**Frequently Asked Questions**

**on**

**Odisha Government Land Settlement Acts/ Rules**

**(Training Materials)**

**Question: What is the Statement and object of OGLS Act?**

**Answer:** Before 1962 Settlement of Government Land was made by way of executive instructions, various Acts, Rules, Orders, Customary practices and usages in force in various parts of the state. In order to settle Government Land in a planned and uniform manner throughout the state this Act was enacted and Rules thereof was framed.

**Question: When did OGLS Act, 1962 and OGLS Rules, 1983 came in to force?**

**Answer:** The OGLS Act, 1962 came into force w.e.f. 26.11.1962 and OGLS Rules, 1983 came in to force w.e.f. 06.03.1984.

**Question: What is the distinction between Act and Rules?**

**Answer:** Act is the statute passed by Legislature and assented by Governor/ President as the case may be. But "Rules" is the procedure to be followed for implementation of provisions of Act.

**Question: What is the definition of Government Land?**

**Answer:** Government Land means any waste land belonging to Government whether cultivable or not, recorded as house site, Anabadi, Chot Jungle, Puratan Patita, Nutan Patita, Parityakta, Bedakhali, Gochar or by any other description whatsoever. The expression "any other whatsoever" includes Khasmahal, Nazul, Gramkantha Parambhoke, Anabadi land. (Section-2(b) of OGLSAct,1962)

**Question: What is the definition of landless Agricultural Labour?**

**Answer:** Landless Agricultural Labour means a person who has no means of livelihood other than agriculture, provided any member of his family owns no land excluding homestead land and his total income together with annual income of his family does not exceed Rs. 40,000/- per annum.[Section-2(b-1) of OGLS Act,1962]

**Question: What is the definition of Homestead-less person?**

**Answer:** Homestead less person means a person whose annual income together with annual income of all the members of his family living in a common mess from all sources does not exceed Rs. 40,000/-, does not have any homestead land in the state and owns less than one standard acre of agricultural land. [Rule-2(dd) of OGLS Rules, 1983]

**Question: What is the definition of Urban Area?**

**Answer:** Urban Area means an area within limit of a Municipal Corporation, Municipal or Notified Area Council, the area within jurisdiction of Development Authority, such other area as notified by Government from time to time. [Rule-2(h) of OGLS Rules, 1983]

**Question: What is the definition of Rural Area? [Rule-2(e) of OGLS Rules, 1983]**

**Answer:** Rural Area means an area other than Urban Area.

**Question: Who is competent to dispose of application for settlement of Government Land?**

**Answer:** Government can authorize to any officer not below the rank of Tehasildar to dispose of application for settlement of Government land. The power to sanction settlement of Government land and extent of land that can be settled by different Revenue Authority has been explained in schedule-II (Rule 11 of OGLS Rules, 1983) of OGLS Rules, 1983.(Rule-5 of OGLS Rules, 1983)

**Question: Is there separate Rules for urban areas for settlement of Government Land?**

**Answer:** Except Rourkela Civil Township, Sunabeda Township and Bhubaneswar Municipal Corporation area, the power to settle Government land will be guided by OGLS Rules, 1983 and power can be exercised as per schedule-II of OGLS Rules, 1983.

But for settlement of Government Land in Rourkela Civil Township there is a separate set of Rules called as "Rules for allotment of Government Land in Civil Township of Rourkela Notified Area". It is effective from dt. 20.10.1987. Similarly for Sunabeda Township and Bhubaneswar Municipal area there is separate set of Rules called as "Allotment of Government Land in Sunabeda Township" and "Government Grants Act, 1896" respectively.

**Question: What is the manner of settlement of Government Land?**

**Answer:**

- All applications for settlement of Government land irrespective of purpose of lease or the extent of area involved either in urban area or rural area shall be filed before Tehasildar having jurisdiction over the area in which land is situated.
- On receipt of application, Tehasildar shall cause an enquiry/ verification with respect to ROR & Map, ascertain whether land is free from encroachment and whether any dereservation is required. If after verification/enquiry it is found that land can not be settled then he can reject the application with a reasoned and speaking order.

- If after necessary verification Tehasildar finds that land can be settled then Tehasildar shall publish a proclamation (by beat of drum, affixing a copy in his Notice Board, affixing a copy in G.P. office Notice Board), inviting objection, fixing a date for hearing the said objection, if any. The proclamation period is 30 days.
- After expiring of 30 days the Tehasildar shall dispose of objection if received by way of a reasoned and speaking order and may recommend for settlement or may reject the settlement. If no objection is received he will proceed for settlement of the land and after appeal period is over he will submit case record to such officer as empowered under schedule-II of OGLS Rules, 1983.

**Question: What is meaning of de-reservation and why it is required?**

**Answer:** Government has power to reserve such portion of land as deemed proper for the purpose of being used as house-site or for any communal or industrial purpose. (Section-3 of OGLS Act, 1962)

Similarly if Government feels that the land so reserved is no longer required for the purpose it has been reserved, or the said reserved land no longer serves the purpose for which it was reserved or the said reserved land is in excess of the reasonable requirement, then Government can de-reserve the said land. Collector of the Dist. has been empowered to de-reserve the land. That de-reserved land can be settled following provisions of OGLS Act and OGLS Rules. (Section-3-A of OGLS Act, 1962)

**Question: What is the principle of de-reservation and who is competent to de-reserve?**

**Answer:**

- Collector of the District is competent to de-reserve the land reserved for specific purpose.
- Tehasildar shall prepare a case record with land plan and land scheduled proposed to be de-reserved.
- Then Tehasildar shall go for issuing proclamation inviting objection if any from general public. The proclamation period is 30 days and proclamation should by way of beat of drum with copy to Notice Board of Tehasildar, Notice Board of G.P/ ULB.
- If no objection is received during proclamation period Tehasildar shall submit his proposal to Collector for de-reservation giving justification for the same.
- If any objection is received during proclamation period he shall hear the party fixing date and time and after hearing is completed, the summary of his hearing along with his recommendation, he shall submit case record to Collector for final disposal.

- While de-reserving Gochar land, Tehasildar shall assess the requirement of Gochar which shall not be less than five percent of effective area. Effective area means the total extent of private agricultural land plus Government lands consisting of Gochar, village forest and waste land in the village multiplied by 20/23.

**Question: What is the priority in settlement Government Land in Rural Area?**

**Answer:**

- Seventy percent of land available should be settled with ST/SC community and rest land with other people residing in that village.
- If sufficient number of ST/SC persons is not available then priority should be given to Co-operative farming society followed by landless agricultural labourers, Ex- Servicemen, raiyats who personally cultivates not more than one standard acres of land, and any other persons.
- Land covered under section-2(II) of Forest (Conservation Act, 1980) cannot be settled.

**Question: Can the land of category of Khasmahal, Nazul, Gramakantha Parambhok or Abadi be settled? (Section-3 of OGLS Act, 1962) (Rule-5-B of OGLS Rules, 1983)**

**Answer:** Yes. The land of category of Khasmahal, Nazul, Gramakantha Parambhok or Anabadi, wherever situated and used for any purpose, may on application, be permanently settled with heritable and transferable right with the person who is in occupation of such land either on the basis of lease/ Sub-lease or otherwise for a period of last 3 years prior to appointed date (26.02.2009)

**Question: What is the principle of settlement of government land in urban area? (Rule-3 of OGLS Rules, 1962)**

**Answer:**

- No land for agricultural purpose be settled in urban area.
- In urban area land can be settled for homestead purpose.
- The available government land for house-site be divided in to contiguous sub-plots in consultation with urban bodies, Town Planning Authorities subject to approval by RDC. In this process future requirement of Government and other public Institutions be kept in view.
- Urban Government plots be assigned for the purpose of ---------- (i) house site for lower income groups (LIG), (II) house site for middle income group (MIG), (iii) land required for future requirement of Govt., (iv) land to be settled by public auction, (v) land to be reserved for setting up small and medium scale industries.

- In addition to it land in urban area can be settled on lease basis by public auction, in favour of Development Authority, Housing Board, Company or Corporation owned by Government for the purpose of housing or commercial scheme, in favour of any other Government Department, Corporation or any other Institution/ Organization.

**Question: Can the land settled be resumed?**

**Answer:** Yes. If the authorized officer found that land settled is not used for the purpose it has been settled, then land so settled for period exceeding three years, he can resume the land and can also impose penalty not exceeding one thousand rupees.

**Question: Can land settled on lease basis be cancelled?**

**Answer:** Yes. Under Section- 7-A of OGLS Act, 1962 Collector on his own motion or on an application can call for any case record and examine the same as to whether the order for settlement has been made on mistaken of facts, fraud or misrepresentation of facts or on account of mistaken of material irregularities then he can pass appropriate order. But before passing any order reasonable opportunity should be given to party likely to be affected by such order and it is within limitation period of 14 years.

**Question: Is there any provision for temporary settlement?**

**Answer:** Yes. Collector with prior approval of RDC can give temporary lease for specific purpose. (Rule-9 of OGLS Rules, 1983)

**Question: Is there any provision for permissive possession?**

**Answer:** Yes. Collector can give permissive possession for plantation purpose. (Rule-9-A of OGLS Rules, 1962)

**Question: Is there any provision for Advance Possession?**

**Answer:** Yes. If it is felt by Government that it is necessary or expedient in the public interest, it may allow grant of advance possession pending finalization of grant of lease.

**Question: Is there any provision for conversion of lease hold land to free hold land?**

**Answer:** Yes. There is provision for conversion of lease hold land in to free hold of Government land leased out for homestead/house-site purpose in urban area of the state except Bhubaneswar and Sunabeda Township. (Rule-5-C of OGLS Rules, 1983)

**Question: Is homestead and agricultural land settled in Rural area is transferable?**

**Answer:** When lease is granted the status of tenant is "Leasee"/ "Pattadar". He was not conferred with any transferable right, unless it is made free hold (Sthitiban/ Rayati status). But as per provision of Section-6-A of OLR Act, after expiry of 10 years of lease granted for agricultural purpose in Rural Area, it can be transferred.

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