ORISSA ACT 12 OF 1994

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1993

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ORISSA ACT 12 OF 1994

*THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1993

[Received the assent of the President on the 15th June 1994, first published in an extraordinary issue of the *Orissa Gazette*, dated the 1st July 1994.]

AN ACT FURTHER TO AMEND THE ORISSA LAND REFORMS ACT, 1960.

BE it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Orissa Land Reforms (Amendment) Act, 1993.

Amendment of section 2.

2. In the Orissa Land Reforms Act, 1960 (hereinafter referred to as the principal Act), in section (2), after clause (3), the following clause shall be inserted, namely:— Orissa Act 16 of 1960.

"(3-a) 'authorised officer' means an officer appointed as such by the State Government for the purposes of section 8-A;".

Insertion of new section 8-A.

3. In the principal Act, after section 8, the following section shall be inserted, namely :—

Conversion of agricultural land for purpoes, other than agriculture.

"8-A (1) Notwithstanding anything contained in section 8—

(*a*) the authorised officer may, where an application is made to him by a raiyat in the prescribed form for conversion of the use of any agricultural land belonging to him for purposes other than agriculture, allow such conversion, if he is satisfied that such conversion shall not violate—

(*i*) any Master Plan, improvement scheme, development plan or town planning scheme, made or published under the Orissa Town Planning Improvement Trust Act, 1956 or under the Orissa Development Authorities Act, 1982 or under any law for the time being in force and applicable to such land; and Orissa Act 10 of 1957. Orissa Act 14 of 1982.

(*ii*) any other condition or conditions as may be prescribed for the purpose of dealing with *bona fide* cases of such conversions;

(*b*) in every case where the authorised officer allows conversion of the use of any agricultural land under clause (a), the raiyat shall be deemed to have surrendered his raiyati-right in respect of the land in favour of the Government and thereafter the land shall be settled on lease basis, on such terms and conditions as may be prescribed, with the person whose raiyati-right is so deemed to have been surrendered, subject to and with effect from the date of payment by him in the prescribed manner the premium for such land calculated at the rate specified in sub-section (3), and every such settlement shall be deemed to have been made under the Orissa Government Land Settlement Act, 1962; Orissa Act 33 of 1962.

(*c*) Where the conversion of the use of any agricultural land by a raiyat for purposes other than agriculture has been made prior to the commencement of the Orissa Land Reforms (Amendment) Act, 1993, it shall be deemed that the rayat has surrendered his raiyati-right in respect of that land in favour of the Government and, in every such case, the land shall be deemed to have been settled, on lease basis under the Orissa Government Land Settlement Act, 1962, with the person whose raiyati-right is so deemed to have been surrendered or, where the land has been transferred by the raiyat to any other person prior to such commencement, with the transferee, and the person, with whom the land shall be so deemed to have been settled, shall pay, within such period and in such manner, a premium in respect of that land calculated at the rate equivalent to fifty percentum of the rate of premium specified against that category of land in sub-section (3) : Orissa Act 33 of 1962.

Provided that if the premium so payable is not paid within the prescribed period it shall be recoverable as an arrear of land revenue.

(2) The order of the authorised officer under clause (a) of sub-section (1) shall be final :

Provided that no order refusing to allow any conversion under the said clause shall be made unless the concerned raiyat has been given an opportunity of being heard in the matter.

(3) The rate at which the premium shall be payable per acre of agricultural land situated at different places of the State, for conversion of its use to any purpose other than agriculture on and after the commencement of the Orissa Land Reforms (Amendment) Act, 1993, shall be as follows:—

(*i*) Land situated within any Municipal area or in areas within one-half kilometre on either side of such National Highways as the State Government may, by notification, specify from time to time.	.. Rs. 3,00,000
(*ii*) Land situated in any area within one-fourth kilometre on either side of such State Highways as the State Government may, by notification, specify from time to time.	.. Rs. 1,00,000
(*iii*) Land situated in a Municipal area or a Notified area, or in any area notified as urban area under the Orissa Government Land Settlement Rules, 1983 made under the Orissa Government Land Settlement Act, 1962, other than any land mentioned in clauses (i) and (ii).	.. Rs. 75,000
(*iv*) Land situated in such developing areas as the State Government may, by notification, specify from time to time, other than any area covered by clauses (i), (ii) and (iii).	.. Rs. 30,000
(*v*) Land situated in any area not covered by clauses (i), (ii), (iii) and (iv).	.. Five per cent of the market value of such land or Rs. 1,000, whichever is more.

Orissa Act 33 of 1962.

Explanation—For the purposes of this sub-section—

(*a*) "Municipal Act" means the Orissa Municipal Act, 1950;

Orissa Act 23 of 1950.

(*b*) "Municipal area" means an area included in a Municipality constituted under Municipal Act; and

(*c*) "Notified area" means a Notified area within the meaning of section 417-A of Municipal Act. ".