

ORISSA ACT XIII OF 1953
THE CENTRAL PROVINCES TENANCY (ORISSA
AMENDMENT OF C. P. ACT XI OF 1898)
ACT, 1953

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 1953, first published in an extraordinary issue of
 the Orissa Gazette, dated the 9th July 1953]

AN ACT FURTHER TO AMEND THE CENTRAL PROVINCES
 TENANCY ACT, 1898, IN ITS APPLICATION
 TO THE STATE OF ORISSA

WHEREAS it is expedient further to amend the Central Provinces Act XI of 1898.
 Central Provinces Tenancy Act, 1898, in its
 application to the State of Orissa in the manner
 hereinafter appearing ;

It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Central Provinces Tenancy (Orissa Amendment of C. P. Act XI of 1898) Act, 1953.

(2) It shall come into force at once.

Amendment
of section 46,
C. P. Act XI
of 1898.

2. In section 46 of the Central Provinces Tenancy Act, 1898 (hereinafter referred to as the said Act),—

Central Provinces Act XI of 1898.

(i) the proviso to sub-section (1) shall be omitted ;

(ii) for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) An occupancy tenant shall not transfer his holding or any portion thereof except to the extent and in the manner hereinafter provided, namely :—

(a) He may sublet his right in his holding or any portion thereof for one agricultural year ; provided that no contract for such lease shall be made more than four months before the year to which it relates, or shall contain a clause for renewal.

(b) An occupancy tenant shall have the right to transfer his holding or any portion thereof either by sale or mortgage or gift or bequest or otherwise to a *bona fide* agriculturist :

Provided that if he is a member of a Scheduled Tribe, he shall not so transfer to any person who

is not a member of the same or different Scheduled Tribe except with the previous permission in writing of the Deputy Commissioner.

Explanation—An agriculturist is a person who holds land for the purpose of cultivating it by himself or by members of his family or by hired servants and includes an agricultural labourer.

(c) All such transfers except in case of a bequest or a lease as contemplated under clause (a) shall be by a registered document."

(iii) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) The holding of an occupancy tenant shall be saleable by Court in execution of a rent decree or any other decree :

Provided that if the holding belongs to a member of a Scheduled Tribe the sale other than a sale held for recovery of the dues of a Society registered under any Co-operative Societies Act or for recovery of an advance made to him under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, shall not be held unless the decree-holder, XIX of 1883 XII of 1884 obtains the previous permission in writing of the Deputy Commissioner."

(iv) sub-sections (4) and (5) shall be omitted ;

(vi) after sub-section (3) as so substituted in clause (iii) above, the following sub-section shall be added, namely :—

"(4) If any transfer is made in contravention of the provisions of this section, the Deputy Commissioner may, either on his own motion or on application by the transferor or his successor-in-interest, declare the transfer void and evict the transferee from the holding or a part of the holding, as the case may be :

Provided that no such transfer shall be declared void or such transferee liable to eviction after the expiry of twelve years from the date of his coming into possession of the holding or a part of the holding in pursuance of such transfer. "

3. Section 47 of the said Act shall be omitted.

4. Section 48 of the said Act shall be omitted."

Repeal of
section 47,
C. P. Act XI
of 1898.

Repeal of
section 48,
C. P. Act XI
of 1898.