

The Orissa Prohibition of Alienation of Land Act, 1972

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Act 16 of 1972

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The Orissa Prohibition of Alienation of Land Act, 1972 Orissa Act No. 16 of 1972 Published vide Orissa Gazette Extraordinary 23.9.1972. An Act to prohibit alienation of land by certain persons in the State of Orissa. Be it enacted by the Legislature of the State of Orissa in the Twenty-third Year of the Republic of India, as follows : Note. - The Orissa Prohibition of Alienation of Land Act, 1972 (Act 16 of 1972) was Repealed by President's Act, 17 of 1973 which received the assent of the President on 28-9-1973 and was published in the Official Gazette on 29-9-1973. The said President's Act was later on repealed by the Orissa Act 9 of 1974 which received the President's assent on 11.7.1984. As such the Orissa Prevention of Alienation of Land Act was restored.

1. Short title extent and commencement.

(1) This Act may be called the Orissa Prohibition of Alienation of Land Act, 1972. (2) It extends to the whole of the State of Orissa. (3) It shall come into force at once.

2. Declaration as to giving effect to certain directive principles.

- It is hereby declared that this Act is giving effect to the policy of the State towards securing the principles specified in Clauses (b) and (c) of Article 39 of the Constitution of India.

3. Definitions.

- In this Act, unless the context, otherwise requires- (a) "person" includes a company or any other corporate body or a joint Hindu Mitakshara family; (b) "specified limit" means the extent of land specified in Section 4 as the specified limit; (c) "standard acre" means the unit of measurement of land equivalent to- (i) one acre of irrigated land in which two or more crops are grown or can be grown; or (ii) one acre and a half of irrigated land in which not more than one crop is grown or can be grown; or (iii) two acres of land other than irrigated land, in which paddy or any other cereal crop is grown or can be grown; or (iv) three acres of any other land; (d) "trust" does not include a trust

created for public purposes of a charitable or religious nature;(e)words and expressions used in this Act but not defined herein shall have the same meanings as assigned to them under the Orissa Land Reforms Act, 1960 (Orissa Act 16 of 1960).

4. Specified limit.

- The specified limit of land for the purposes of Section 5 shall be ten standard acres or 4.0468 standard hectares.Explanation. - For the purposes of conversion, one standard acre shall be equal to 0.4047 standard hectare.

5. Prohibition of alienation of land by certain persons.

(1)No person whose total land as on the date of commencement of this Act or at any time thereafter exceeds the specified limit shall alienate such land or any part thereof by way of sale, gift, exchange, usufructuary mortgage or otherwise or affect a partition or create a trust of such land or any part thereof and any alienation made or partition effected or trust created in contravention of this section shall be null and void.(2)The provisions of Sub-section (1) shall apply to any sale of land of any person in execution of a decree or order of Civil Court or of any award or order of any other authority :Provided that nothing contained in this section shall apply to-(a)any alienation by way of mortgage executed in favour of any scheduled Bank within the meaning of the Reserve Bank of India Act, 1934 (2 of 1934) or in favour of any Bank to which the Orissa Cooperative Societies Act, 1962 (Orissa Act 26 of 1962), applies; or(b)any sale of land in execution of any decree, order or award as aforesaid for realisation of the arrear dues of any such Bank.

6. Time from which registered documents operate.

- Notwithstanding anything contained in Section 47 of the Indian Registration Act, 1908 (16 of 1908), document relating to alienation or partition of land or the creation of any trust of any land registered on or after the commencement of this Act shall, for the purposes of Section 5, take effect and operate only from the time of such registration.

7. Exemption.

- Nothing in this Act shall apply to lands hold by-(a)an undertaking owned, controlled or managed by -(i)a Government company as defined in Section 617 of the Companies Act, 1956 (10 of 1956); or(ii)a corporation established by or under a Central or State Act which is controlled or managed by the Central Government or by a State Government.(b)a religious or charitable institution of a public nature.

8. Power to make rules.

- The State Government may make rules for carrying out the purposes of this Act.

9. Act to override other laws, custom, etc.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement, or decree or order of a Court, tribunal or other authority.

10. Repeal and savings.

(1)The Orissa Prohibition of Alienation of Land Ordinance, 1972 (Orissa Ordinance No. 2 of 1972), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act were in force on the day on which such thing was done or such action was taken.