that arrangement for payment should be made.**

**12. A formal statement by the Compensation Officer that the claims of the Intermediaries are free from legal encumbrances including those arising out of the operation of Sections 18, 11, 26(v), 30 (4) proviso to Section 33, Sections 36 and 37 (4) of the Act and that the Intermediaries have absolute**

**right to the amounts of compensation specified in the Compensation Assessment Rolls.**

**13. A certificate by the Compensation Officer that the calculations and computation in the Compensation Rolls have been checked by the Internal Audit Organisation and that all the amounts recoverable including those recoverable under Sections 5 (d), 28 (3), 2b (4) and 38 (2) have been taken into consideration in determining the amount of compensation**

**14. In respect of the Compensation granted as perpetual annuity under Section 28 (2), information whether the net income or any portion of net income of any estate held under trust Or other legal obligation has been dedicated exclusively to public, charitable or religious purposes without any reservation of pecuniary benefit to any individual A copy of the sanction issued by the State Government under Section 25 or proviso to Section 28 (2) may also be sent.**

**15. A certificate by the Compensation Officer that the Compensation Annuity is not due to the Annuity-holder in respect of an estate held by him as a limited owner, or the holder of a life interest or a trustee under Section 31 (5).**

**16. A certificate by the Compensation Officer that the Intermediary has not (by a deed reduced to writing) agreed to receive compensation by way or reduction of rent to be fixed on the basis of adjustment of the payment of compensation payable to him, under proviso 2 to Section 37 (5).**

**17. Place of payment.**

**18. Reference to the Interim Compensation Annuity Payment Order, if any issued to the payee, or a certificate that no requisition for the issue of an interim Compensation Payment Order has been made in respect of the same payee for the same estate.**

Form No. O.T.C - 66[Application for interim compensation [Rule 613 (b)] [Separate application shall be submitted by each share-holder.]

- 1. Name of the Intermediary entitled to Interim Compensation with father's name.**
- 2. Place of residence with postal address.**
- 3. Touzi/Khewat number with the name of the district and other particulars of the estate.**
- 4. Case No. as noted in the written order served on him.**
- 5. Share of the Intermediary in the estate.**
- 6. Name and share of each of the other shareholders if any of the estate entitled to receive compensation with father's name.**
- 7. Date of birth.**
- 8. Personal identification marks.**
- 8.**
- A. 1-Height Ft. Inches.**
- 9. Thumb and finger impressions of left hand duly attested by a Gazetted Officer except in the case of Intermediaries, who are Rules of merged States. Who are or had been Gazetted Officers and persons whose interim Compensation exceeds Rs. 1,000/- and those who have been specially exempted by Government.**
- 10. Specimen signature of the Intermediary who can sign his name duly attested by a Gazetted Officer.**
- 11. In case of Intermediary, who is a leper, a photo in passport size in lieu of thumb and finger impressions and specimen signature mentioned in items 9 and 10.**

Certified that I have not applied for payment of annuity previously and undertake not to apply in future without quoting reference to this application. Place.....Date.....Signature of the applicant. Form No. O.T.C. 67 Personal Surety Bond [Rule 616 (a)] Know all men by these presents that we.....son of.....resident of.....Police

Station.....District.....(hereinafter called 'the Principle obligator') being an Intermediary as defined in the Orissa Estates Abolition Act, 1951 (Orissa Act 1 of 1952) hereinafter called "the said Act" and ..... son of ..... resident of .....Police Station.....District.....(hereinafter called "the surety No. 1") and ..... son of resident of. Police Station ..... District ..... (hereinafter called "the surety N. 2") are jointly and severally bound to the Governor of Orissa in the sum of Rs.....to be paid to the said Governor, his successors or assigns or his or their certain attorney or attorneys for which payment will and truly b made, we bind ourselves, our heirs, executors, administrators and representatives firmly by these presents sealed with our seals and dated this the..... day of.....one thousand and nine hundred and.....

In the presence of :

- Witnesses No.           1.  
                                  2. Signature of the Principal Obligator

In the presence of -

- Witnesses No.           1.  
                                  2. Signature of Surety No. 1

In the presence of -

- Witnesses No.           1.  
                                  2. Signature of Surety No. 2

Whereas in accordance with the provisions of the said Act, the Government of Orissa (hereinafter called "the Government") have paid to the Principal Obligator an amount of Rs..... (in words) Intermediary of the said Principal Obligator in Mahai ..... Khewat Khata ..... Village Pragana.....Police Station.....District.....And whereas in pursuance of the rules for the payment in interim compensation framed by the State Government in accordance with the powers conferred by the said Act, the Principal Obligator receiving interim compensation is required to offer personal security with two sureties for indemnifying the payment of the said interim compensation in case of the final order for award of the compensation do not allow said Principal Obligator the extent of share property to which the Principal Obligator was in the interim order previously held entitled.Now the conditions of the above written bond is such that if the final award of compensation is made in favour of the Principal Obligator, then the above written bond shall become void and shall be of no effect but the same shall be and remain in full force and effect if the Principal Obligator makes default in repayment of the said amount of interim compensation or any portion thereof in case the final award of compensation is not made in his favour or in case of any contravention of the terms and conditions of the above written bond by the Principal Obligator, then without prejudice to any other rights and remedies that they may have, the State Government, shall have the right to realise the aforesaid amount in whole or in part in liquidating any claims of the State Government against the Principal Obligator, from the Principal Obligator or his legal representative and the Surety No. 1 and Surety No. 2 jointly and severally.Provided always and it is expressly agreed and declared by the said Principal Obligator and it is said Surety No. 1 and Surety No. 2 that all. sums due to the State Government under these presents shall be recoverable from them or their legal representative as an arrear of land revenue.In witness whereof the said Principal Obligator and the said Surety No. 1 and Surety No. 2 have hereunto set their respective hand and

seals on this ..... day of ..... 19

In the presence of :

- Witnesses No. 1.  
2. Signature of the Principal Obligator

In the presence of -

- Witnesses No. 1.  
2. Signature of Surety No. 1

In the presence of -

- Witnesses No. 1.  
2. Signature of Surety No. 2

Form No. O.T.C. 67-A Declaration Form the personal sureties [Rule 616 (a)] I, Shri.....son of.....and residents of.....P.S.....District ..... do hereby declare that I have stood Surety No..... for payment of in interim compensation of Sri ..... son of..... resident of .....P.S.....District and that I have not stood surety in any other case I have stood surety in the following cases for the amount noted against each.Date.....SignatureForm No. O.T.C. 68[Rule 614]Register of Application for Interim Compensation

Sl. No.	Case No.	Date of receipt of application	Name of outgoing intermediary entitled to interim Compensation with father's name	Place of residence with postal address	Touzi/ Khewat No. and other particulars of the estate
1	2	3	4	5	6

Serial No. of vesting

order under Section 3(a) of O.E.A. Act and date of publication in the Orissa Gazette with numbers for each share holder

Interim Compensation Annuity Payment Order	No. and date of final compensation Annuity Payment Order	Payment Remarks
--	--	-----------------

No.	Date	Amount	T.V. No.	Date	
7	8(a)	8(b)	8(c)	9	10(a) 10(b) 11

Form No. O.T.C. 69[Rule 617] Interim in Compensation Payment Order (Order of payment of interim compensation under Sub-Section (2) of Section 38 of the Orissa Estates Abolition Act) - (Obverse) Office of the ..... No..... Dated the..... From The ..... To The Treasury Officer ..... Sir. I am to request you to arrange for payment from the Treasury of the sum of Rs..... (in figure and words) to Shri/Shrimati..... (..... name of the receipt) being the amount of interim compensation sanctioned to him/her on ..... (vide SI.No.) ..... of the Interim Compensation Assessment Roll). The particulars regarding his/her identification are stated below :



Particulars of Estate and reference to Government (vesting) No. and separate Serial No. for share-holders	Name of Intermediary	Father's name	Personal identification marks	Ht.	Residential address showing village and pragranas	Date or approximate date of birth (F.D. Notification No. 14345 Pen-197/54 Dated 9.6.1955.	Amount of interim compensation	
Ft.	Inch	Rs.	Np					
1	2	3	4	5	6	7	8	9

**2. The Compensation is debitable to the head "65-Payment of Compensation on land-holder, etc. on the abolition of Zamindari system-Compensation (1) Payment of Interim Compensation under Section 38(2) of the Orissa Estates Abolition Act".**

**3. The acquittance of the Intermediary should be taken on the reverse of the payee's copy of this order (which will be treated as a bill) with as one-anna receipt stamp, if necessary.**

**4. Where the Intermediary is unable to appeal himself/herself to receive payment he/she should sign on the place provided for the purpose on the reverse of this order, with an one anna stamp, if necessary, and present this order to the Treasury Officer through his/her duly authorised agent together with a life certificate signed by some person exercising the powers of a Magistrate under the Code of Criminal Procedure or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908, or by any Pensioned Officer, who before retirement, exercised the powers of a Magistrate or any Gazetted Officer, or by a Munsif as provided in Rule 638. The bill should also be duly endorsed by the Intermediary and receipted by his/her representative as provided in Rule 645.**

**5. The Treasury Officer's copy should also be returned to the Accountant-General with the voucher.**

**6. The Intermediary is being informed of the issue of this order.**

**7. Slips bearing attested specimen signature/left hand thumb and finger impression of the Intermediary or photo of passport size are enclosed.**

**8. Please acknowledge receipt of this order.**

Yours faithfully,(Signature)Designation(Reverse)No..... dated.....Copy (of the first Sub-paragraph of paragraph (1) forwarded to .....Intermediary), Ordinarily he/she is required to appear before the Treasury Officer ..... to receive payment.(Signature)DesignationNo.....dated.....Copy forwarded to the Accountant-General, Orissa, Ranchi.(Signature)DesignationReceived payment.Signature or thumb impression\*Please pay to .....Signature or thumb impression.Certified that this bill has been signed by the Intermediary and that he/she is alive on this date.Pay rupees only (in words)(Rs.....)Treasury Officer .....Signature (Dated)(Designation)\*Required to be filled in where payment is required through a representative.(For use in the Accountant General's Office)Payment for the 1st/2nd ScheduleRs....."66. Payment of Compensation to intermediaries of the Abolition Zamindaries".Interim Compensation Rs.....Admitted Rs.....

Auditor Accountant Gazetted Officer

Memo No..... Dated the.....19ToThe Collector.

Serial No. of Interim Compensation AnnuityPayment Order and date	Name of the Intermediary	Amount	Date of payment	Remarks	
Treasury Voucher No.	Date				
1	2	3	4	5	6

Signature of the Treasury OfficerNote -(1) Column (1) to (3) of the Memo, shall be filled up by the Collector at the time of issuing the payment order to the Treasury Officer.(2)After payment of the Bill the Treasury Officer shall detach the memo from the Payment Order and send it to the Collector re-concerned after nothing therein the treasury voucher No. and date in column (4) thereof.Form No. O.T.C. 70[Rule 617]Register of Interim Compensation Payment Order

Serial No. of Interim Compensation Payment Order	Name of the Outgoing Intermediary entitled tocompensation with father's name	Place of residence and postal address	Touzi/Khewat No. and other particulars of theestate	Serial No. vesting order under Section 3(1) ofO.E.A. Act and date of publication in the Orissa Gazette withseparate serial Nos. for each share-holder.	Serial No. assessment roll	Approximate amount of estimated compensation
1	2	3	4	5	6	7

Amount of Interim Compensation	Date of issue of Interim Compensation Payment Order	Dated initial of the Collector	Payment	Final compensation Annuity Payment Order	Remarks
Treasury Voucher. No.	Date	No.	Date		
8	9	10	11(a)	11(b)	12(a) 12(b) 13

(All payment order should bear a letter "1", in addition to the number). Form No. O.T.C. 73 (See Subsidiary Rule 632) Register of Compensation Annuity Payment Order on.....Treasury

Name of Compensation Annuity Payment Order	Name of Intermediary	Annual amount of Compensation	Remarks
Rs.	N.P.		
1	2	3	4

Form No. O.T.C. 72 [See Rules 625 (b)] Register of Compensation Annuity Payment Order

Serial No.	Case No.	Name of the outgoing intermediary entitled to compensation annuity with father's name	Place of residence with postal address	Touzi No. and khewat, other particulars of the Estate	Sl. No. of vesting order under Section 3(1) of the O.E.A. Act and date of publication in the Orissa Gazette with Sub-Nos. and Sub-detailed Nos. of each share-holder
No.	Date				
1	2	3	4	5	6(a) 6(b)

#### Forms

Serial No. of assessment roll	Amount of compensation payable to the intermediary and to each shareholder owing the Estate	No. and date of the Compensation Officer's letter or report with which Assessment roll, etc. were sent to the Collector for issue of Compensation Annuity Payment Order	No. and date of annuity payment order issued by the Collector.
Principal	Interest	Total	No. Date
7	8(a)	8(b)	8(c) 9(a) 9(b) 10(a) 10(b) 10(c)

Report regarding

changes in payment

consequent on the

death of the annuity

holder, change in place

of payment etc.

No. and date of  
treasury voucher  
showing payment of  
compensation

Received from Intimated to  
the the  
Disbursing Accountant  
Officer General

No.

Date

No.

Date

No.

Date

No.

Date

11(a)

11(b)

12(a)

12(b)

13(a)

13(b)

14(a)

14(b)

Note - This Register should be submitted to the Collector once a month for his review has to be attached to the first page of Register recording review remarks Form No. O.T.C. 74 (See Subsidiary Rule 642) (Sub-Treasury Officer) Memo - It is requested that this form may be used for submission of next bill.

No. of Compensation

Voucher No. of list of Payments

Annuity Payment Order and the name of the  
Annuity Holder

Head of Accounts

for  
19

Received the amount Annuity due to me for  
the years Rs. Np..... of..... 19.....

Pay

Rupees..... Rupees..... Space  
for thumb impression ( ) only (in words) in the  
case of illiterate annuity holders

Treasury Officer

The..... 19

Examined

TEN NAYA PAISE RECEIPT STAMP request for  
sums exceeding Rs. 20.

Accountant Annuity Holder Annuity Holder 2. As a  
rule, intermediary must take payment in person  
unless he produces a life certificate signed by some  
person exercising the powers of a  
Magistrate under the Criminal Procedure Code or  
by any Registrar or Sub-Registrar appointed under  
the Indian Registration Act, 1908, or by any  
pensioned officer who before retirement exercised  
the powers of a Magistrate or any Gazetted Officer,  
or by a Munsif or by any person holding a  
Government title (Subsidiary Rule 636 of the  
Orissa Treasury code). 3. A Compensation Annuity  
Holder who receives payment on life certificate  
should attend personally at the Treasury for the  
purpose of identification at least once in two years  
when an intermediary is unable to  
appear personally at the Treasury on account of

bodily illness or infirmity; he should furnish adequate proof of his inability in addition to the independent proof of his existence. 4. An intermediary who can not sign his name should furnish his acquittance on the bill in the form or mark of preferably a thumb impression which should be attested by some well-known and respectable person (Subsidiary Rule 642 of the Orissa Treasury Code).

For use in Accountant General's Office

Admitted

Objected

Auditor/ Superintendent

CERTIFIED THAT This bill has been signed by the intermediary and that he is alive on this date.....

Designation

Endorsement to be signed to be signed by the Receiver Payment

Intermediary Signature of Messenger or agent

Here state the name of the presenter. He should be identified by some one known to the Disbursing Officer.

Form No. O.T.C. 75 [Subsidiary Rules 625 and 626] Valid up to ..... Compensation Annuity Payment Order Disbursing Officer's portion Debitable to Orissa Government

Signature in full { |

| Head of Account |

| - | Thumb impression | Minor Head Major Head Sub-Head | - | (Place for signature and thumb and finger impression of annuity holder when the first payment is made.) | (Place for thumb and finger impression of the annuity holder.) | } Voted Charged

Particulars of	Name of	Father's Personal	Height Residential	Date of	Amount
----------------	---------	-------------------	--------------------	---------	--------

Estate and reference to Government (vesting), Serial No. and Sub-Serial No.	Annuity holder notification	name	identification marks	address showing village and parganas	approximate date of birth	of yearly Annuity		
1	2	3	4	5 Ft.	6 In.	7 Rs.	8 Np.	
<p>Office of the.....No.....dated this.....19....Sir, Until further notice and on or after the.....each year commencing from the year 19 ..... please pay to.....for a period of..... years the sum of Rupees .....(both in figures and words) being the amount of compensation annuity due under the Orissa Estates Abolition Act, 1951, upon the production of the Annuity Holder's portion of this orders, taking from the claimant a receipt for the amount in Form O.T.C. 74. In case of death of the payee at any time before all the payments are completed, this form should be returned to the Collector with a report of death of deceased to enable him to arrange for the issued of a payment order in favour of his legal representatives. Signature.....Designation.....To The Treasury Officer At.....Note - Payment under this order is to be made only to the Annuity holder in persons, with the following exceptions. To any person sending a Life Certificate signed by some person exercising the powers of a Magistrate under the Criminal Procedure Code or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 or by any Pensioned Officer who, before retirement exercised the powers of a Magistrate, or any Gazetted Officer, or by a Munsif. In cases referred to above, the Disbursing Officer must at least once in two years, require proof, independent of that furnished by the Life Certificate, of the continued existence of the Annuity holder.</p> <p>"No. F Date.....</p> <p>Copy forwarded to the Accountant-General Orissa, Bhubaneswar (Signature) (Designation) Collector "Reverse of Disburser's portion Amount of yearly Annuity Rs..... (in words)..... This document is to be retained by the disbursing Officer so long as the authority remains in force in such manner that the Annuity holder shall have no access to it. Every instalment of payment is to be recorded below against the year to which the instalment relates.</p>								
19..... to 19 (10 years)	19..... to 19 (10 years)	19..... to 19 (10 years)	Remarks					
Period to which Annuity relates	Date of payment	Disbursing Officer's initial	Person to which Annuity relates	Date of payment	Disbursing Officer's initial	Period to which Annuity relates	Date of payment	Disbursing Officer's initials
1 Year ending*	2	3	4 Year ending*	5	6	7 Year ending*	8	9 10

\* Date, month and year will be noted in columns 1, 4 and 7. Note - 1. The cases for dates of the early payment in both portions of the Annuity Payment Order for the years for which payment has been made should be cancelled in red ink at the time the Annuity Payment Order is issued previously or revised.

**2. Each instalment of annuity will comprise both principal and interest the former being debitable to "65-Payment of compensation to Intermediaries on the abolition of Zamindaries" and the latter to "22-Interest the entire amount may however be drawn by the Annuity Holder under the head "65-Etc." and the amount debitable to the head "22-Interest" will be ascertained by the Collector in each case for adjustment under, that head.**

Valid up to.....Form No.....(To be printed in foolscap 8 to size (booklet) in thick paper and bound in cloth bound cover,)(Front page)Compensation Annuity Payment OrderCompensation Annuity Holder's portion(First page)Compensation Annuity Payment OrderCompensation Annuity Holder's portionDebitable to Orissa GovernmentHead of Account/Major Head/Minor Head/Sub-HeadVoted/ChargedName of Annuity holder.

Particulars of Estate and reference to Governmentnotification (vesting) Serial No. and Sub-serial No.	Father's Name	Date of Approximate date of birth	Residential Address showing village and parganas	Amount of annual annuity
Rs.	Np.			
1	2	3	4	5

(Second Page)Office of the .....No..... dated the ..... 19.....Sir,Until further notice and on or after the.....each year commencing from the year 19 please pay to .....for a period of years the sum of Rupees.....both in figures and words being the amount of compensation annuity due under the Orissa Estates Abolition Act, 1951, upon the production of the Annuity Holder's portion in form O.T.C. 74. In case of death of the payee, at any time before all the payments are completed, this form should be returned to the Collector with a report of death of deceased to enable him to arrange for the issue of a payment order in favour of his legal representatives.Signature.....Designation.....ToThe Treasury OfficerAt.....(Third and Fourth Page)Note - Payment under this order is to be made only to the Annuity Holder in persons, with the following exceptions -To any person sending a Life Certificate signed by some person exercising the powers of Magistrates under the Criminal Procedure Code or by any Registrar or Sub-Registrar appointed under the Indian Registration' Act, 1908 or by any Pensioned Officer who, before retirement exercised the powers of a Magistrate, or any Gazetted Officer, or by a Munsif.In case referred to above, the Disbursing Officer must at least once in two years, require proof independent of that furnished by the Life Certificate, of the continued existence of the Annuity Holder.(Fifth and Subsequent pages)Amount of annual Annuity Rs..... (in words) ..... Every instalment of payment is to be recorded below by

the Disbursing Officer.

19..... to 19..... to 19..... to									
19 (10 years)	19 (10 years)	19 (10 years)	Remarks						
Period to which Annuity relates	Date of payment	Disbursing Officer's initial	Person to which Annuity relates	Date of payment	Disbursing Officer's initial	Period to which Annuity relates	Date of payment	Disbursing Officer's initials	
1	2	3	4	5	6	7	8	9	10
Year ending*			Year ending*			Year ending*			

Date, month and year will be noted in columns, 1, 4 and 7. Note - (1) The pages for dates of the yearly payment in both portions of the Annuity Payment Order for the years for which payment has been made should be cancelled in red ink at the time the Annuity Payment Order issued or revised. (2) Each instalment of annuity will comprise both principal and Interest the former being debitable to "65- Payment of compensation to Intermediaries on the abolition of Zamindaries" and the latter to "22-Interest" The entire amount may however be drawn by the Annuity Holder under the head "65-Etc." and the amount debitable to the head "22-Interest" will be ascertained by the Collector in each cash for adjustment under, that, head. For this purpose the Accountant-General will be furnished with the requisites particulars and requested to carry out necessary adjustment under the proper head of accounts in the accounts of his office for March (Preliminary) every year. Form No. O.T.C. 75-A [See Rules 629(2)] Compensation Payment Order to small Intermediaries Office of the..... No..... Dated..... From The ..... To The Treasury Officer ..... Sir, I am to request you to arrange for payment from the..... Treasury of the sum of Rs ..... (in figures and words)..... in cash and Rs ..... (in figures and words) ..... by transfer credit to the head ..... (vide Challan enclosed aggregating Rs (in figures and words) ..... to Shri/Shrimati ..... (name of the recipient) being the amount of lump sum compensation sanctioned to him/her on..... (vide Serial..... No..... of the Compensation Assessment Roll) in respect of Touzi No..... or other particulars describing the estate furnished. The particulars regarding his/her identification are stated below :

Particulars of Estate and reference to Government notification, (vesting) No. and separate Sl. No. for share-holders.	Name of the Intermediary	Father's name	Personal identification marks	Height
Ft.	In.			
1	2	3	4	5

Residential address showing village and parganas	Approximate date of birth	Amount of compensation to be paid	Amount interest to be paid	Total amount to be paid
Rs. nP.	Rs. nP.	Rs. nP.		
Payable on				



**2. Compensation is debitable to the head "65-Payment of Compensation to land-holders, etc. on the abolition of Zamindari system" and the interest accrued thereon to the head "22-interest and other obligations, etc."**

**3. The acquittance of the Intermediary should be taken on the reverse of the disburser's copy of this order which will be treated as a bill) with an one-anna receipt stamp, if necessary.**

**4. The payee's copy after payment of the amount of compensation should be cancelled by the Treasury Officer with the suitable note that the payment has been made and should be attached to the voucher.**

**5. The Intermediary is being informed of the issue of this order.**

**6. This authority for payment is based on Government of Orissa, Revenue (Estates Abolition) Department Order No. 5549-E.A. dated the 18th August, 1956.**

**7. Slips bearing attested specimen signature/left hand thumb and finger impression of the Intermediary and photo of passport size are enclosed.**

Yours faithfully Signature Designation No..... dated ..... Copy of (paragraph 1 forwarded to ..... intermediary). Ordinarily he/she is required to appear before the Treasury Officer ..... to receive payment on the date specified in the order, i.e..... Government are not liable to pay interest from this specified date. Signature (Designation) Collector No..... dated..... Copy forwarded to the Accountant-General, Orissa, Bhubaneswar, Received payment Signature (Designation) Collector Signature or thumb impression [Please pay to .....] [Required to be filled in where payment is requested through a representative.] Signature or thumb impression Certified that this bill has been signed by the Intermediary and that he/she is alive on this date. Signature Designation Pay rupees ..... (in figures and words) (only in cash and Rs) (in figures and words) by transfer credit to the head..... Signature (Dated) Treasury Officer..... (For use In the Accountant-General's Office) Payment for the 1st/2nd Schedule. Rs..... "65. Payment of Compensation to Intermediaries on the Abolition of Zamindari System." Lump payment of Final Compensation Rs.....

## 22. - Interest and other obligation Rs.....

Admitted Rs..... Objected Rs.....

Auditor Accountant Gazetted Officer

Memo No..... Dated the.....19ToThe Collector.....

Serial No. and date	Compensation Payment Order Name of the Intermediary	Amount	Date of payment	Remarks
Treasury Voucher No.	Date			
1	2	3	4	5

Signature of the Treasury OfficerNote -(1) Columns (1) to (3) of the Memo, shall be filled up by the Collector at the time of issuing the payment order to the Treasury Officer.(2)After payment of the Bill the Treasury Officer shall detach the memo from the Payment Order and send it to the Collector reconcerned after noting therein the treasury voucher No. and date in Column (4) thereof. Form No. O.T.C. 75-B[See Subsidiary Rule 629]Form for drawal of compensation money by the Collector Office of the .....No..... dated.....FromThe.....ToThe Treasury Officer.Sir,I am to request you to arrange for payment from the Rs.....Treasury of the sum of..... (in figures and words) to the Collector..... Order.S.R. 629 (3) (For local disbursement by Tahasildar)S.R. 629 (4) (For making Payment by M.O.)S.R. 629 (5) (For payment to attaching court) of O.T.C. Vol. IS.R. 642 (For keeping in Revenue Deposit)S.R. 609 (5)(v) (For adjustment u/s.....)being the compensation money payable to Shri/Shrimati.....sanctioned to him her on.....(vide Serial No.....or Compensation Assessment Roll) in respect to Touzi No.....or other particulars describing the Estate furnished. The particulars of Intermediary is furnished below.

Particulars of Estate and references to the Government Notification (vesting) No. and date separate Sl. No.for share-holders and compensation case No. and year	Name of the Intermediary	Father's name	Residential address showing village, post officeand praganas.	Amount of compensation to be paid	Amount of interest to be paidRs..... only)	Total amount to be paidRs..... NP.(payable)	RemarksTotal compensation Rs..... (in words andfigures) of which the amount to be adjusted by transfer credit Rs..... (in figures and words) and the amount to be disbursed incash is Rs..... (in figures and words)
1	2	3	4	5	6	7	8

**2. The compensation is debited to the head 65-Payment of compensation to land-holders etc. On the abolition of Zamindary System and the interest accrued thereof to the head "22-Interest and other obligations etc."**

**3. The Intermediary is being informed of the issue of this order.**

**4. The authority for payment is based on Government of Orissa Revenue Department (Estates Abolition) Order No..... Dated.....**

**5. The deduction of the amount to be adjusted u/s ..... by transfer credit (vide challan attached) is shown in remarks column.**

**6. Please acknowledge receipt of this order.**

Yours faithfully Signature.....Designation.....No.....dated.....Copy (of paragraph 1) forwarded to ..... (Intermediary) for information only. His compensation money shall be disbursed by the Tahasildar.....within 30 days from the date of the issue of the order has been remitted by money order has been paid to the attaching Court/has been placed under revenue deposit. Signature Designation No..... dated.....Copy forwarded to the Accountant-General, Orissa, Bhubaneswar Signature Designation Received payment Rs.....in cash, Rupees.....by transfer credit to postal Department. In case of amount attached by the Court, the amount is remitted by money order if the Court is located at a different station. If both the Treasury and Court are located in same station, payment may be made by transfer credit Revenue/to Civil Court deposits. Revenue Deposit Head to the head indicated by the Attaching Court). Signature of the Collector. Pay in cash Rupees.....(in words) .... by transfer credit to ..... Treasury Officer Signature (dated) Designation (For use in the Accountant-General's Office) Payment of the 1st Schedule..... "65-Payment of Compensation to Intermediaries on ..... the abolition of Zamindary System." Lump payment.....of final Compensation Rs equated instalment.

**22.**

-Interest and other obligation on Rs.....Admitted Rs.....objected Rs.....Auditor Accountant Gazetted Officer (Portion not applicable should be struck off) Memo No..... Dated the.....19 To The Collector.....

Sl. No. of lump sum compensation, payment order and date	Amount	Date of payment Treasury Voucher No.	Date	Remarks
1	2	3	4	5

Signature of the Treasury OfficerNote - (1) Columns (1) to (2) of the Memo shall be filled by the Collector at the time of issuing the payment order to the Treasury Officer.(2)After payment of the Bill the Treasury Officer shall detach the memo from the payment order and send it to the Collector concerned after noting thereon the Treasury Voucher No. and date in columns (3) and (4) thereof.