VOLUME 2

OLR Act, Conversion & Land Tenure Laws

OLR Act, 1960 & amendments · Section 8-A conversion · tenancy & land transfer laws

02

COMPILED BY

Upendra Luha, OAS

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About this volume

This volume brings together the Acts and the Government of Odisha orders, circulars, notifications and resolutions on the OLR Act, conversion of agricultural land and land tenure laws that are published on odisharevenuelaws.com. Each document is reproduced as issued, in its original form. Use the Contents page or the PDF bookmarks to jump to any document. Page numbers at the foot of each page run continuously through the volume. This is a compilation for ready reference only; for official purposes, please rely on the notified text and the latest orders of the Government.

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ORISSA ACT 16 OF 1960

THE ORISSA LAND REFORMS ACT, 1960

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ORISSA ACT 16 OF 1960

[1][THE ORISSA LAND REFORMS ACT, 1960]

[*Received the assent of the President on the 17th October 1960, first published in an extraordinary issue of the* Orissa Gazette, *dated the 11th November 1960*]

AN ACT TO REFORM THE LAW RELATING TO LAND TENURES AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS it is necessary to enact a progressive legislation relating to agrarian reforms and land tenures consequent on the gradual abolition of intermediary interest;

AND WHEREAS it is expedient to confer better rights on agriculturists to ensure increase in food production in the manner hereinafter appearing ;

It is hereby enacted by the Legislature of the State of Orissa in the Eleventh Year of the Republic of India, as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Orissa Land Reforms Act, 1960.

(*2*) It extends to the whole of the State of Orissa.

(*3*) It shall come into force[2] in whole or in part, on such date or dates as the Government may from time to time by notification appoint; and different dates may be appointed for different provisions of this Act.

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1. For Statement of Objects and Reasons see *Orissa Gazette*, Extraordinary, dated the 6th February 1960 (No. 142) and for the Report of Select Committee *see ibid.*, dated the 26th February 1960 (No. 240).

2. Came into force with effect from the 1st October, 1965 excepting Chapters III and IV vide Notification No. 63382-Re-60/65-R., dated the 25th September, 1965, published in *Orissa Gazette*, Extraordinary, dated the 25th September 1965 (No. 1501).

Chapter III came into force with effect from the 9th December, 1965 vide Notification No. 78619-R. E. 78/65-R., dated the 8th December, 1965, published in *Orissa Gazette*, Extraordinary, dated the 5th December, 1965 (No. 1807).

Chapter IV came into force with effect from the 7th January, 1972, vide Notification No. 88/72-916-R., dated the 5th January, 1972, published in *Orissa Gazette*, Extraordinary, dated the 6th January, 1972 (No. 33).

(*Sec. 2*)

Definitions

2. In this Act, unless there is anything repugnant in the subject or context:—

(*1*) "agriculture" includes the raising of crops, grass or garden produce, horticulture, dairy farming, breeding and keeping of live-stock and use of land as pasture or for forest or for any other purpose where such use is ancillary to agriculture;

(*2*) [1] * * * * *

(*3*) "Armed Forces" means the Military, Naval or Air force of the Union ;

(*4*) "basic holding" means an area of land measuring [2][two] standard acres ;

[3][(*5*) "ceiling area" means the extent of land which a raiyat or landholder shall be entitled to hold under section 37-A;]

[4][(*5-a*) "classes of land" means—

Class I—Irrigated land in which two or more crops (*i*) were, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or(*ii*) can be grown in a year. President's Act No. 17 of 1973.

Class II —Irrigated land in which not more than one crop (*i*) was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. President's Act No. 17 of 1973.

Class III—Land, other than irrigated land, in which paddy (*i*) was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. President's Act No. 17 of 1973.

Class IV—Any other land.

Explanation—For the purposes of this clause tanks, cocoanut gardens and orchards

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1. Omitted by the Orissa Land Reforms (Amendment) Act, 1965 (Or.Act 13 of 1965), s. 2 (*i*).

2. Substituted by *ibid.*, s. 2 (*ii*).

3. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 1974), s. 2 (a), read with President's Act No. 17 of 1973 enforced from the 2nd October 1973.

4. Substituted by *ibid.*, s. 2 (b).

(*Sec. 2—contd.*)

(except orchards growing banana), shall be deemed to be Class III land;]

(*6*) "Collector" means the Collector of a district or any other officer appointed by the Government to discharge all or any of the functions of Collector under this Act;

(*7*)" commencement of the Act" in relation to any provision means the date specified in respect of that provision in a notification under sub-section (3) of section 1;

(*8*) "District Executive Committee" means the Committee constituted under section 55;

(*9*) [1] * * * *

[2][(*9-a*)"fair and equitable rent" in respect of any land means cash rent payable by raiyats for similar lands with similar advantages in the vicinity ;

(*9-b*) "fair rent" in respect of one acre of Class I, Class II, Class III or Class IV land means respectively eight, six, four or two standard maunds of paddy or the cash equivalent thereof ;

[3][*Explanation* I]—The cash equivalent of paddy shall be calculated on the basis of the market value of paddy as may be declared every year with respect to different areas by Government by notification in that behalf;]

[4][*Explanation* II—For the purposes of conversion, one maund shall be equal to 37.3242 kilograms.]

(*10*)"Government" means the State Government of Orissa;

(*11*) "holding" means a parcel or parcels of land forming the subject of a separate tenancy ;

---

1. Omitted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 2 (*v*).

2. Inserted by *ibid.*, s. 2 (*vi*).

3. Re-numbered by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s.2.

4. Inserted by *ibid.*

(Sec. 2-contd.)

[1][(*12*) "home-stead" means any land, whether or not recorded as such, ordinarily used as house-site, ancillary or incidental to agriculture;]

[2][(*13*) "irrigated land" means land which is assured of irrigation from an irrigation project constructed or maintained or improved or controlled by the Central Government or the State Government or by a body corporate established under any law for the time being in force and includes land which is assured of irrigation from any private source by means of [3][**] lift irrigation from any perennial water source operated by diesel or electric power, but does not include continually water-logged lands or sand-cast lands ;]

[4][(*14*) "land" means land of different classes used or capable of being used for agricultural purposes and includes home-stead;]

(*15*) "Land Commission" means the Land Commission constituted by the Government under section 53;

(*16*) "Land holder" means all holders or owners of interest in land between the raiyat and the State and a Proprietor, Sub-proprietor, Malguzar, Thikadar, Gountia, Tenure-holder, Under-tenure-holder and includes an Inamdar, Jagirdar, Zamindar, Illaquadar, Kharposhdar, Parganadar, Sarbarakar and Maufidar;

(*17*) "Landlord" means a person immediately under whom land is held by a raiyat or a tenant;

Explanation I—A raiyat or a tenant shall be deemed to be a landlord in relation to the tenant or tenants immediately under him;

---

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 2(*vii*).

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 2 (*c*).

3. Deleted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 2 (*a*)

4. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 2 (*ix*).

(*Sec. 2-contd.*)

Explanation II—Government shall be deemed to be the landlord in respect of the lands held directly under them either by a raiyat or a temporary lessee or a tenant;

(*18*) "Land Reforms Commissioner" means the Land Reforms Commissioner appointed by the Government;

[1][(*18-a*) "local committee" means the local committee constituted under section 55;]

(*19*) "minor" means a person who has not attained the age of majority under the Indian Majority Act, 1875 ;

9 of 1875

(*20*) [2]* * *

[3][(*21*) "person under disability" means :—

(*a*) a widow, or an unmarried woman or a woman, who is divorced or separated from her husband by a decree or order of a Court or under any custom or usage having the force of law; or

(*b*) a minor ; or

(*c*) a person incapable of cultivating land by reason of some mental or physical disability; or

(*d*) a serving member of the Armed Forces; or

[4][(*e*) a raiyat the total extent of whose lands held in any capacity whatsoever does not exceed three standard acres; or]

(*f*) a raiyat the total extent of whose lands held in any capacity whatsoever for personal cultivation after the disposal of proceedings, if any, under Chapater III [5][does not exceed three standard acres]:

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1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s.2 (b).

2. Omitted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s.2 (x).

3. Substituted by *ibid.*, s. 2 (xi).

4. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 2(c) (i).

5. Substituted by *ibid*; s. 2 (c) (ii).

(*Sec. 2-contd.*)

Provided that in the case of a person covered by any of the sub-clause (*a*), (*b*) or (*c*) a certificate has been obtained in accordance with the provisions of this Act to the effect that such person is incapable of cultivating the land personally;

[1][Provided further that a certificate as aforesaid shall not be granted to a person who is subject to any physical disability if he has any source of income (other than land) as may be prescribed;]

Explanation—In computing the extent of lands for the purposes of sub-clause (*e*) or (*f*) lands covered by homestead, or orchards and tanks shall not be taken into account;]

(*22*) "personal cultivation" with its gramatical variations and cognate expressions means to cultivate on one's own account—

(*a*) by one's own labour; or

(*b*) by the labour of any member of one's family; or

(*c*) by servants or hired labour on wages, payable in cash or in kind, but not in crop-share, under one's personal supervision or the personal supervision of any member of one's family;

[2][*Explanation*—'family' in relation to an individual, means the individual, the husband or wife, as the case may be, of such individual and their children, whether minor or major;]

(*23*) "prescribed" means prescribed by rules made by the Government under this Act;

[3][(*24*) "Privileged raiyat" means—

(*a*) a co-operative society registered or deemed to be registered under the Orissa Co-operative Societies Act, 1962 and includes Orissa Act 2 of 1963.

1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976),s.2 (c) (iii).

2. Inserted by *ibid*., s.2 (d).

3. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 2 (d), read with President's Act No. 17 of 1973, enforced from 2nd October, 1973.

(*Sec. 2-contd.*)

a land development bank and the State Land Development Bank as defined in that Act;

(*b*) "Lord Jagannath" at Puri and His Temple within the meaning of the Shri Jagannath Temple Act, 1955;

Orissa Act 11 of 1955.

(*c*) any trust or other institution declared under this Act to have been a privileged raiyat prior to the commencement of the Orissa Land Reforms (Amendment) Act, 1973;

President's Act No. 17 of1973.

(*d*) any trust or other institution whose estate has been declared to be a trust estate by a competent authority under the Orissa Estates Abolition Act, 1951;

Orissa Act 1 of 1952.

(*e*) any other trust which is declared to be a religious or charitable trust of a public nature by the Tribunal constituted under section 57-A; and

(*f*) any public financial institution;]

[1][(25) "Public financial institution" means—

(*i*) a banking company within the meaning of the Banking Regulation Act, 1949;

10 of 1949

(*ii*) the State Bank of India constituted under the State Bank of India Act, 1955;

23 of 1955

(*iii*) a subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959;

38 of 1959

(*iv*) a corresponding new bank within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

5 of 1970

(*v*) the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act,1963;

10 of 1963

(*vi*) the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964;

18 of 1964

1. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 2 (*e*) read with President's Act No. 17 of 1973 enforced from 2nd October, 1973. This clause was previously omitted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 2 (xiii).

(*vii*) the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948; and 15 of 1948

(*viii*) the Orissa State Financial Corporation established under the State Financial Corporations Act, 1951 ;] 63 of 1951

(26) "raiyat" means a person who is or is deemed to be a raiyat as such under the provisions of this Act ;

(27) "rent" means whatever is lawfully payable or deliverable in money or in kind or in both by a tenant or a raiyat to his landlord on account of the use or occupation of the land held by him ;

(28) "Revenue Officer" means any officer appointed as such by Govenment to discharge any of the functions of a Revenue Officer under the provisions of this Act ;

[1][(29) "scheduled bank" means a bank included for the time being in the Second Schedule of the Reserve Bank of India Act, 1934;] 2 of 1934

[2][(30) "standard acre" means the unit of measurement of land equivalent to one acre of Class I land, one and one-half acre of Class II land, three acres of Class III land or four and one-half acres of Class IV land ;

Explanation—For the purposes of conversion, one acre shall be equal to 0·4047 hectare;]

(31) "tenant" means a person who has no rights in the land of another but under the system generally known as Bhag, Sanja or Kata or such similar expression or under any other system, law, contract, custom or usage personally cultivate such land on payment of rent in cash or in kind or in both or on condition of delivery to that person,—

---

1. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 2(f), read with President's Act No. 17 of 1973 enforced from 2nd October 1973. The clause was omitted by the Orissa Land Reforms (Amendmet) Act, 1965 (Or. Act 13 of 1965), s. 2 (xiv).

2. Substituted by *ibid.*, s. 2 (g).

(Secs. 3—4)

(a) either a share of the produce of such land; or

(b) the estimated value of a portion of the crop raised on the land; or

(c) a fixed quantity of produce irrespective of the yield from the land; or

(d) produce or its estimated value partly in any of the ways described above and partly in another;

(32) "vested estate", "date of vesting" and similar other expressions refer to an estate which has vested in the state of Orissa under the Orissa Estates Abolition Act, 1951;

Orissa Act 1 of 1952.

(33) "year" means the agricultural year commencing on the[1][1st day of April];

(34) words and expressions used in this Act but not defined shall have the same meaning as assigned to them in the Tenancy Acts, Laws, Rules, Regulations, customs or usage in force in any part of the State of Orissa and the Transfer of Property Act, 1882 as the case may be.

4 of 1882

Act to override other laws.

3. Save as otherwise provided the provisions of this Act shall have effect, notwithstanding anything to the contrary in any other law, custom or usage or agreement, decree or order of Court.

CHAPTER II

RAIYATS AND TENANTS

Raiyats

4. (1) The following persons shall be deemed to be raiyats for the purposes of this Act in respect of the lands held by them, namely:—

(a) persons holding lands immediatly before the commencement of this Act or at any time thereafter with rights of occupancy under or within the meaning of any law for the time being in force;

(b) a raiyat in the districts of Angul and Khondmals within the meaning of the Angul Laws Regulation, 1936 and the Khondmal Laws Regulation, 1936 respectively;

Orissa Regulations 4 and 5 of 1936.

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s.2(xvi) for "first day of Baisakh of the Oriya year".

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(Sec. 4-contd.)

(*c*) a raiyat in a raiyatwari village in the Sambalpur or Bargarh subdivision of the district of Sambalpur within the meaning of Central Provinces Land Revenue Act, 1881; C.P.Act 18 of 1881.

(*d*) a person who, under an inamdar of an inam which is not an estate within the meaning of the Madras Estates Land Act, 1908 whether or not such inam has vested in the state, in the districts of Ganjam and Koraput or the subdivision of Balliguda holds land in such inam with heritable and transferable rights therein; Madras Act 1 of 1908

(*e*) the holder of a raiyatwari patta under the raiyatwari settlement in the districts of Ganjam and Koraput and in Balliguda subdivision of Baudh district;

(*f*) a person with whom land has been settled for agricultural purposes after the commencement of this Act under a lease from a land-holder, or under a permanent lease from Government;

(*g*) persons entitled to acquire rights of occupancy under clauses (*g*) and (*h*) of section 7 of the Orissa Merged States (Laws) Act, 1950; Orissa Act 4 of 1950.

[1][(*h*) subject to the provisions of sub-sections (*2*), (3) and (4), persons who are temporary lessees in personal cultivation of lands in the vested estates held under Government for agricultural purposes, persons who are in personal cultivation of such lands held either mediately or immediately under such temporary lessees and the successor-in-interest of any such persons:]

Provided that nothing in this clause shall apply to char or diara lands or lands held under the custom of Utabandi or similar other customs :

[2] * * * * *

1. Substituted by the Orissa Land Reforms (Amendment)Act, 1975 (Or. Act 29 of 1976), s. 3*(a) (i)*.

2. Omitted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 3 (*i*) (a).

(Sec. 4-contd.)

(*i*) [1][subject to the provisions of sub-sections (5) to (8)] persons who are [2][* * *] in personal cultivation of any land and recorded as sub-tenants or under-raiyats in respect of such land in the record-of-rights under any law in force in any part of the State [3][and their successors-in-interest :]

[4][Provided that nothing in this clause shall apply to persons who are recorded as sub-tenants or under-raiyats after the 30th day of September, 1965 or to their successors-in-interest if the land in respect of which they have been so recorded belongs to a person under disability or to a privileged raiyat.]

[5][(2) The Revenue Officer, on an application in that behalf in the prescribed form and manner by a person referred to in clause (*h*) of sub-section (1) made not latter than ninety days from the commencement of this Act or within such further period not exceeding thirty days as such officer in his descretion allows, may after such enquiry as may be necessary by order declare that such person shall be a raiyat holding immediately under Government in resspect of the land held as specified in the said clause [6][with effect from the beginning of the year next following the date of the order:]

[7][Provided that any such person as aforesaid, who has failed to make an application within the said period, may make such application within ninety days from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1966 :

Or. Act 8 of 1967.

1. Inserted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 3(*i*) (b).

2. Deleted by the Orissa land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 3(a) (*ii*) (1).

3. Added by *ibid.*, s. 3 (a) (ii) (2).

4. Inserted by *ibid*., s. 3 (a) (iii).

5. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 3 (ii).

6. Added by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 3 (b) (i).

7. Inserted by the Orissa Land Reforms (Amendment) Act, 1966 (Or. Act 8 of 1967), s. 2 (i).

(*Sec. 4-contd.*)

[1][Provided further that any such person as aforesaid who has failed to make an application within any of the periods specified in this sub-section may make such application within a period of two years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973 :]] President's Act No. 17 of 1973

Provided further that any such application made after the expiry of the period specified in this sub-section and before the aforesaid date shall, for all purposes, be treated as an application filed within the period of limitation:]

[2] [Provided further that an application under this sub-section may, if it relates to any land situate in an estate vested in the Government after the 30th day of September, 1965, be field within two years from the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 or the date of vesting of the estate, whichever is later.]

[3][(3) while making an order under sub-section (2) the Revenue Officer shall determine the premium in respect of the raiyati right to be so acquired to be paid to Government which shall be an amount calculated at the rate of eight hundred rupees per standard acre of the land.

(4) The premium determined under sub-section (3) shall be payable in five equal annual instalments on such dates as may be fixed by the Revenue Officer and the amount of premium or any portion thereof remaining unpaid shall be recoverable as arrears of land revenue.]

(5) The Revenue Officer, on an application in that behalf in the prescribed form and manner [4][by the sub-tenant or under-raiyat or the successor-in-interest], as the case may be, referred to in clause (*i*) of sub-section (1) made not later than ninety days from the commencement of this Act or within such

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1. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 3 (a), enforced from the 2nd October 1973.
2. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 3 (*b*) (*ii*).
3. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975, (Or. Act 29 of 1976), s. 3 (*c*).
4. Substituted by *ibid.*, s. 3(*f*)(*i*)

(*Sec. 4—contd.*)

further period not exceeding thirty days as such officer in his discretion allows, may, after such enquiry as may be necessary, by order declare such sub-tenant or under-raiyat [1][or successor-in-interest to be a raiyat in respect of the land referred to in the said clause with effect from the beginning of the year next following the date of the order] :

[2][Provided that any such sub-tenant or under-raiyat who has failed to make an application within the said period, may make such application within ninety days from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1966:

Or. Act 8 1967.

[3][Provided further that any such sub-tenant or under-raiyat who has failed to make such application within any of the periods specified in this sub-section may make an application within a period of two years from the commencement of the Orissa Land Reforms (Amendment)Act, 1973]:

President's Act No. 17 of 1973.

Provided further that any such application made after the expiry of the period specified in this sub-section and before the aforesaid date shall, for all purposes be treated as an application filed within the period of limitation]:

[4][Provided further that an application under this sub-section may be made,—

(a) in the case of sub-tenants and under-raiyats who have been recorded in the record-of-rights on or after the 1st day of October, 1965, within two years from the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 or the date of final publication of the record-of-rights, whichever is later ; and

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1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 3 (*d*) (*ii*).
2. Inserted by the Orissa Land Reforms (Amendment) Act, 1966 (Or. Act 8 of 1967), s. 2 (ii).
3. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 3 (b), read with President's Act No. 17 of 1973, came into force, w.e.f. 2nd October 1973.
4. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 3 (d) (*iii*).

(*Sec. 4—contd.*)

(b) in the case of the successor-in-interest of any recorded sub-tenant or recorded under-raiyat, within two years from the date of commencement of the said Act or the date of death of the sub-tenant or under-raiyat, whichever is later.]

[1][(*6*) While making an order under sub-section (5), the Revenue Officer shall determine the compensation in respect of the land which shall be an amount calculated at the rate of eight hundred rupees per standard acre of the land, to be paid by such sub-tenant, under-raiyat or successor-in-interest to the person or persons (not being the Government or land holder)mediately or immediately under whom the land was being held prior to the conferment of the raiyati right in proportion to the rent that each was receiving in respect thereof and the Revenue Officer shall also apportion the compensation between the persons entitled thereto.

(*7*) The compensation determind under sub-section (6)shall be payable in the prescribed manner in five equal annual instalments on such dates as may be fixed by the Revenue Officer.

(*8*) The compensation or any portion thereof which remains unpaid shall be recoverable as arrears of land revenue on application to the Revenue Officer by the person entitled thereto.

(*8-a*) The rights of all persons entitled to receive compensation in accordance with sub-section (*6*) shall stand extinguished with effect from the date of conferment of raiyati right under sub-section (*5*) and the sub-tenant, under-raiyat or the successor-in-interest, as the case may be, shall be liable to pay fair and equitable rent to be determined by the Revenue Officer in the prescribed manner to the Government or the person, as the case may be, immediately under whom the land is held consequent on such extinguishment.

(*8-b*) The Revenue Officer may also on his own motion, within the period allowed for making an application under sub-section (*2*) or under sub-section (*5*), take all such action and in such manner as is provided in sub-sections (*2*) to (*8-a*) for declaring the persons or their successors -in-interest, as the case may

1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 3(e).

be, referred to in clauses (*h*) and (*i*) of sub-section (1) to be raiyats and the provisions contained in sub-sections (2) to (8-a) shall, so far as may be, apply to proceedings under this sub-section.]

(*9*) With effect from the date of commencement of this Act no land lord shall be entitled to recover from his raiyat more than a fair and equitable rent and where in any case rent is paid in kind the Revenue Officer on application of either of the parties interested shall determine the fair and equitable rent in the prescribed manner and pending such determination the rent payble shall not exceed one-eighth of the gross produce or the equivalent thereof.]

Existing rights of raiyats not to be affected.

5. For removal of doubts it is hereby declared that, save as otherwise provided in this Act either expressly or by necessary implication, the rights in land in any area held by a person who is a raiyat within the meaning of this Act shall be in addition to and not in derogation of his rights if any, in respect of such land under any other law relating to land tenures including any law relating to landlord and tenants or custom or usage for the time being in force in such area and applicable to such raiyat.

Rights of raiyats and prohibition of letting.

6.(*1*) The rights of a raiyat in any land held by him as such shall be permanent, heritable and transferable.

(*2*) Notwithstanding anything in sub-section (*1*) but subject to the provisions of sub-section (*3*) a transfer after the commencement of this Act by way of a lease of any land held by a raiyat shall be void and inoperative.

(*3*) It shall be lawful for a raiyat who is a person under disability or is a privileged raiyat to lease out his lands to any tenant.

Temporary ban on transfer of land settled by Government.

[1] [6-A. (*1*) Notwithstanding anything contained in sub-section (*1*) of section 6, but subject to the provisions of sub-section (*3*) thereof, any transfer by a raiyat of any land which has been settled with him for agricultural purposes under a permanent lease from

1. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 4, read with President's Act No. 17 of 1973, enforced from 2nd October 1973.

Government shall, if such transfer is made within [1][a period of ten years] from the date of such settlement without obtaining the previous permission in writing of the Revenue Officer, be void.

(*2*) No right, title or interest held by a raiyat in any such land as aforesaid shall, unless permission in writing is accorded by the Revenue Officer to that effect, be attached and sold in execution of a money decree passed against such raiyat.

(*3*) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (*e*) of sub-section (*1*) of section 17 of the Registration Act, 1908 purports to transfer any such land within the period specified in sub-section (*1*), no registering officer appointed under that Act shall register any such document unless such document is accompanied by the written permission of the Revenue Officer for such transfer. 16 of 1908

(*4*) Nothing in sub-section (*1*) or sub-section (*3*) shall apply to any transfer by way of mortgage executed in favour of any scheduled bank or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 applies and nothing in sub-section (*2*) shall apply to a money decree obtained by any such bank.] Orissa Act 2 of 1963.

Non transferability and saving of the rights and liabilities of tenants.

7. [2][(*1*) The rights of a tenant in any land held by him as such shall be heritable, but shall not be transferable.]

[3][(*2*) Save as otherwise provided in this Act—

(*a*) no tenant in lawful cultivation of any land at the commencement of the Orissa Land Reforms (Amendment) Act, 1973 or at any time thereafter shall be liable to be evicted from such land by the landlord; President's Act No. 17 of 1973.

(*b*) no such tenant shall be bound to pay rent at a rate higher than the rate specified in section 13; and

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1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 4.

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s.5.

3. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s.5, read with President's Act No. 17 of 1973, enforced from 2nd October 1973.

(*c*) the rights, benefits, protection, privileges, obligations or liabilities of any tenant in lawful cultivation of any land at the commencement of the Orissa Land Reforms (Amendment) Act, 1973 as were existing immediately prior to such commencement shall not be liable to be modified or extinguished in any manner whatsoever.]

President's Act No. 17 of 1973.

Eviction of raiyats.

8. (*1*)Subject to other provisions of this Act and notwithstanding any contract, custom or usage or decree or order of any Court, a raiyat shall be liable to eviction only if he—

(*a*) has used the land comprised in his holding in a manner which renders it unfit for the purposes of agriculture, or

(*b*) has leased out the land in contravention of the provisions of section 6 or has failed to cultivate the land personally, or

(*c*) has used the land for any purpose other than agriculture.

Explanation—The construction of a house for the residence of the raiyat and his family members together with all necessary outhouses shall be deemed to be for agricultural purposes.

(*2*) A raiyat liable to eviction under sub-section (*1*) shall be entitled to three months' notice in writing from the landlord intimating his intention to so evict and the grounds therefor:

Provided that such eviction on the grounds specified in clause (*a*) of sub-section (*1*), shall not take effect unless the raiyat, within a period of one year from the date of service of such notice, fails to restore the land to a condition fit for agriculture.

Dwelling houses of raiyats and tenants.

9. (*1*) Every person who is a raiyat or a tenant in respect of any land but has no permanent and heritable rights in respect of any site on which his dwelling house or farm house stands shall with effect from the commencement of this Act be deemed to be a raiyat in respect of the whole of such site or a portion thereof not exceeding one-fifth of an acre whichever is less if he or his predecessor-in-interest has—

(*a*) obtained permission, express or implied, from the person having permanent and

(*Sec. 9—contd.*)

heritable rights in the site and having right to accord permission for the construction of such house; and

(*b*) built such house at his own expense.

Explanation— (*i*) [1]× × ×

[2][(*ii*) Lands to be held as a raiyat in pursuance of this sub-section shall be so determined as to include, as far as practicable, tanks excavated and wells sunk by such person on the site and so as not to exceed in extent the limit specified in this sub-section.

(*iii*) Trees standing on the land so determined shall belong to such person.

(*iv*) Right of way and other easementary rights necessary for the enjoyment of the aforesaid land shall attach thereto.]

[3][(*1-A*) The Revenue Officer, on an application made in this behalf by the person refered to in sub-section (1), in the prescribed form and manner and within the prescribed period, may, after such inquiry as may be necessary, issue a certificate in the prescribed form to such person to the effect that he has become a raiyat in respect of the whole, or, as the case may be, a portion of the site as aforesaid and if such person is evicted from the site at any time after the commencement of the Orissa Land Reforms (Amendment) Act, 1973 the Revenue Officer shall, by order, direct that possession of the site be delivered to the said person and may take such further steps as he may consider necessary to give effect to the order so passed.] President's Act No. 17 of 1973.

(*2*) If immediately before the commencement of this Act, any person had permanent and heritable rights in the site, in a capacity other than that of a landholder, the rights of all such persons shall stand extinguished and they shall be entitled to compensation from the raiyat or tentant as the case may be equal to ten times the fair and equitable rent payable for the site under

1. Omitted by the Orissa Land Reforms (Amend ment) Act, 1974 (Or. Act, 9 of 1974), s. 6 (a), read with President's Act, No· 17 of 1973, with effect from the 2nd Cctober 1973.

2. Added by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 4.

3. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 6 (b), read with President's Act No. 17 of 1973, enforced from the 2nd October, 1973.

sub-section (*3*). The classes of rights entitled to such compensation shall share it equally and each such share shall be divided equally amongst persons belonging to the class to which the share relates:

Provided that nothing in this sub-section shall have the effect of extinguishing the rights of Government in the said site.

(*3*) The person who becomes a raiyat in respect of the site specified in sub section (*1*) shall be liable to pay fair and equitable rent therefor [1][to the Government or the Land-holder, as the case may be,] immediately under whom he holds consequent on the extinguishment of rights referred to in sub-section (*2*).

(*4*) In case of a dispute about the amount of rent so payable or about the apportionment of compensation, the Revenue Officer shall on an application by any person intersted filed in the manner and within the time prescribed hold such enquiry as may be necessary and decide such dispute.

Dwelling houses of agricultural labourers and artisans.

10. The provisions of section 9 shall *mutatis mutandis* apply to the dwelling houses constructed by agricultural labourers and village artisans and the sites on which such houses stand.

Explanation —If such labourer or artisan or his predecessors-in-interest had for the first time occupied the site in question when he was in the service of the person having permanent and heritable rights in the site and rigiit to accord permission for the construction of the house, the fact of such occupation shall be conclusive proof that permission had in fact been so accorded.

Mode of transfer of holding of a raiyat.

11. (*1*) Every transfer of the holding of a raiyat or a portion or share thereof by way of sale, exchange or gift shall be made by a registered instrument except in the case mentioned in sub-section (*4*).

(*2*) The Registering Officer shall not accept for registration any such instrument unless the rent of such holding or a portion or share thereof is stated separately in the instrument and unless it is accompanied by a notice signed by the transferer and the transferee giving particulars of the transfer.

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1. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 6(c), read with President's Act, No. 17 of 1973, enforced from the 2nd October, 1973.

(*Sec. 12*)

(*3*) In the case of a transfer of a holding or a portion or share thereof by bequest, the Court shall, before granting probate or letters of administration require the applicant to file a notice giving particulars of the transfer.

(4) When the holding of a raiyat or a portion or share thereof is sold in execution of a decree or order of a court or in pursuance of an award given under the Orissa Co-operative Societies Act, 1951 or under any law, for the time being in force for recovery of arrears of land revenue or any other public demand, the Court or the officer holding the sale shall before confirming the sale require the purchaser to file a notice giving the particulars of such sale. Orissa Act 18 of 1952.

(5) The notice under any of the Preceding sub-sections shall be in the prescribed form accompanied by the prescribed fee and shall be transmitted to the Revenue Officer who shall cause it to be served in the prescribed manner on the land-lord, named in the notice. He shall also cause a copy of the notice to be transmitted to the authority competent to maintain the record-of-rights.

Decision of disputes among landlords and raiyats.

12. (*1*) Any dispute between a raiyat and his land-lord relating to—

(*i*) the landlord's right to evict the raiyat under section 8, or

(*ii*) the rights conferred under sections 4, 9 and 10, or

(*iii*) the raiyat's right to possession of the land and his rights to the benefits under this Act shall be decided by the Revenue Officer on an application to be filed by any person interested :

Provided that such application shall be filed before the Revenue Officer in the prescribed manner within sixty days from the date on which the dispute arises.

(2) On receipt of an application under sub-section (1) the Revenue Officer shall after making such enquiry as may be necessary pass such orders as he deems fit.

(*Secs. 13-14*)

(*3*) The Revenue Officer may take such further steps as he may consider necessary to give effect to the orders passed under sub-section (2).

Rent payable by tenants.

13. (*1*) No landlord shall be entitled to recover from his tenant more than one -forth of the gross produce of the land or the value thereof or the value of one-fourth of the estimated produce as rent [1][, so however that such rent shall in no event exceed the fair rent in respect of such land.]

[2] * * * *

(*2*) When rent is payable in kind, it shall be paid within a period of two months after the month in which the harvesting of the crop is completed and at such place in the village in which the land is situated as may be specified in that behalf by the land-lord.

Grounds of eviction of tenant.

14. (*1*) A landlord may evict his tenant only if such tenant—

(*a*) has used the land in a manner which renders it unfit for purposes of agriculture, or

(b) has failed to cultivate the land properly or personally, or

(c) has failed to pay or deliver to the landlord, the rent within a period of two months from the last day by wich it becomes payable, there being no dispute regarding the quantum of such rent.

[3][(*2*) Without prejudice to the provisions of sub-section (1) [4][but subject to the provisions of sub-sections(4) and (5),] a tenant shall cease to have the right to cultivate the land —

(a) in any case where the landlord is a person under disability at the end of the year during which the disability ceases ;and

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1. Added by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 5.
2. Omitted by *ibid.*, s. 5.
3. Substituted by *ibid.*, s . 6.
4. Inserted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 2 (a).

(*Sec. 14-contd.*)

(*b*) in any case where the landlord being a privileged raiyat or a person under disability, ceases to be the landlord at the end of the year during which such cessor takes place:

[1][Provided that in the case of transfer of the land by any such landlord, the tenant shall not cease to have the right to cultivate the land until after the expiry of a period of six months from the date of service of a notice in the prescribed form by the landlord on the tenant intimating him the particulars of the transfer and where the said period terminates on a day prior to the last day of a year, the cessation of the right of the tenant to cultivate the land shall take place at the end of that year :

Provided further that where the landlord—

(*i*) being a person under disability, ceases to be the landlord by reason of transfer of the land in favour of another person under disability, or

(*ii*) being a privileged raiyat referred to in sub-clause (*b*), (*c*), (*d*) or (*e*) of clause (24) of section 2, ceases to be the landlord by reason of transfer of the land in favour of any person,

the tenant shall not cease to have the right to cultivate the land, but shall, subject to the other provisions of this section continue as a tenant under the transferee.

Explanation—Where a person ceases to be a person under disability as a consequence of amendment of clause (21) of section 2 by the Orissa Land Reforms (Second Amendment) Act, 1975, such cessation shall be construed as cessation of disability for the purposes of clause (*a*).]

1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 6.

(*3*) Where the landlord specified in clause (*a*) of sub-section (*2*) or the succeeding raiyat, if any, in pursuance of clause (*b*) of the said sub-section, as the case may be, fails to resume the land for personal cultivation at the end of the year specified in the said clauses such landlord shall be deemed to have failed to cultivate the land personally and shall be liable to eviction under the provisions of section 8.]

[1][(*4*) Where the landlord, being a person under disability within the meaning of sub-clause (*e*) or sub-clause (*f*) of clause (21) of section 2, ceases to be a person under disability by reason of acquisition of additional land through inheritance, bequest, gift, purchase or otherwise, he shall not be entitled to evict any tenant holding any land under him, but may resume lands for personal cultivation in accordance with the provisions contained in Chapter III and the tenant shall be entitled to acquisition of raiyati right in respect of the non-resumable land in accordance with the said Chapter.

(*5*) For the purposes of sub-section (4) the provisions contained in sections 24 to 36 (both inclusive) shall, so far as may be, apply subject to the modification that the period of limitation in respect of an application to be made under section 26, either by the landlord or by the tenant, shall be six months from the date of such acquisition of additional land.]

Recovery of rent and dispute between landlord and raiyat or tenant.

15. (*1*) Any claim for recovery of arrears of rent by a landlord and any dispute between a landlord and his raiyat or tenant as the case may be as regards—

(*a*) the quantum of the rent payable, or

(*b*) tenant's possession of the land and his rights to the benefits under this Act, or

[2][(*c*) the right of the landlord to terminate the tenancy of a tenant under section 14 or the liability of a tenant to cease to cultivate the land under that section ; or]

1. Inserted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 2 (*b*).

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 7 (*i*) (*a*).

(*Sec. 15-contd.*)

[1][(*d*) the existence of the relationship of landlord and tenant];

shall be decided by the Revenue Officer on an application to be filed [2][in the presribed manner] by any party interested :

[3][Provided that an application in respect of—

(*a*) a claim for recovery of arrears of rent, shall be filed within one year from the date on which such arrear falls due ;

(*b*) a dispute referred to in clauses (*a*) and (*c*), shall be filed within sixty days from the date on which the dispute arises ; and

(*c*) a dispute referred to in clauses (*b*) and (*d*), shall be filed within two years from the date on which the dispute arises :

Provided further that in the case of any dispute referred to in clauses (*b*) and (*d*) which had arisen prior to the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975, an application in respect thereof may, if not filed earlier, be filed within one year from the said date.]

(*2*) On receipt of the application under subsection (*1*), the Revenue Officer may, after making such enquiry as he deems fit direct the payment of arrears of rent, if any, found due or, determine the quantum of rent under clause (*a*) or [4][in cases under clauses (*b*), (*c*) and (*d*) thereof] order the tenant by a notice served in the prescribed manner and specifying the grounds on which the order is made, to cease to cultivate the land :

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1. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 7 (*a*) (*ii*), with effect from the 2nd October 1973.

2. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 7 (*i*) (*b*).

3. Substituted by *ibid.*, s. 7 (*i*) (*c*).

4. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 7 (*b*), with effect from the 2nd October 1973.

(Sec. 15-contd.)

Provided that in cases of dispute arising out of a matter mentioned in clause (*c*) of sub-section (*1*) of section 14, the Revenue Officer before ordering the tenant to cease to cultivate the land shall decide if rent had been duly offered and may allow reasonable opportunity to the tenant to pay or deliver to his landlord the rent payable.

(*3*) An order for eviction made by the Revenue Officer under sub-section (*2*) shall take effect on and from the first day of the year next following the date of such order.

(*4*) If any tenant on whom a notice under sub-section (*2*) has been served does not cease to cultivate the land the Revenue Officer may take such steps as he may deem necessary for the purpose of giving effect to his orders.

(*5*) If after holding enquiry under sub-section (*2*) the Revenue Officer is satisfied that the tenant was cultivating the land at the date of commencement of this Act, or at any time thereafter, and that he is being unlawfully prevented from cultivating such land by his landlord, he may in addition to the penalty that he may impose on the landlord under section 18, order the landlord by a notice served in the prescribed manner to allow the tenant to enter the land forthwith and to cultivate it as a tenant.

(*6*) If the Revenue Officer is satisfied after such further enquiry as he may deem necessary that the landlord has failed to comply with his order under sub-section (*5*), he shall take such steps as may be necessary to put the tenant in possession of the land.

(*7*) Pending final disposal of the dispute under this section, the Revenue Officer may pass such interim orders relating to the appointment of Receivers, for taking charge of the crops, or getting the lands cultivated or [1][restraining the landlord from interfering with the tenants cultivation of the land or for such other purposes] as he may deem necessary or expedient.

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1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 7 (*ii*).

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Dispute regarding identity of tenant.

16. If any dispute arises as to the identity of the tenants in cultivation of any land such dispute shall after such enquiry as may be prescribed be decided by the Revenue Officer on his own motion or on the application of the landlord or any person claiming to be in such cultivation and the Revenue Officer may pass such order as he may deem necessary.

Grant of receipt to raiyat or tenant and penalty for non-compliance.

17. (*1*) A tenant who makes payment on account of rent to his landlord or his agent shall be entitled to a written receipt for the rent paid by him signed by the landlord or his agent, as the case may be.

(*2*) The landlord or his agent shall prepare and retain the counterfoil of the receipt so granted by him.

(*3*) The receipt and counterfoil shall specify such particulars as may be prescribed.

(*4*) If a receipt does not contain substantially the particulars required by sub-section (*3*), it shall be presumed, until the contrary is proved to be a valid discharge in full on account of rent accrued due by the date on which the receipt was granted.

(*5*) If a landlord or his agent without reasonable cause, refuses or neglects to deliver to a tenant a receipt as aforesaid, the tenant may, within three months from the date of payment, apply to the Revenue Officer for the recovery of such compensation from the landlord or his agent not exceeding double the amount or value of such rent as the said officer may deem proper, for such loss or damage that the tenant might have suffered :

Provided that no such application shall be maintainable if prior to the filing of such application the receipt has been obtained from the landlord.

(*6*) If the Revenue Officer while passing an order under sub-section (5) finds the landlord or his agent guilty of such refusal or neglect as aforesaid, he may impose on the landlord or his agent or both a penalty not exceeding a sum of rupees hundred.

(*7*) If a tenant after obtaining a receipt or without being entitled to such a receipt files an application under sub-section (*5*) he shall be liable to pay a penalty not exceeding a sum of one hundred rupees according as the Revenue Officer may after such enquiry as may be necessary direct.

(*8*) If the landlord or his agent without sufficient cause fails to comply with the provisions of sub-sections (*2*) and (*3*) the Revenue Officer may on his own motion or on an application by any tenant and after such enquiry as he deems proper impose a penalty not exceeding fifty rupees on the landlord or his agent.

Explanation—For the purposes of this section a "tenant" shall include a raiyat.

Penalty on landlord for excess realisation or interference with tenant's possession.

18. (*1*) If, in contravention of any of the provisions of this Act a landlord or his agent realises from a raiyat or tenant anything in excess of the rent lawfully payable or deliverable or evicts the tenant from the land or interferes without sufficient cause with the tenant's cultivation of the land, the Revenue Officer may, after making such enquiry as he deems fit, impose on such landlord or his agent or both a penalty not exceeding five hundred rupees or when double the amount or value of what has been so realised exceeds five hundred rupees not exceeding double the amount or value:

Provided that no landlord or his agent shall be liable to the penalty provided in this sub-section for any contravention that took place prior to the date of passing of this Act.

(*2*) The Revenue Officer may proceed against the landlord and his agent in the same proceeding and shall award to the raiyat or tenant by way of compensation and cost, such portion of the penalty as he thinks fit.

Partition among co-sharer raiyats how to be effected.

19. (*1*) No partition of a holding among co-sharer raiyats shall be valid unless made by—

(*a*) a registered instrument; or

(*b*) a decree of a Court; or

(Sec. 20)

(*c*) an order of the Revenue Officer in the manner prescribed, on mutual agreement.

(*2*) When the partition is effected as provided in clause (*a*) of sub-section (*1*) the Registering Officer shall not admit for registration any instrument unless it is accompanied by a notice in the prescribed form with the prescribed particulars and the fee prescribed for the service of such notice.

(*3*) The notice referred to in the preceding sub-section shall be transmitted to the Revenue Officer who shall cause it to be served on the landlord or his agent named in the notice in the manner prescribed. He shall also cause a copy of the notice to be transmitted to the authority competent to maintain the record-of-rights.

(*4*) When the partition is effected as provided in clause (*b*) of sub-section (*1*), the Court passing the final decree for partition shall send to the Revenue Officer in the prescribed form and in the prescribed manner a detailed list of the lands allotted to each share.

(*5*) The Revenue Officer shall send a copy of the list as aforesaid to the authority competent to maintain the record-of-rights and to the landlord, where rent of the land is not payable to Government direct.

(*6*) When partition is effected in the manner provided in clause (*c*) of sub-section (*1*) the Revenue Officer shall send to the landlord where rent is not payable direct to Government and to the authority competent to maintain the record-of-rights in the prescribed form a detailed list of lands allotted to each share. A copy of the order along with the detailed list shall be sent by the Revenue Officer for registration under the Indian Registration Act, 1908 to the Sub-Registrar having jurisdiction: Act 16 of 1908.

Provided that no charges for such registration shall be payable.

Lands lost by diluvion.

20. (*1*) If the holding of a raiyat or a portion thereof is lost by diluvion, the rent of the holding shall, on application made by the raiyat in the prescribed manner to the Revenue Officer, be remitted or reduced by an amount as the Revenue Officer may consider fair and equitable.

(*2*) The right, title and interest of the raiyat shall subsist in such holding or portion thereof during the period of loss by diluvion not exceeding twenty years and subject to the provisions of section 52 the raiyat shall on its reappearance at any time within the said period have the right to possess such land and be liable to pay such rent as in the opinion of the Revenue Officer is fair and equitable.

Lands gained by gradual accretion.

21. Any land gained by gradual accretion to any holding whether from the recess of a river or of the sea, subject to the provisions of section 52 may ordinarily form a part of such holding and the raiyat thereof shall be liable to pay such additional rent as may be determined by the Revenue Officer.

Restriction on alienation of land by Scheduled Tribes.

22. (*1*) [1][Any transfer] of a holding or part thereof by a raiyat, belonging to a Scheduled Tribe shall be void except where it is in favour of—

(*a*) a person belonging to a Scheduled Tribe, or

(*b*) a person not belonging to a Scheduled Tribe when such transfer is made with the previous permission in writing of the Revenue Officer:

Provided that in case of a transfer by sale the Revenue Officer shall not grant such permission unless he is satisfied that a purchaser belonging to a Scheduled Tribe willing to pay the market price for the land is not available, and in case of a gift unless he is satisfied about the *bona fides* thereof.

(*2*) The Government may having regard to the law and custom applicable to any area prior to the date of commencement of this Act by notification direct that the restrictions provided in sub-section (*1*) shall not apply to lands situated in such area or belonging to any particular tribe throughout the State or in any part of it.

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 7(*i*) for "A transfer by way of sale or gift".

[1] [(*3*) Except with the written permission of the Revenue Officer, no such holding shall be sold in execution of a decree to any person not belonging to a Scheduled Tribe.

(*4*) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (*e*) of sub-section (*1*) of section 17 of the Registration Act, 1908 purports to effect transfer of a holding or part thereof by a raiyat belonging to a Scheduled Tribe in favour of a person not belonging to a Scheduled Tribe, no registering officer appointed under that Act shall register any such documents, unless such document is accompanied by the written permission of the Revenue Officer for such transfer. 16 of 1908

(*5*) The provisions contained in sub-sections (*1*) to (*4*) shall apply, *mutatis mutandis*, to the transfer of a holding or part thereof of a raiyat belonging to the Scheduled Castes.

(*6*) Nothing in this section shall apply—

(*a*) to any sale in execution of a money decree passed, or to any transfer by way of mortgage executed, in favour of any scheduled bank or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 applies ; and Orissa Act 2 of 1963.

(*b*) to any transfer by a member of a Scheduled Tribe within a Scheduled Area.]

Surrender or abandonment by raiyat or tenant.

[2][**22-A.** (*1*) No surrender to the landlord or abandonment of any holding or any part thereof by a raiyat or a tenant shall be valid unless such surrender or abandonment has been previously approved by the Revenue Officer.

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974). s. 8. , read with President's Act No. 17 of 1973, enforced from the 2nd October 1973. for "40".

2. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 9., read with President's Act No. 17 of 1973, enforced from the 2nd October 1973.

(Sec. 22-A-contd.)

(*2*) Any raiyat or tenant desiring to surrender or abandon his holding or any part thereof may furnish information thereof in writing to the Revenue Officer.

(*3*) On receipt of information under sub-section (*2*), the Revenue Officer may, after making or causing to be made such inquiry and in such manner as may be prescribed, by order, either approve or disapprove the proposed surrender or abandonment:

Provided that no surrender or abandonment shall be disapproved unless the raiyat or tenant, as the case may be, has been given a reasonable opportunity of being heard in the matter.

(*4*) Where the surrender or abandonment of any holding or part thereof is approved by the Revenue Officer under this section, the holding or part thereof so surrendered or abandoned shall be settled by the Government—

(*i*) where such surrender or abandonment was made by a person belonging to a Scheduled Tribe, with another person belonging to the Scheduled Tribe, or

(*ii*) in a case where no person belonging to a Scheduled Tribe is available or willing to make settlement under clause (*i*) or in any other case, with any other person in accordance with the priorities specified in sub-section (*2*) of section 51.

(*5*) Where any raiyat or tenant surrenders or abandons his holding or any part therof without the previous approval of the Revenue Officer and the holding or part thereof so surrendered or abandoned is taken possession of by the landlord, then, it shall be competent for the Revenue Officer (after giving to the landlord an opportunity of being heard) to impose on the landlord a penalty of an amount not exceeding two hundred rupees per acre of the land so surrendered or abandoned for each year or any part thereof during which the possession is continued.]

(*Sec. 23*)

Effect of transfer in contravention of section 22.

23. (*1*) In the case of any transfer in contravention of the provisions of [1] [sub -section (*1*) of section 22] the Revenue Officer on his own information , or on the application of any person interested in the land may issue notice in the prescribed manner calling upon the transferor and transferee to show cause why the transfer should not be declared invalid.

[2][(*2*) After holding such inquiry as the Revenue Officer deems fit and after hearing the persons interested, he may declare such transfer to be invalid and impose on the transferee a penalty of an amount not exceeding two hundred rupees per acre of the land so transferred for each year or any part thereof during which the possession is continued in pursuance of the transfer which has been declared to be invalid [3][and may also order such portion of the penalty as he deems fit, to be paid to the transferor or his heir].]

(*3*) On a declaration being made under subsection (*2*) the Revenue Officer *suo motu* or on the application of any person interested cause restoration of the property to the transferor or his heirs and for the purpose may take such steps as may be necessary for compliance with the said order or preventing any breach of peace:

[4][Provided that if the Revenue Officer is of the opinion that the restoration of the property is not reasonably practicable, he shall record his reasons therefor and shall, subject to the control of the Government, settle the said property with another member of a Scheduled Tribe or in the absence of any such member, with any other person in accordance with the provisions contained in the Orissa Government Land Settlement Act, 1962.

Explanation—Restoration of the property means actual delivery of possession of the property to the transferor or his heir.]

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1. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 8 (i).

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 10 , with effect from the 2nd October 1973.

3. Added by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 3 (a).

4. Substituted by *ibid.*, s. 3 (*b*).

[1][(*4*) Where any transfer is declared under this section to be invalid and the transferee or any other person in possession of the property has been evicted therefrom, the transferee shall not be entitled to the refund of any amont paid by him to the transferor by way of consideration for the transfer.]

Eviction of person in unauthorised occupation of property.

[2][**23-A.** Where any person is found to be in unauthorised occupation of the whole or part of a holding of a raiyat belonging to a Scheduled Caste or of a raiyat belonging to a Scheduled Tribe within any part of the State other than a Scheduled Area, by way of trespass or otherwise, the Revenue Officer may, either on application by the owner or any person interested therein, or on his own motion, and after giving the parties concerned an opportunity of being heard, order eviction of the person so found to be in unauthorised occupation and shall cause restoration of the property to the said raiyat or to his heir in accordance with the provisions of sub-section (3) of section 23.]

Burden of proof and amendment of Limitation Act, 1963 in its application to proceedings under section 23.

[3][[4][**23-B.**] (*1*) If in any proceedings under section 23, the validity of the transfer of any holding or any part thereof is called in question, or if such proceedings are for the recovery of possession of such holding or part thereof, the burden of proving that the transfer was valid shall, notwithstanding anything contained in any other law for the time being in force, lie on the transferee.

Act, 36 of 1963.

(*2*) In the Limitation Act, 1963 in its application to proceedings under section 23, in the Schedule, after the words "Twelve years" occurring in the second column against article 65, the words, brackets and figures "but thirty years in the case of immovable property belonging to a member of a Scheduled Tribe or a Scheduled Caste, specified in relation to the State of Orissa in the Constitution (Scheduled Tribes) Order, 1950 of the constitution (Scheduled Castes) Order, 1950 as the case may be" shall be inserted.]

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1. Added by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 3 (c).

2. Inserted by *ibid.*, s. 4.

3. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 11. w. e. f. the 2nd October 1973.

4. Renumbered by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 4.

[1][CHAPTER III

RESUMPTION OF LAND FOR PERSONAL CULTIVATION

Resumption of tenanted lands.

24. (*1*) Notwithstanding anything to the contrary in Chapter II, but subject to the conditions, limitations and restrictions hereinafter specified the landlord and the tenant shall have the right to the determination of the resumable and non-resumable lands in accordance with the provisions of this Chapter and for the purposes thereof.

Explanation—Resumable land refers to the land which can be resumed for personal cultivation by a landlord from a tenant.

(*2*) Nothing in this Chapter shall apply in respect of lands held by a landlord who[2]x x is a privileged raiyat or a person under disability.

Extent of resumable land.

25. The extent of resumable lands shall not be more than one-half of the lands in respect of each tenant, measured in standard acres only.

Rights of the landlord and the tenant to apply.

26. (*1*) The landlord shall have the right to make his selection under section 25 and may within three months from the commencement of this Act apply on the basis of such selection to the Revenue Officer in the prescribed form and manner, with intimation of a copy of such application to each of his tenants for the issue of a certificate specifying separately the particulars of the resumable and the non-resumable lands.

(*2*) A tenant may also apply to the Revenue Officer within the period aforesaid in the prescribed form and manner, under intimatiom to the landlord for a determination of the non-resumable lands in respect of his tenancy and for the issue of a requisie certificate in that behalf:

[3][Provided that any landlord or tenant who has failed to apply within the aforesaid period, may make such application within three months from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1966: Or. Act. 8 of 1967

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 9.

2. Omitted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 12, read with President's Act No. 17 of 1973 enforced from the 2nd October 1973. for "on the commencement of this Act".

3. Added by the Orissa Land Reforms (Amendment) Act, 1966 (Or. Act 8 of 1967), s. 3.

Provided further that any such application made after the expiry of the period specified in sub-section (*1*) or sub-section (*2*) and before the aforesaid date shall, for all purposes, be treated as an application filed within the period of limitation.]

Determination of resumable and non-resumable land.

27. (*1*) The Revenue Officer shall , [1] [on receipt of application from the landlord under section 26, consider it along with such application, if any, as may have been received from his tenant under the said section] and after giving the parties interested an opportunity of being heard, determine the particulars of the resumable lands and also of the non-resumable lands so far as may be in accordance with the selection, if any, made by the landlord under section 26, along with the fair and equitable rent payable in respect of the non-resumable lands.

(*2*) All proceedings other than in appeal, review or revision relating to any other dispute between such landlord and tenant pending on the commencement of this Act in any Revenue Court or instituted thereafter in any such Court shall stand transferred to the Revenue Officer who shall decide, so far as may be, all such disputes along with the determination of the aforesaid particulars.

Compensation for non-resumable lands.

28. (*1*) While deciding matters under section 27 the Revenue Officer shall further determine the compensation in respect of the non-resumable lands payable in the prescribed manner by the tenant which shall be determined in accordance with the following sub-sections.

(*2*) [2][The compensation for the land shall be an amount calculated at the rate of eight hundred rupees per standard acre of the land to be paid in five equal annual instalments] with interest at the rate of four and a half per centum per annum on the unpaid balance, the first instalment falling due on such date as the Revenue Officer may in his order specify in that behalf:

[3]* * * *

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1966 (Or. Act 8 of 1967), s. 4.

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 8 *(a)*.

3. Deleted by *ibid.*, s. 8 *(b)*.

Provided further that where the tenant pays up the entire compensation amount on or before the date on which the payment of the first instalment falls due he shall be entitled to a rebate of five per centum of the compensation amount.

(*3*) The compensation payable for—

(*a*) wells, tanks and structures of a permanent nature, situate in the land not constructed by or at the cost of the tenant; and

(*b*) trees standing on the land,

shall be the market value thereof to be paid along with the compensation under sub-section (*2*).

Explanation—In determining the market value the Revenue Officer shall, as far as practicable be guided by the provisions contained in sub-section (*1*) of section 23 of the Land Acquisition Act, 1894. 1 of 1894

Certificate in respect of resumable and nonresumable lands.

29. After the disposal of appeal, if any, from the orders under sections 27 and 28 preferred within the period specified in section 63, the Revenue Officer, having regard to the alterations and modifications, if any, ordered in such appeal, shall issue a certificate in the prescribed form to the landlord and also to the tenant specifying all matters to be determined under the said sections and shall also send a copy of such certificate to the authority competent to maintain the record-of-rights.

Tenant to become raiyat and recovery of compensation.

30. (*1*) The tenant shall with effect from the beginning of the year next following the date of the issue of the certificate under section 29 become a raiyat in respect of the land for which compensation has been determined under section 28.

(*2*) The instalments of the compensation amount together with interest due thereon shall remain a first charge on the land to which it relates and shall be recoverable, as an arrear of land revenue on application to the Revenue Officer by the person entitled thereto.

(*Secs.31-33*)

Persons entitled to receive compensation.

31. (*1*) The compensation payable by the tenant determined under section 28 shall be paid to his landlord where such landlord is a raiyat or a land-holder; or if the landlord not being a raiyat or a land-holder holds any right under a raiyat then the raiyat and all such persons holding rights between the raiyat and the tenant shall be entitled to the compensation in respect of their rights in the land; and persons entitled to such compensation shall take it in proportion to the rent that each receives in respect of the land and the Revenue Officer shall while proceeding under section 28 determine each such share in such compensation.

(*2*) With effect from the date the tenant becomes a raiyat under section 30 he shall hold the lands as such free from all encumbrances and the rights of all persons (not being Government or a land-holder) mediately or immediately under whom the land was being held shall stand extinguished and the encumbrances, if any, created by such persons in respect of the land shall thereafter attach to the other lands of the landlord.

Certificate to be conclusive proof.

32. A certificate issued under section 29 shall be conclusive proof of the correctness of the contents thereof in respect of all disputes between the tenant and the persons whose rights stand extinguished in pursuance of section 31.

Rent for non-resumable land to whom payable.

33. (*1*) The fair and equitable rent determined under section 27 shall be payable—

(*a*) if the landlord is a raiyat or land-holder, to the person immediately under whom such raiyat or land-holder was holding the land; and

(*b*) in any other case, to the immediate land-holder.

Explanation—For the purposes of clause (*b*) the term 'land-holder' shall include Government.

(*2*) Arrears of revenue, cesses or other dues to Government, if any, by the date with effect from which the tenant becomes a raiyat in pursuance of certificates issued under section 29 in respect of the lands covered by such certificates shall be payable by the persons who were liable for such dues by the said date.

Tenant's right to continue on resumable lands.

34. On the determination of the resumabie lands the tenant on such land shall cease to have the right to continue in cultivation thereof with effect from the date of expiry of the year next following the date of issue of the certificate under section 29.

Consequences of failure of landlord to apply under section 26.

[1][**34-A.** In any case where the landlord in respect of any land fails to apply in accordance with the provisions of section 26 the Revenue Officer shall, on the expiry of the period specified in the said section, consider the application filed by the tenant in respect of such land and after giving the persons interested an opportunity of being heard determine the particulars of the resumable and non-resumable lands along with the other matters required to be determined under sections 27 and 28 and on such determination the remaining [2][provisions of this Chapter], so far as may be, shall apply:

Provided that if in any such case the landlord contests the claim on the ground that the applicant is not the tenant and the tenant succeeds in establishing his claim the Revenue Officer shall, after giving the tenant an opportunity of selecting the non-resumable lands, determine the aforesaid particulars, so far as may be, in accordance with the selection, if any, made by the tenant:

Provided further that if the landlord does not contest the claim as aforesaid he shall have the right to select the resumable lands and the said particulars shall, so far as may be, be determined in accordance with the selection, if any, made by the land lord.]

Failure of both landlord and tenant to apply under section 26.

35. Where both the landlord and the tenant in respect of any land fail to apply in accordance with the provisions of section 26 the Revenue Officer may within six months from the expiry of the period specified in the said section and subject to such rules as may be made in that behalf after giving the persons interested an opportunity of being heard determine the particulars of the resumable

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1. Inserted by the Orissa Land Reforms (Amendment) Act, 1966 (Or. Act 8 of 1967), s. 5.

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1969 (Or. Act 13 of 1969), s. 2 for "provisions of the Chapter".

and non-resumable lands along with the other matters required to be determined under sections 27 and 28 and on such determination the remaining provisions of this Chapter so far as may be, shall apply.

Rights of tenant until conclusion of proceedings under this Chapter.

[1][**35-A.** The tenant shall, subject to the final orders made in the proceedings, if any, under this Chapter, hold the lands as a tenant with heritable rights until the conclusion of such proceedings and while so holding shall be subject to the provisions contained in Chapter II.]

Removal of doubts.

36. For the removal of doubts it is hereby declared that where the landlord after having got the right to enter upon the land under section 34, or where the tenant after having become a raiyat under section 30 fails to personally cultivate the land without sufficient cause before the expiry of the year next following the date on which such right accrues, such landlord or tenant, as the case may be, shall be liable to eviction in accordance with the provisions of section 8.

Tenant to become raiyat in respect of the whole of the land in certain cases.

[2][**36-A.** (*1*) Notwithstanding anything contained in the foregoing provisions of this Chapter, but subject to the provisions of sub-section (*2*) of section 24, the Revenue Officer may, on an application made in that behalf by the tenant within two years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973 and after giving the parties interested an opportunity of being heard and after consulting the local committee, if any, declare the whole of the land in cultivation of the tenant to be non-resumable and determine the fair and equitable rent and the compensation payable by the tenant in respect of the land in accordance with the provisions of section 28 and on such determination, the provisions of sections 29 to 33 (both inclusive), 35-A and 36 shall, so far as may be, apply:

President's Act 17 of 1973.

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1. Inserted by the Orissa Land Reforms (Amendment) Act, 1966 (Or. Act 8 of 1967), s. 6.

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 9.

(*Sec. 36-B*)

Provided that nothing in this sub-section shall apply to any land where—

(*a*) the particulars of the resumable and non-resumable portions thereof have already been determined under section 27 or under section 35; or

(*b*) proceedings for the determination of such particulars are pending; [1][*]

[2][* * *]

Explanation—For the purposes of this section "tenant" shall include a tenant whose application under section 26 was rejected prior to the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 on the ground of default or non-prosecution on the part of the tenant and a tenant in respect of whom a case initiated under section 35 was terminated prior to the said date on any such ground.

(*2*) The Revenue Officer may also, on his own motion, take all such action and in such manner as is provided in sub-section (*1*) at any time within three years from the commencement of the said Act:

Provided that where the period of limitation specified in sub-section (*1*) is extended by any further period under section 63, the period of three years as aforesaid shall stand equally extended.

(*3*) For the removal of doubts it is hereby declared that the Revenue Officer, while proceeding under this section, shall have power to decide any dispute as regards the existence of the relationship of landlord and tenant or as to the identity of the tenant.

Application of section 36-A consequent upon amendment of the Act.

36-B. Notwithstanding anything contained in sub-section (*1*) of section 24, section 25 or section26, where as a consequence of the amendment of section 73 by the Orissa Land Reforms (Second Amendment) Act, 1975, any land becomes subject to the provisions of this Chapter, the provisions of section 36-A shall, so

1. Deleted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 3 (a).

2. Deleted by *ibid.*, s. 3 *(b)*.

far as may be, apply to such land subject to the modification that the period of limitation specified therein shall run from the date of commencement of the said Act.

Tenants inducted in contravention of Act to become raiyats.

36-C. (*1*) Notwithstanding anything contained in sub-section (*2*) of section 6, any tenant to whom land has been leased out on or after the 1st day of October, 1965 in contravention of the provisions of that sub-section, may make an application to the Revenue Officer within two years from the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 or the date on which the land was so let out, whichever is later, for being declared to be a raiyat in respect of such land.

(2) The Revenue Officer may also, on his own motion, initiate proceedings under sub-section (*1*) within the aforesaid period of two years for declaring the tenant to be a raiyat.

(3) The provisions contained in sections 28 to 33 (both inclusive), 35-A and 36 shall, so far as may be, apply to the proceedings under this section as if the whole of the land so let out were non-resumable.]

* CHAPTER IV

CEILING AND DISPOSAL OF SURPLUS LAND

Definitions

[1] [37. In this Chapter,—

(*a*) "person" includes a company, family, association or other body of individuals, whether incorporated or not and any institution capable of owning or holding property;

(*b*) "family", in relation to an individual, means the individual, the husband or wife, as the case may be, of such individual and their children, whether major or minor, but does not include a major married son who as such had separated by partition or otherwise before the 26th day of September, 1970.

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* Chapter IV substituted by the Orissa Act 13 of 1965.

[1] Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 14, read with President's Act No. 17 of 1973, enforced from the 2nd October 1973.

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Ceiling area

37-A. The ceiling area in respect of a person shall be ten standard acres:

Provided that where the person is a family consisting of more than five members, the ceiling area in respect of such person shall be ten standard acres increased by two standard acres for each member in excess of five, so, however, that the ceiling area shall not exceed eighteen standard acres.

Persons not entitled to hold land in excess of ceiling area.

37-B. On and from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, no person shall, either as land-holder or raiyat or as both, be entitled to hold any land in excess of the ceiling area. President's Act No. 17 of 1973.

Explanation—For the purposes of this section all lands held individually by the members of a family or jointly by some or all the members of a family shall be deemed to be held by the family.

Exemptions from ceiling.

38. Save as otherwise provided in this section, the provisions of this Chapter shall not apply to—

(*a*) lands held by a privileged raiyat:

Provided that nothing in this clause shall apply to any land held by a raiyat under a privileged raiyat;

(*b*) lands held by industrial or commercial, undertakings or comprised in mills, factories or workshops, where such lands are necessary for the use, for any non-agricultural purpose, of such undertakings, mills, factories or workshops:

Provided that where the said lands are not actually used within a period of five years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, for the purpose for which they had been set apart, the Collector may, after giving notice to the persons concerned, by order, direct that the provisions of this Chapter shall apply to the said lands. President's Act No. 17 of 1973.

Provided further that the Collector may, on an application made to him in this behalf and on being satisfied that it is necessary or expedient so to do,

extend the said period of five years by such further period or periods as he may deem fit, so, however, that the total period of such extension shall not exceed in any case eight years;

(*c*) plantations;

Explanation—"plantation" means any land used principally for cultivation of coffee, cocoa or tea (hereafter in this Explanation referred to as "plantation crops") and includes lands used for any purpose ancillary to the cultivation of the plantation crops or for the preservation of the same for their marketing;

(*d*) lands held by any agricultural university, agricultural school or college, or any institution conducting research in agriculture.

Principles for determining the ceiling area.

39. In determining the ceiling area in respect of a person, the following principles shall be followed, namely:—

(*a*) homestead lands, or tanks with their embankments, or both, to the extent of three acres in the aggregate shall not be taken into account;

[1][(*b*) the transfer of any land by sale, gift or otherwise or the partition thereof by a person during the period beginning with the 26th day of September, 1970 and ending with the commencement of the Orissa Land Reforms (Amendment) Act, 1973 shall, if such person was holding land on the said day in excess of the ceiling area, be deemed to be void, anything contained in any law or agreement or in any decree or order of any Court notwithstanding ;

President's Act No. 17 of 1973.

(*bb*) the lands so transferred or partitioned shall be taken into account as if the transfer or partition had not taken effect and the Revenue Officer may, at his discretion ignore the selection made by the person of lands to be retained in his possession;]

1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 10.

(*c*) where the person is a member of a co-operative farming society, the extent of land which he would get as his share if the land held by such society is divided shall be taken into account;

(*d*) lands in the possession of a tenant or a mortgagee shall be deemed to be lands held by the person.

Prohibition of transfer and partition of land and restriction of suits for specific performance of contract.

40. (*1*) Except where he is permitted in writing by the Revenue Officer so to do, no person holding land in excess of the ceiling area shall, after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, transfer by sale, gift or otherwise or effect any partition of such land or any part thereof until the surplus land, which is to vest in the Government under section 45, has been determined and taken possession of by or on behalf of the Government and all transfers made and partitions effected in contravention of this sub-section shall be void: President's Act No. 17 of 1973.

Provided that nothing contained in this sub-section shall apply to—

(*a*) any transfer by way of mortgage executed in favour of—

(*i*) the Central Government or any State Government;

(*ii*) any public financial institution;

(*iii*) any bank to which the Orissa Co-operative Societies Act, 1962 applies; Orissa Act 2 of 1963.

(*iv*) any corporation established by law which is owned, controlled or managed by the Central Government or by any State Government;

(*v*) any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or by any one or more State Governments; or

(*b*) any sale of land in execution of a decree or order or an award for the realisation of money due under any such mortgage.

(2) Every suit for the specific performance of a contract for the transfer of land, instituted after the 26th day of September, 1970 and before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall abate and no suit for the specific performance of any such contract entered into before such commencement shall be maintainable.

President's Act No. 17 of 1973.

[1][(3) All suits for partition of land instituted in a Civil Court after the 26th day of September, 1970 and pending on the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 shall, if the land forming the subject matter of the suit exceeds the ceiling area in respect of the person who is liable to submit a return under section 40-A in relation to such land, abate.]

Submission of returns.

40-A. (1) Every person holding land (which shall include lands transferred by sale, gift or otherwise or partitioned by him after the 26th day of September, 1970) either as land-holder or raiyat in excess of the ceiling area at the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall, before the expiry of ninety days from such commencement, submit to the Revenue Officer, in such form and in such manner as may be prescribed, a return indicating the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area (hereinafter referred to as "surplus lands") and furnish in the said returns such other particulars as may be prescribed:

President's Act No. 17 of 1973

Provided that a person who has made any transfer or effected any partition in contravention of the provisions of sub-section (1) of section 40, shall not have the right to indicate the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area, but shall have to file the return furnishing the particulars of all the lands held by him as aforesaid:

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1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 11.

Provided further that where as a consequence of the amendment of this Act by the Orissa Land Reforms (Amendment) Ordinance, 1974, such person considers it necessary to submit a return or revised return, such return or revised return shall be submitted within thirty days from the date of publication of the said Ordinance in the Gazette. Orissa Ordinance 2 of 1974.

(*2*) In any case where on the date of submission of the return under sub-section (*1*),—

(*a*) any proceedings for resumption under Chapter III or mutation proceeding or proceedings for partition in a Civil Court [1][instituted prior to the 26th day of September, 1970] in respect of any land forming subjectmatter of the return; or

(*b*) any proceeding under section 57-A relating to a trust on whose behalf the return has been submitted,

is pending, the person who has submitted such return shall submit a revised return on the basis of the result of such proceeding in accordance with sub-section (*1*) [2][within thirty days] from the date of issue of the certificate under section 29 or, as the case may be, from the date of final disposal of the mutation proceedings, proceedings for partition or proceedings under section 57-A after the termination of appeal, revision or review, if any [3][or from the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 whichever is later].

Submission of returns in special cases

[4][**40-B.** Where any person,—

(*a*) being liable to submit a return under section 40-A, has failed to do so within the period specified therein; or

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1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 12 (a).

2. Substituted by *ibid.*, s. 12 (b).

3. Added by *ibid.*, s. 12 (c).

4. Inserted by *ibid.*, s. 13.

(*b*) has become liable to submit a return under section 40-A as a consequence of the amendment of this Act by the Orissa Land Reforms (Second Amendment) Act, 1975; or

(*c*) considers if necessary to submit a revised return as a consequence of such amendment,

he shall submit the return or revised return, as the case may be, in accordance with the provisions of that section within thirty days from the commencement of the said Act:

Provided that persons against whom proceedings under section 43 have been initiated by the Revenue Officer on his own motion, shall not be bound to file any return as required by this section:]

[1][Provided further that a revised return, if filed by a person after confirmation of the draft statement in respect of his lands under sub-section (*1*) of section 44, shall not be taken into consideration.]

Responsibility for submitting returns.

41. The return referred to in section 40-A [2][or section 40-B] shall be submitted—

(*1*) in the case of an individual, by the individual or his guardian if he is a minor;

(*2*) in the case of a family, by the head of the family or any member thereof or by all the members jointly:

Provided that if more than one return is filed in respect of the same family all such returns shall be taken up together for consideration; and

(*3*) in any other case, by an individual competent to act on behalf of the person by whom the return is to be submitted.]

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1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 176)., s. 5.

2. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 14.

Failure to submit return to entail forfeiture of claim.

42. If any person required to submit a return under section [1][40-A][2][or section 40-B], fails to do so or submits a return which he knows or has reason to believe to be false in respect of all or any of the material particulars, the Revenue Officer may obtain the necessary information through such agency as he may consider proper and shall thereafter proceed to prepare and publish the statement contemplated under section 43:

Provided that the [3][amount] payable for the lands declared to be his surplus lands in accordance with the provisions of section 44 shall be [4][fifty percentum] of the amount which he would have been entitled to had he submitted a correct return under section [1][40-A][2][or section 40-B].

Preparation and publication of draft statement showing ceiling and surplus land.

43. *(1)* The Revenue Officer on receipt of the return under sub-section *(1)* of section [5][40-A] [6][or under section 40-B] after considering all relevant materials available to him and the selection made by the person concerned [7][having a right to do so] under the said sub-section of the lands to be retained by him [8][and after consulting the local committee if any] shall record his findings in a draft statement showing—

[9][*(a)* the total area of land held by the person as a land-holder or as a raiyat and the class to which each plot of the land belongs;

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1. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 15 *(a)* for " 40" read with President's Act No. 17 of 1973 enforced from the 2nd October 1973.

2. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 15.

3. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 6.

4. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 15 (b), w. e. f. 2nd October, 1973.

5. Substituted by *ibid.*, s. 16 (a) (i).

6. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 16 (b).

7. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 16 (a) (ii), w. e. f. the 2nd October, 1973.

8. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 16 (a).

9. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 16 (a) *(iii)*, w. e. f. the 2nd October, 1973.

(*b*) the surplus area;

(*c*) the specific parcels of land to be retained by the person and the total area thereof;]

(*d*) the specific parcels comprising the surplus lands under clause (*b*) ;

(*e*) lands if any exempted under section 39 ; and

(*f*) such other particulars as may be prescribed :

Provided that no part of the lands held by a Company or any other corporate body of which the person concerned may be a member or share-holder shall be shown as surplus lands in respect of such person.

(2) Subject to the rules made in that behalf, the draft statement under sub-section (*1*) shall be published inviting objections from persons interested and the Revenue Officer after hearing the objections, if any, received within thirty days of such publication and making such enquiries as he deems necessary [1][and after consulting the local committee, if any], may by order recording his reasons in writing alter or amend all or any of the particulars specified in the draft statement:

Provided that in cases where a revised return is due to be submitted under sub-section (*2*) of section [2][40-A] [3][or under section 40-B] the Revenue Officer shall prepare the draft statement under sub-section (*1*) after consideration of such return, if any.

Final statement of ceiling and surplus lands.

44. (*1*) On the termination of the proceedings under section 43 the Revenue Officer shall by order confirm the draft statement with such alterations or amendments as may have been made therein under the said section.

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1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 7.

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or Act 9 of 1974), s. 16 (b), read with President's Act No. 17 of 1973, enforced from the 2nd October 1973, for "40".

3. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 16 (b).

[1][(*2*) An appeal against the order of the Revenue Officer under sub-section (*1*) confirming the statement, if presented—

(*a*) by any person aggrieved by the order within thirty days from the date of the order; or

(*b*) by the State Government within sixty days from the said date,

shall lie to the prescribed authority.]

(*3*) The draft statement as confirmed or as modified in appeal [2][or revision], if any, shall be published by the Revenue Officer in such manner and for such period as may be prescribed, and on the expiry of the said period the statement shall be final, and conclusive, a copy whereof shall then be furnished to the person concerned free of cost and another such copy to such authority, if any, as may be prescribed.

Declaration under section 57-A to be produced before finalisation of statement.

[3][**44-A.** (*1*) Where a declaration made under section 57-A in relation to a trust is produced before the Revenue Officer by the concerned trustee at any time before the statement in respect of such trust has become final under sub-section (*3*) of section 44, all proceedings relating to the fixation of ceiling and determination of the surplus area in respect of such trust shall abate.

(*2*) Where the concerned trustee has given intimation in writing to the Revenue Officer prior to the finalisation of the said statement about the pendency of proceedings under section 57-A relating to a trust, all proceedings relating to the fixation of ceiling and determination of the surplus area in respect of such trust shall abate and any action taken in furtherance of such proceedings shall be of no effect.

(*3*) A declaration as aforesaid which is obtained or produced before the Revenue Officer

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1 Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 17 (*a*).

2 Inserted by *ibid*, s. 17 (*b*).

3 Inserted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 8.

after the statement in respect of the concerned trust has become final under sub-section (*3*) of section 44, shall, except where the concerned trustee has given intimation in writing to the Revenue Officer prior to the finalisation of the said statement about the pendency of proceedings under section 57-A, be of no effect whatsoever in so for as the proceedings under this Chapter are concerned.]

Surplus lands to vest in Government.

45. With effect from [1][the date on which the statement becomes final under sub-section (*3*) of section 44] the interests of the person to whom the surplus lands relate and of all land-holders mediately or immediately under whom the surplus lands were being held shall stand extinguished and the said lands shall vest absolutely in the Government free from all encumbrances.

Delivery of possession of surplus lands.

[2][**45-A.** (*1*) It shall be the duty of the person in possession of the surplus lands to deliver possession thereof to the Revenue Officer within fifteen days from the date of vesting of the lands in the Government or, if there be any standing crop on the land on the said date, within fifteen days from the harvesting of such crop, whichever is later ; and the Revenue Officer shall take over possession of the land on behalf of the Government.

(*2*) If possession is not delivered in accordance with the provisions of sub-section (*1*), the Revenue Officer may, by an order in writing direct the person in possession of the surplus lands to deliver possession of such lands within seven days from the date of service of the order on him to such person as may be specified in the order.

(*3*) If the person in possession of the surplus lands refuses or fails without sufficient cause to comply with the order issued under sub-section (2), the Revenue Officer may take possession of the land and may, for that purpose, use such force as may be necessary.]

1. Substituted by the Orissa Land Reforms (Second Amendment Act, 1975 (Or. Act 29 of 1976). s. 18.

2. Inserted by *ibid.*, s. 19.

Lands escaping ceiling proceedings to vest alongwith surplus lands already vested.

[1][**45-B.** (*1*) If at any time within six years from the date of finalisation of the statement under sub-section (*3*) of section 44 relating to any person holding land in excess of ceiling area, it is found that some more lands held by such person have escaped inclusion in the above statement due to any reason whatsoever, the Revenue Officer may, after giving the person an opportunity of being heard and after making such enquiry as he deems proper, declare in the prescribed manner, the whole or any part of such lands as are found to be held by the person to be surplus land in relation to him.

(*2*) All lands declared to be surplus land under sub-section (*1*) shall be deemed to have vested in the Government free from all encumbrances alongwith the surplus lands mentioned in the aforesaid statement and the provisions of sections 45, 45-A and 46 to 61 shall, so far as may be, apply to the lands so vested :

Provided that the amount payable in respect of the interest of the person to whom the surplus lands relate shall be subject to reduction at the following rate:—

	Rate of reduction
(*i*) where the land was in occupation of the person for a period not exceeding one year from the date of finalisation of the statement under section 44 (*3*),	Fifty-five per centum
(*ii*) where the period of such occupation exceeds one year,	Fifty-five per centum plus five per centum for each year or part thereof in excess of one year.

1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 9.

(3) Without prejudice to the provisions of section 39, the transfer of any land declared to be surplus land under sub-section *(1)*, by sale, gift or otherwise or the partition thereof, made or effected after the date of finalisation of the statement under sub-section (3) of section 44 shall be deemed to be void.]

[1] [*] Assessment Roll to be prepared.

46. As soon as may be after the date of the aforesaid final statement the Revenue Officer shall [2][determine under section 47 the amount payable by Government in respect of the surplus lands] and after deducting therefrom all rents, revenues, cesses, rates and other dues payable to Government in respect of the land apportion the same in accordance with the [3][*] Assessment Roll published under section 49 between the persons interesetd.

Principles to determine [4][amount.]

47. *(1)* The [5][amount] in respect of the interest of the landholders mediately or immediately under whom the surplus lands were being held as a landholder or raiyat shall be fifteen times the fair and equitable rent.

(2) [6][The amount] in respet of the interest of the person to whom the surplus lands relate shall be the aggregate of the following:—

(*a*) [7][fifty percentum of the market value] of tanks, wells and of structures of a perma-

(*b*) [7][fifty percentum of the market value] of trees standing on the land ; and

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1. Deleted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 4 (*a*).

2. Substituted by *ibid.*, s. 4 (*b*).

3. Deleted by *ibid.*, s. 4 (*c*).

4. Substituted by *ibid.*, s. 5 (*a*).

5. Substituted by *ibid.*, s. 5 (*b*).

6. Substituted by *ibid.*, s. 5 (*c*) (*i*).

7. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 17 (*a*), readwith President's Act No. 17 of 1973, enforced from the 2nd October, 1973.

[1][(*c*) value of land to be determined in the following manner, namely :—

Extent of surplus land	[2][Rate of amount]
(*i*) For the first ten standard acres.	Rupees eight hundred per standard acre.
(*ii*) For the next ten standard acres.	Rupees six hundred per standard acre.
(*iii*) For the next ten standard acres.	Rupees four hundred per standard acre.
(*iv*) For the rest ..	Rupees two hundred per standard acre.]

Explanation—In determining the market value, the Revenue Officer shall, as far as practicable, be guided by the provisions contained in sub-section (*1*) of section 23 of the Land Acquisition Act, 1894. 1 of 1894

Preparation and publication of draft [3][*] Assessment Roll.

48. (*1*) After the determination of the amounts under section 47 and after ascertaining in the prescribed manner the dues payable to Government specified in section 46 the Revenue Officer shall prepare and publish in the prescribed form and manner a draft [3][*] Assement Roll inviting claims and objections from persons interested, and after hearing such claims and objections, if any, received within sixty days of such publication dispose of the same in accordance with the provisions of this Act and the rules made thereunder.

(*2*) An appeal, if preferred within thirty days from the date of the order under sub-section (*1*) shall lie to the prescribed authority.

Final [4][*] Assessment Roll.

49. (*1*) When all such claims, objections and appeals are disposed of the Revenue Officer shall

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 17 (*b*), readwith President's Act No. 17 of 1973, enforced from the 2nd October, 1973.

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 5 (*c*) (*ii*).

3 Deleted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 6.

4. Deleted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s.

after making such alterations in the draft [1][*] Assessment Roll as may be necessary to give effect to any order passed under sub-section (*1*) or, as the case may be, under sub-section (*2*) of section 48 cause the Roll so altered to be finally published in the prescribed manner, and on such publication, the Roll shall become final and conclusive.

Explanation—The amounts payable in respect of the land-holders specified in sub-section (*1*) of section 47 shall respectively be shown in the Assessment Roll in proportion to the rent that each such land-holder receives in respect of the land.

(*2*) Notwithstanding anything in sub-section (*1*) any party aggrieved by any entry in the Roll relating to the rate of apportionment of any amount as between the holder of an encumbrance referred to in section 45 and the person liable to discharge the same, may apply to the Civil Court of competent jurisdiction within ninety days from the date of publication of the Roll under this section for establishing his claim in respect of such rate and the decision on such application, if any, shall be final :

Provided that no such proceedings shall be maintainable against Government or the Revenue Officer or the authority prescribed under sub-section (2) of section 48; nor shall any of them be deemed to be necessary or proper party to such proceedings.

Payment of [amount].

[2][50. The amount [4][*] determined in accordance with the foregoing provisions shall be payable on and from the date of delivery of or taking over possession of the surplus lands in such mode as may be prescribed and interest shall accure on the unpaid [5][balance of the amount] at the rate of two and half percentum per annum.]

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1. Deleted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 7.

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 20.

3. Substituted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 30 of 1976), s. 8(*a*).

4. Deleted by *ibid.*, s. 8 (*b*).

5. Substituted by *ibid.*, s. 8(*c*).

(*Sec. 51*)

Settlement of surplus land.

[1][51. (*1*) Seventy percentum of the surplus lands vested in the Government under section 45 shall be settled with persons belonging to the Scheduled Tribes or Scheduled Castes in proportion to their respective populations in the villages in which the lands are situated and the remaining lands shall be settled with persons not belonging to the aforesaid categories:

[2][Provided that where the population of the Scheduled Tribes and Scheduled Castes in a village exceeds seventy per cent of the total population of that village, the percentage of lands to be reserved for persons of the said communities shall be equal to the percentage of their population :

Provided further that if sufficient number of persons belonging to the aforsaid categories are not available in the village in which the lands are situated or, being available, are not willing to accept settlement of land, so much of the lands reserved for the said persons as cannot be settled with them may be settled with other persons :

Provided also that the Collector of a district may, with the prior approval of the Government, set apart any of the said surplus lands for being utilised for any public purpose, other than the purpose of cultivation, and thereupon the remaining surplus lands shall be settled in accordance with the provisions of this section.]

(*2*) Notwithstanding anything contained in the Orissa Government Land Settlement Act, 1962, the procedure for the settlement of lands under this section shall be such as may be prescribed and the settlement shall be made in favour of the following categories of persons and in the following order of priority, namely:— Orissa Act 33 of 1962.

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1. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 18, read with President's Act No. 17 of 1973, enforced from the 2nd October 1973.

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 10.

(*a*) Co-operative farming societies formed by landless agricultural labourers;

(*b*) any landless agricultural labourers of the village in which the land is situate or of any neighbouring village;

(*c*) ex-servicemen or members of the Armed Forces of the Union if they belong to the village in which the land is situate;

(*d*) raiyats who personally cultivate not more than one standard acre of contiguous land; and

(*e*) in the absence of persons belonging to any of the foregoing categories, any other persons.]

Ceiling on future acquisitions.

[1][52. The foregoing provisions of this Chapter shall, *mutatis mutandis*, apply where lands acquired and held subsequent to the commencement of the President's Act No. 17 of 1973. Orissa Land Reforms (Amendment) Act, 1973 by any person through inheritance, bequest, gift, family settlement, purchase, lease or otherwise, together with the lands held by him at the time of such acquisition exceed the ceiling area:

Provided that the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of such acquisition:

Provided further that where an application under section 57-A has been made on behalf of such person within the aforesaid period of ninety days, the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of final disposal of the proceedings under section 57-A.

1. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act. 9 of 1974), s. 19, read with President's Act No. 17 of 1973, enforced from the 2nd October 1973.

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Explanation I—If, as a result of irrigation facilities provided [by the Central Government, the State Government, any local authority, any Government Company as defined in section 617 of the Companies Act, 1956 or any statutory body or corporation] to a person after the commencement of the Orissa land Reforms (Amendment)Act, 1973, any land falling at such commencement, within Class II, Class III or Class IV, falls, subsequent to such commencement, within Class I or Class II, as the case may be, the lands held by such person in excess of the ceiling area applicable to the class of land to which such land has fallen as a result of the provision of such irrigation facilities, shall be deemed to have been acquired and held by such person after such commencement. President's Act No. 17 of 1973.

Explanation II—Homestead lands which have been kept out of account in determining the ceiling area in respect of any person shall, on ceasing to be used as homestead land after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, be deemed to have been acquired and held by him with effect from the date on which such lands have so ceased to be used as homestead lands.]] President's Act No 17 of 1973.

CHAPTER V

ADMINISTRATIVE MACHINERY FOR IMPLEMENTATION OF LAND REFORMS

Constitution of Land Commission.

53. (*1*) The Government may, by notification, constitute a Land Commission for the purposes of this Act.

(*2*) (*a*) The Commission shall consist of seven members of whom three shall be officials and four non-officials to be nominated by the Government.

1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 21.

They shall [1][,unless the Commission is sooner reconstituted,] hold office for a period of three years from the date of appointment.

(*b*) The Land Reforms Commissioner shall be the *ex-officio* Secretary to the Land Commission.

(*c*) The Government shall nominate one of the members to be the Chairman of the Commission.

(*3*) The Commission shall have power to co-operative members for special purposes.

(*4*) The proceedings of the Commission shall be conducted in such manner as may be prescribed.

Functions Land Commission

54. The Commission shall review the progress of land reforms from time to time, publish report at least once a year and shall advise Government in all matters relating to Land Reforms.

Constitution of District Executive Committee [and local committee].

55. (*1*) The Government may constitute for each district a District Executive Committee. The said Committee shall consist of three members of whom the Collector of the district shall be one. The two other members shall be non-officials to be nominated by the Government [3][who shall, unless the Committee is sooner re-constituted, hold office for a period of three years].

(*2*) The Collector shall be the Chairman of the District Executive Committee and shall appoint a Revenue Officer to act as the Secretary of the Committee.

[4][(*3*) The Government may constitute local committees for different areas of the State.

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1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 11.

2. Added by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 22 (a).

3. Substituted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 20, read with President's Act No. 17 of 1973, enforced from the 2nd October 1973.

4. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 22(b).

(*4*) The constitution, term of office, powers and functions of the local committee shall be as may be prescribed and the business of the Committee shall be conducted in the prescribed manner.]

Functions of the District Executive Committee.

56. The District Executive Committee shall review the progress of land reforms in the district.

Certificate of disability.

[1][**56-A**[2][(*1*) A person under disability specified in sub-clauses (*a*),(*b*) or (*c*) of clause (*21*) of section 2 may, subject to the rules made in that behalf, apply for a certificate specified in the proviso to that clause to the Revenue Officer.]

(*2*) On receipt of such application [3][the Revenue Officer], shall give the person concerned or his guardian, if he is a minor or of unsound mind an opportunity of being heard and may after making such other enquiries [4][as he may deem fit], either reject the application or issue a certificate to the effect that such person is incapable of cultivating his land personally:

Provided that if no orders are passed on such application within thirty days from the date of its filing the application shall be deemed to have been rejected.

(*3*) The application under sub-section (*1*) and the certificate to be issued under sub-section (*2*) shall be in the prescribed form and the application shall be accompanied by the prescribed fee.]

Cancellation of certificate of disability and its consequences.

[5][**56-B.** (*1*) If the Revenue Officer, on application in that behalf by a tenant cultivating land under a person who is a person under disability, is satisfied that a certificate under section 56-A was obtained by such person by fraud or by misrepresentation or suppression of any material fact, he may, after giving the tenant and the person an opportunity of being heard, cancel the certificate.

1. Inserted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 10.

2. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 23(a).

3. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 23 (b) (i).

4. Substituted by *ibid.*, s. 23 (b) (ii).

5. Inserted by *ibid.*, s. 24.

(*2*) On cancellation of the certificate, the Revenue Officer may, on an application made in that behalf by the tenant within sixty days from the date of such cancellation and after giving the parties interested an opportunity of being heard, declare the whole of the land to be non-resumable and determine the fair and equitable rent and the compensation payable by the tenant in respect of the land in accordance with the provisions of section 28 and no such determination the provisions of sections 29 to 33 (both inclusive), 35-A and 36 shall, so far as may be, apply.]

Procedure to be followed by Revenue Officers.

57. (*1*) The Revenue Officer shall have the same powers in making enquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit, namely :—

Act 5 of 1908.

(*a*) admission of evidence by affidavits;

(*b*) summoning and enforcing the attendance of any person and examining him on oath;

(*c*) compelling the production of documents; and

(*d*) any other matter that may be prescribed.

[1][(*2*) The Revenue Officers and other authorities shall have the power to award costs in proceedings before them in accordance with rules made in that behalf:

Provided that if an appellate authority is satisfied that any appeal has been preferred on frivolous grounds, it shall award such cost as it deems fit, the amount of which shall not be less than fifty rupees and more than five hundred rupees.]

(*3*) The procedure to be followed by the Revenue Officer in holding enquiries or in the matter of execution of orders passed under this Act shall be as may be prescribed.

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1. Substituted by the Orissa Land Reforms (Second Amendment) Act 1976 (Or. Act 44 of 1976), s. 12.

(*Sec. 57-A*)

Constitution of Tribunals and declaration of trust to be religious or charitable trust of a public nature.

[1] [**57-A.** (*1*) The Government may, by notification in the Official Gazette, constitute one or more Tribunals having such local jurisdiction as may be specified in such notification for the purpose of sub-clause (*e*) of clause (24) of section 2.

(*2*) The Tribunal shall consist of one member to be appointed by the Government from among the officers of the State Judicial Service not below the rank of a Subordinate Judge.

(*3*) Any trustee or trustees desiring to get any trust declared to be a religious or charitable trust of a public nature under sub-clause (*e*) of clause (24) of section 2 may make an application to the Tribunal in such form and containing such particulars as may be prescribed.

[2][Provided that no application under this sub-section shall be maintainable if,—

(*a*) it relates to a trust which has been created and established after the 26th day of September, 1970; or

(*b*) it is filed after the date of expiry of a period of six months from the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1976:

Provided further that nothing in clause (a) of the preceeding proviso shall affect any declaration made prior to the date of commencement of the Orissa Land Reforms (Amendment) Act, 1976.]

(*4*) On receipt of an application under sub-section (*3*), the Tribunal may, after making such inquiry and in such manner as may be prescribed, by order, declare such trust to be a religious or charitable trust or refuse to make such declaration:

Provided that no order refusing to make such declaration shall be made without giving an opportunity to the trustee or trustees of being heard in the matter.

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1. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 21, read with President's Act No. 17 of 1973, enforced from the 2nd October 1973.

2. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1976 (Or. Act 44 of 1976), s. 13.

(5) The Tribunal shall, while holding an inquiry under this section, have all the powers of a Civil Court while trying a suit under the Code of Civil V of 1908 Procedure, 1908, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) reception of evidence on affidavits;

(*d*) requisitioning any public record from any court or office;

(*e*) issuing commission for examination of witnesses.

(6) The Tribunal shall have power to regulate its own procedure.

(7) The Tribunal shall, as far as may be practicable, dispose of an application made under this section within a period of six months from the date of receipt of such application.]

Reference of cases of certain privileged raiyats by the Collector.

[1][57-B. (1) If the Collector of the district on his own information or on receipt of information from any source whatsoever, is of opinion that there are circumstances to indicate that in respect of any trust or other institution which is a privileged raiyat within the meaning of sub-clause (*c*) of clause (24) of section 2,—

(*a*) return of the accounts of such trust or other institution has not been periodically furnished or lands belonging to the trust or other institution have been alienated or encumbered without the previous permission of the authority prescribed in that behalf, at any time prior to the commencement of the Orissa Land Refoms (Amendment) Act, 1973 ; or

President's Act No. 17 of 1973.

(*b*) the trust or other institution has ceased to provide benefit to the public,

he may make an application to the Tribunal constituted under section 57-A for a declaration that such trust or other institution has ceased to be a privileged raiyat.

1. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 25.

(Sec. 57-B—contd.)

(*2*) On receipt of an application under sub-section (*1*) the Tribunal may, after making such enquiry and in such manner as may be prescribed, by order, declare the trust or other institution to have ceased to be a privileged raiyat :

Provided that no such declaration shall be made without giving an opportunity to the trustee or trustees or the person in charge of management of the trust or other institution, as the case may be, of being heard in the matter.

(*3*) The provisions contained in sub-sections (*5*), (6) and (*7*) of section 57-A shall apply to an inquiry held under this section in the same manner as they apply to inquiries held under that section.

(*4*) On a declaration being made under sub-section (*2*), the Revenue Officer may, on an application in that behalf by any tenant cultivating any land under such trust or other institution field within sixty days from the date of the order made under the said sub-section and after giving the parties interested an opportunity of being heard, declare the whole of the land in cultivation of the tenant to be non-resumable and determine the fair and equitable rent and the compensation payable by the tenant in respect of the land in accordance with the provisions of section 28 and on such determination the provisions of sections 29 to 33 (both inclusive), 35-A and 36 shall, so far as may be, apply.

(*5*) The trustee or trustees or the person in-charge of management, as the case may be, of the trust or other institution in respect of which a declaration is made under sub-section (*2*), shall, if the lands held by it on the date of the order made under the said sub-section exceed the ceiling area, submit a return in accordance with the provisions of section 40-A within ninety days from the said date and the provisions of Chapter IV shall, so far as may be, apply to the lands so held.]

CHAPTER VI

MISCELLANEOUS

Appeal

[1][**58.** (*1*) Any person aggrieved by an order passed under any of the following sections may prefer an appeal to the prescribed authority, namely :—

Sections 4, 9(4), 10, 12(2), 15, 16, 17, 18, 19(1)(c), 20, 21, 22(1), [2][22-A(5), 23(2), 23-A], 27, 28, [3][34-A, 35,] [4][36-A,] [5][36-C, 42, [6][45-B(1)]. 52, 56-A, 56-B and 57-B(4).]

(*2*) The procedure for filing and disposal of appeals shall be as may be prescribed.]

[7][(*3*) Any tenant aggrieved by an order passed under section 27, section 35 or section 36-A (other than an order dismissing the case for default or non-prosecution) prior to the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1975 may, if he has not preferred an appeal as provided in sub-section (*1*), prefer the same within one year from the said date.]

Revision

[8][**59.** (*1*) The prescribed authority may, on application by any party aggrieved by any order passed in an appeal under any provision of this Act filed within the prescribed period, revise such order.

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1. Substituted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 11.

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 44 of 1976), s. 14 (a).

3. Inserted by the Orissa Land Reforms (Amendment) Act, 1969 (Or. Act 13 of 1969), s. 3.

4. Inserted by the Orissa Land Reforms (Amendment) Act, 1974 (Or. Act 9 of 1974), s. 22, w. e. f. the 2nd October 1973.

5. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 26 (a).

6. Inserted by the Orissa Land Reforms (Amendment) Act, 1976. (Or. Act, 44 of 1976), s. 14 (b).

7. Inserted by the Orissa Land Reforms (Amendment) Act, 1975 (Or. Act 29 of 1976), s. 26 (b).

8. Substituted by *ibid.*, s. 27.

(2) The Board of Revenue may, at any time on being moved in that behalf by the Collector of a district or by the Land Reforms Commissioner, revise any order passed by any authority under this Act.

(3) For the purposes of revising any order, the prescribed authority and the Board of Revenue shall follow such procedure as may be prescribed and shall have power to call for and examine the records of the proceedings wherein such order was passed and to pass such order as they deem fit:

Provided that no order under this section shall be passed without giving the parties concerned a reasonable opportunity of being heard.]

Review

60. [1][(1)] Any order passed under this Act may, after notice to all persons interested, be reviewed by the officer who made the order or his successor-in-office on the ground of any clerical mistake or error in course of any proceeding under this Act.

[2][(2) Without prejudice to the provisions of sub-section (1), where the appellate authority, on application filed by the concerned party within two years from the date of finalisation of a statement under sub-section (3) of section 44 or within sixty days from the date of the appellate order, whichever period expires later, is satisfied that any land has been included in such statement in contravention of any provision of this Act, he may modify the order passed by the Revenue Officer under the said section :

Provided that no such modification shall be made without giving the parties concerned a reasonable opportunity of being heard:

Provided further that no such modification shall be made if--

(a) an application for revision under section 59 is pending, or

(b) an order has been passed under that section.]

1. Re-numbered by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 44 of 1976), s. 15.

2. Inserted by *ibid.*

Orders to be final.

61. Any order passed under any of the provisions of this Act shall, subject to any order passed in appeal or revision as the case may be, be final and shall not be called in question in any Court of law.

Court-fees.

Act 7 of 1870

62. Notwithstanding anything contained in the Court-fees Act, 1870, every petition or application or memorandum of appeal under this Act shall bear Court-fee stamp if any of such value as may be prescribed.

Limitation.

63.[1][(*1*) The State Government may, by notification, from time to time, for sufficient reasons, extend the period of limitation provided under the second proviso to sub-section (2) or the second proviso to sub-section (5) of section 4 or under section 36-A by such further period as they deem proper, so, however, that the total periord of extension shall in no event exceed two years.]

[2][(2)] Every appeal or application for revision under this Act unless specifically provided elsewhere in the Act shall be filed, [3][within a period of thirty days] from the date of the order against which such appeal or revision is preferred. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal or application for revision.

Act 11 of 1908.

Enquiries and proceedings to be judicial proceedings.

64. All proceedings under this Act before any prescribed authority, Revenue Officer, Collector or the Board of Revenue shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

Act 45 of 1860.

Execution of orders.

65.[4][(*1*)] The authority passing an order under any of the provisions of this Act may on his own motion or on application in the prescribed manner direct that possession of any land forming the subject matter of such an order be delivered to the person entitled to such possession and take such steps as may be necessary to give effect to his orders.

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1. Inserted by the Orissa Land Reforms (Amendment) Act, 1975 (Or. Act 47 of 1975), s. 3, w. e. f. 1st October, 1975.

2. Re-numbered by *ibid.*

3. Substituted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 44 of 1976), s. 16.

4. Re-numbered by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 12.

[1][(2) Penalties and other dues, if any, payable to Government under the provisions of this Act shall be realisable as arrears of land revenue.]

Fees of legal practitioners not to form part of costs

[2][66. Fees of legal practitioners appearing in any proceedings under this Act shall not form part of the costs in any such proceedings.]

Bar of jurisdiction of Civil Courts.

67. [3][Save as otherwise expressly provided in this Act] no Civil Court shall have jurisdiction [4][to try and decide] any suit or proceeding so far as it relates to any matter which any officer or other competent authority is empowered by or under this Act to decide.

Penalties

68. (*1*) Whoever contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under this Act or makes a declaration or furnishes any information, which may be or is required to be made or furnished under this Act and which he knows to be false or has reasons to believe to be false, shall on conviction be punishable with imprisonment of either description which may extend to six months or with fine which may extend to five hundred rupees or with both.

[5][(2) Whoever fails to submit a return as required under section 40-B, shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to one thousand rupees or with both.]

[6][(3) Whoever, after having been evicted under section 23 or under section 23-A from any holding of a raiyat belonging to a Scheduled Tribe or a

1. Added by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 12.

2. Substituted by the Orissa Land Reforms (Amendment) Act, 1967 (Or. Act 13 of 1967), s. 2.

3. Inserted by the Orissa Land Reforms (Amendment) Act, 1965 (Or. Act 13 of 1965), s. 13.

4. Substituted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 44 of 1976), s. 17.

5. Inserted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 28.

6. Inserted by the Orissa Land Reforms (Amendment) Act, 1976 (Or. Act 44 of 1976), s. 18.

Scheduled Caste, reoccupies the same without a valid transfer made in his favour, shall, on conviction. be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.]

Delegation of power.

69. The Government may, by notification, direct that any power which is conferred on them by this Act, shall, in such circumstances and under such conditions, if any, as may be specified in the said notification, be exercised or discharged by any officer so empowered.

Indemnity

70. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended or purported to be done in pursuance of this Act or any rules or orders made thereunder.

(*2*) No suit or other legal proceeding shall lie against the Government or any officer or authority for any damage caused or likely to be caused, for any injury suffered or likely to be suffered by virtue of any provision of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Executive instructions.

71. In all matters connected with this Act, Government shall have power to issue such instructions and directions as they think fit with respect to the discharge of executive or administrative functions by any of the authorities assigned to them under this Act.

Power to enter upon land.

72. Subject to any condition and restrictions as may be prescribed any officer entrusted with the performance of any duty under this Act may at any time between sunrise and sunset enter upon any land with such other officers or persons as he deems fit and make survey and take measurement of any land and do all other acts necessary for carrying out his duties under this Act.

Act not to apply to certain lands.

73. Nothing contained in this Act, shall apply—

(*a*) to the Government in respect of lands held by them and which is used or set apart for any public purpose ;

(*Sec. 74*)

[1][(*b*) to lands held by—

(*i*) the Government of India ;

(*ii*) any local authority ;

(*iii*) any University established by law in the State ;

(*iv*) the Bhoodan Yagna Samiti established under the Orissa Bhoodan and Gramdan Act, 1970 ; Orissa Act 2 of 1971.

(*v*) any Government company as defined in the Companies Act, 1956 ; 1 of 1956

(*vi*) any Corporation established under any law in force ;]

(*c*) to any area which the Government may, from time to time by notification in the official Gazette specify as being reserved for urban, non-agricultural or industrial development or for any other specific purpose ; and

[2][(*d*) to any land which was under the management of any Civil, Revenue or Criminal Court immediately prior to the 26th day of September 1970, for so long as such management continues.]

Repeal

74. (*1*) On the coming into force of Chapter II of this Act the Orissa Tenants' Relief Act, 1955, shall be repealed. Orissa Act 5 of 1955.

(*2*) The repeal under sub-section (*1*) shall not affect—

(*a*) the previous operation or the said enactment or anything duly done or suffered thereunder ; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactment : or

1. Substituted by the Orissa Land Reforms (Second Amendment) Act, 1975 (Or. Act 29 of 1976), s. 29 (*i*).

2. Substituted by *ibid.*, s. 29 (*ii*).

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactment ; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

Power to make rules.

75. (*1*) The Government may, after previous publication, make rules* for carrying out all or any of the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(*3*) All rules made under this section shall be laid before the Legislative Assembly as soon as possible after they are made for a total period of fourteen days which may be comprised in one or more sessions and shall be subject to such modifications as the Assembly may make during the said period.

Power to remove doubts and difficulties

76. If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to them necessary for purposes of removing the doubt or difficulty.

* For rules under section 75, see Notification No. 63419-Re. 57/65-R., dated the 25th September 1965, published in *Orissa Gazette*, Extraordinary, dated the 26th September, 1965 (No. 1502).

Notification No. 19767-Re-1/61-R., dated the 29th April, 1961 published in *Orissa Gazette*, Extraordinary, dated the 29th April, 1961 (No. 312).

ANNEXURE I

PROVISION OF THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1974 (OR. ACT 9 OF 1974) NOT INCORPORATED IN THE ORIGINAL ACT

* * *

Provisions regarding pending proceedings.

23. (*1*) All proceedings commenced under Chapter IV of the principal Act and pending at the commencement of this Act shall abate.

(*2*) The returns, if any, submitted by any person under the principal Act, before the commencement of this Act, shall be treated as evidence and taken into consideration in determining the ceiling ar a under the principal Act, as amended by this Act.

(*3*) All cases arising under sub-clause (*b*) of clause (24) of section 2 of the principal Act and pending before any Revenue Officer immediately before the commencement of this Act shall stand transferred to the Tribunal constituted under section 57-A of the principal Act as amended by this Act and having jurisdiction and thereupon the provisions of the said section 57-A shall, so far as may be, apply in relation to the cases so transferred to the said Tribunal.

* * *

ANNEXURE II

PROVISION OF THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1976 (OR. ACT 29 OF 1976) NOT INCORPORATED IN THE ORIGINAL ACT

* * *

Transitory provision.

30. Any appeal under the principal Act or any revision under section 59 thereof pending on the date of commencement of this Act, shall be heard and disposed of as if this Act had not been passed.

* * *

ANNEXURE III

PROVISION OF THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1976 (OR. ACT 44 OF 1976) NOT INCORPORATED IN THE ORIGINAL ACT

* * *

Certain amendments effected by Orissa Act 29 of 1976 to have retrospective effect.

19. The amendment of section 45 of the principal Act and the insertion of new section 45-A therein which were made respectively by sections 18 and 19 of the Orissa Land Reforms (Second Amedment) Act, 1975, shall be deemed to have been effective from the 1st day of April, 1976 and all actions taken and things done during the period between the 1st day of April, 1976 and the 19th day of May, 1976 in pursuance of the said sections 45 and 45-A shall be deemed to have been taken and done under the said sections as so amended or inserted, as the case may be. Orissa Act 29 of 1976.

Savings

20. Notwithstanding the amendment of section 63 of the principal Act by this Act, the period of limitation in respect of an appeal or an application for revision as referred to in that section, against an order passed prior to the date of commencement of this Act, shall be sixty days from the date of the order.

* * *

ORISSA ACT 9 OF 1990
*THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1989

(Received the assent of the President on the 15th May 1990, first published in an extraordinary issue of the Orissa Gazette, dated the 4th June 1990)

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

BE it enacted by the legislature or the State Orissa in the Fortieth Year of the Republic of India, as follows:-

Short title.

1. This Act may be called the Orissa Land Reforms (Amendment) Act, 1989.

Amendment of section 52.

2. In section 52 of Orissa Land Reforms Act, 1960, after Explanation II, the following Explanation shall be inserted, namely:- Orissa Act 16 of 1960.

"Explanation III- Where in any local area record-of-rights prepared under any law for the time being in force did not exist during the period of limitation provided under section 40-A or 40-B and for the first time record-of-rights in respect of lands in such area has been prepared and published under the Orissa Survey and Settlement Act, 1958 after expiry of the said period of limitation and any person is recorded as the holder of any land in the record-of rights so prepared, he shall, for the purpose of this section, be deemed to have acquired such land subsequent to the commencement of the Orissa Land Reforms (Amendment) Act, 1973 and the return, if any, required to be submitted under section 40-A, shall be submitted to the Revenue Officer within ninety days from the date of commencement of the Orissa Land Reforms (Amendment) Act, 1989 or from the date of final publication of the record-of-rights, whichever is later.'. Orissa Act 3 of 1958. President's Act 17 of 1973.

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* For the Bill, see Orissa Gazette, Extraordinary dated the 8th March 1989 (No. 374)

ORISSA ACT 29 OF 1993

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1992

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PREAMBLE

SECTIONS

1. Short title

2. Amendment of Section 59

3. Validation

ORISSA ACT 29 OF 1993

*THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1992

[Received the assent of the President on the 30th November 1993, first published in an extraordinary issue of the *Orissa Gazette*, dated the 28th December, 1993].

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-third Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Orissa Land Reforms (Amendment) Act, 1992.

Amendment of Section 59. 2. In the Orissa Land Reforms Act, 1960 (hereinafter referred to as the principal Act), in Section 59, for sub-section (*2*), the following sub-section shall be and shall be deemed always to have been substituted, namely :— Orissa Act 16 of 1960.

"(*2*) The Board of Revenue may, on being moved in that behalf by the Collector of a district or by the Land Reforms Commissioner, revise any order passed by any authority under this Act within twenty-five years from the date of such order".

Validation. 3. Notwithstanding anything to the contrary in any judgement, decree or order of any court or other authority, any order passed by the Board of Revenue in exercise of the powers of revision under sub-section (*2*) of Section 59 of the principal Act, as it stood prior to the date of publication of this Act shall, if such order has been passed within twenty-five years from the date of the order revised, be deemed, for all intents and purposes, to have been validly and effectively passed as if sub-section (2) of Section 59 of the principal Act as amended by Section 2 of this Act was in force at all material times and, accordingly, no suit or other legal proceeding shall be instituted, maintained or continued in any court or before other authority on the ground that the Board of Revenue had exercised its power of revision under the said sub-section (2) of Section 59 without reasonableness and with undue delay.

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* For Select Committee Report, See *Orissa Gazette* Extraordinary dated the 19th October, 1992 (No.1411).

ORISSA ACT 12 OF 1994

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1993

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PREAMBLE

SECTIONS

1. Short title
2. Amendment of section 2
3. Insertion of new section 8-A

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. ".

The Orissa Gazette

EXTRAORDINARY

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LAW DEPARTMENT

NOTIFICATION

The 7th July 2006

No.8906/Legis—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 24th June 2006, is hereby published for general information.

ORISSA ACT 8 OF 2006

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 2006

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

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

Short title.

1. This Act may be called the Orissa Land Reforms (Amendment) Act, 2006.

Amendment of section 8-A.

2. In the Orissa Land Reforms Act, 1960 (hereinafter referred to as the principal Act), in section 8-A,— Orissa Act 16 of 1960.

(*i*) in sub-section (1), for clauses (b) and (c) the following clauses shall be substituted, namely :—

"(*b*) in every case where the authorised officer allows conversion of the use of any agricultural land under clause (a), the raiyat is required to pay conversion fees for such land, calculated at the rate specified in sub-section (2) and the kissam of the land so converted shall be corrected accordingly ;

(*c*) where the conversion of the use of any agricultural land by a raiyat for the purposes other than agriculture has been made prior to the commencement of the Orissa Land Reforms

(Amendment) Act, 1993 or, where the land has been transferred by the raiyat to any other person prior to such commencement, and the transferee uses the land for the purpose other than agriculture, without paying the premium fixed therefor as per the provisions existing prior to the commencement of the Orissa Land Reforms (Amendment) Act, 2006, such raiyat or such transferee, as the case may be, is required to pay conversion fees within the prescribed period and in the prescribed manner in respect of that land as calculated at the rate equivalent to fifty percentum of the rate of conversion fees specified against that category of the land in sub-section (2) and the kissam of the land so converted shall, after the payment, be corrected accordingly : Orissa Act 12 of 1994.

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

(*d*) the lands which were deemed to have been surrendered to Government and settled on lease basis under the provisions of the Orissa Government Land Settlement Act, 1962, prior to the date of commencement of the Orissa Land Reforms (Amendment) Act, 2006, shall cease to be so surrendered and settled on lease basis and be held freely by the raiyat or the transferee, as the case may be."; and Orissa Act 33 of 1962.

(*ii*) for sub-sections (2) and (3) the following sub-sections shall be substituted, namely :—

"(*2*) The rate at which the conversion fees 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 :— Orissa Act 12 of 1994.

(*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/-

Orissa Act 33 of 1962.

(*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 percentum of the market value of such land or Rs.1,000/-, whichever is more.

Explanation—For the purpose 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 the Municipal Act; and

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

(*3*) The lease documents executed on or before the date of commencement of the Orissa Land Reforms (Amendment) Act, 2006, for the purpose of conversion under this section shall be in operative and the premium paid for such lease shall be treated to be conversion fee.".

Amendment of section 58.

3. In section 58 of the principal Act, in sub-section (1) after the figure 4 and before the figures and brackets 9 (4), the figure and letter "8-A" shall be inserted.

By order of the Governor

D. K. SAHU

Principal Secretary to Government

ORISSA ACT 9 OF 1974

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1974

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*THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1974

[*Received the assent of the President on the 11th July 1974, first published in an extraordinary issue of the* Orissa Gazette, *dated the 12th July 1974*]

AN ACT TO AMEND THE ORISSA LAND REFORMS ACT, 1960

Be it enacted by the Legislature of the State of Orissa in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Land Reforms (Amendment) Act, 1974.

(2) It shall be deemed to have come into force with effect from the 2nd day of October 1973.

Amendment of section 2, Orissa Act 16 of 1960.

2. In section 2 of the Orissa Land Reforms Act, 1960 (hereinafter referred to as the principal Act),— Orissa 16 of

(*a*) for clause (5), the following clause shall be substituted, namely:—

"(5) 'ceiling area', means the extent of land which a raiyat or land-holder shall be entitled to hold under section 37-A;"

(*b*) for clause (5-*a*), the following clause shall be substituted, namely:—

"(5-*a*) 'classes of land' means—

Class I—Irrigated land in which two or more crops (*i*) were, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. Pres Act of 1

Class II—Irrigated land in which not more than one crop (*i*) was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. Pres Act of

* For the Bill see *Orissa Gazette*, Extraordinary, dated the 6th June, 1974 (826).

Class III—Land, other than irrigated land, in which paddy (*i*) was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (*ii*) can be grown in a year. President's Act No. 17 of 1973,

Class IV– Any other land.

Explanation—For the purposes of this clause tanks, cocoanut gardens and orchards (except orchards growing banana), shall be deemed to be Class III land.";

(*c*) for clause (13), the following clause shall be substituted namely:—

"(13) 'irrigated land' means land which is assured of irrigation from an irrigation project constructed or maintained or improved or controlled by the Central Government or the State Government or by a body corporate established under any law for the time being in force and includes land which is assured of irrigation from any private source by means of tube-well or lift irrigation from any perennial water source operated by diesel or electric power, but does not include continually water-logged lands or sand-cast lands;";

(*d*) for clause (*24*), including the provisos and the Explanation, the following clause shall be substituted; namely :—

"(24) 'privileged raiyat' means—

(*a*) a co-operative society registered or deemed to be registered under the Orissa Co-operative Societies Act, 1962 and includes a land development bank and the State Land Development Bank as defined in that Act; Orissa Act 2 of 1963.

(*b*) 'Lord Jagannath' at Puri and His Temple within the meaning of the Sri Jagannath Temple Act, 1955; Orissa Act 11 of 1955.

(*c*) any trust or other institution declared under this Act to have been a privileged raiyat prior to the commencement of the Orissa Land Reforms (Amendment) Act, 1973; President's Act No. 17 of 1973.

(*d*) any trust or other institution whose estate has been declared to be a trust estate by a competent authority under the Orissa Estates Abolition Act, 1951; Orissa Act 11 of 1952

(*e*) any other trust which is declared to be a religious or charitable trust of a public nature by the Tribunal constituted under section 57-A; and

(*f*) any public financial institution:";

(*e*) after clause (24) the following clause shall be inserted, namely :—

"(25) 'public financial institution' means—

(*i*) a banking company within the meaning of the Banking Regulation Act, 1949 ; 10 of 1949

(*ii*) the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955

(*iii*) a subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959; 38 of

(*iv*) a corresponding new bank within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 ; 5 of

(*v*) the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963 ; 10 of

(*vi*) the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 ; 18 of

(*vii*) the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948; 15 of and

(*viii*) the Orissa State Financial Corporation established under the State Financial Corporations Act, 1951:"; 63 of

(*f*) after clause (28), the following clause shall be inserted namely:—

"(29) 'scheduled bank' means a bank included for the time being in the Second Schedule of the Reserve Bank of India Act, 1934; "; 2 of

(*g*) for clause (30), the following clause shall be substituted, namely :—

"(30) 'standard acre' means the unit of measurement of land equivalent to one acre of Class I land, one and one-half acre of Class II land, three acres of Class III land or four and one-half acres of Class IV land ;

Explanation—For the purposes of conversion, one acre shall be equal to 0·4047 hectare;".

Amendment of section 4, Orissa Act 16 of 1960.

3. In section 4 of the principal Act,—

(*a*) in sub-section (2), after the first proviso, the following proviso, shall be inserted, namely:—

"Provided further that any such person as aforesaid who has failed to make an application within any of the periods specified in this sub-section may make such application within a period of two years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973;"; Pre Act of 1

(*b*) in sub-section (5), after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that any such sub-tenant or under-raiyat who has failed to make such application within any of the periods specified in this sub-section may make an application within a period of two years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973 :". Pre Act of 1

tion of section , Orissa 16 of 0.

4. After section 6 of the principal Act, the following section shall be inserted, namely:—

mporary on nsfer of settled Govern-nt.

"6-A. (1) Notwithstanding anything contained in sub-section (1) of section 6, but subject to the provisions of sub-section (3) thereof, any transfer by a raiyat of any land which has been settled with him for agricultural purposes under a permanent lease from Government shall, if such transfer is made within a period of five years from the date of such settlement without obtaining the previous permission in writing of the Revenue Officer, be void.

(2) No right, title or interest held by a raiyat in any such land as aforesaid shall, unless permission in writing is accorded by the Revenue Officer to that effect, be attached and sold in execution of a money decree passed against such raiyat.

(3) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (e) of sub-section (1) of section 17 of the Registration Act, 1908, purports to transfer any such land within the period specified in sub-section (1), no registering officer appointed under that Act shall register any such document unless such document is accompanied by the written permission of the Revenue Officer for such transfer. 16 of 1908

(4) Nothing in sub-section (1) or sub-section (3) shall apply to any transfer by way of mortgage executed in favour of any scheduled bank or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 applies and nothing in sub-section (2) shall apply to a money decree obtained by any such bank.". Orissa Act 2 of 1963.

endment section 7, issa Act of 1960.

5. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Save as otherwise provided in this Act—

(*a*) no tenant in lawful cultivation of any land at the commencement of the Orissa Land Reforms (Amendment) Act, 1973 or at any time thereafter shall be liable to be evicted from such land by the landlord; President's Act No. 17 of 1973.

(*b*) no such tenant shall be bound to pay rent at a rate higher than the rate specified in section 13; and

(*c*) the rights, benefits, protection, privileges, obligations or liabilities of any tenant in lawful cultivation of any land at the commencement of the Orissa Land Reforms (Amendment) Act, 1973 as were existing immediately prior to such commencement shall not be liable to be modified or extinguished in any manner whatsoever.". President's Act No. 17 of 1973.

endment section 9, issa Act of 1960.

6. In section 9 of the principal Act,—

(*a*) in sub-section (1), clause (*i*) of the Explanation shall be omitted ;

(*b*) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) The Revenue Officer, on an application made in this behalf by the person referred to in sub-section (1), in the prescribed form and

manner and within the prescribed period, may, after such inquiry as may be necessary, issue a certificate in the prescribed form to such person to the effect that he has become a raiyat in respect of the whole, or, as the case may be, a portion of the site as aforesaid and if such person is evicted from the site at any time after the commencement of the Orissa Land Reforms (Amendment) Act, 1973 the Revenue Officer shall, by order, direct that possession of the site be delivered to the said person and may take such further steps as he may consider necessary to give effect to the order so passed.";

President Act No. of 1973.

(*c*) in sub-section (3), for the words "to the person", the words "to the Government or the land-holder, as the case may be," shall be substituted.

Amendment of section 15, Orissa Act 16 of 1960.

7. In section 15 of the principal Act,—

(*a*) In sub-section (1), —

(*i*) in clause (*c*), the word "or" shall be added at the end ;

(*ii*) after clause (*c*), the following clause shall be inserted, namely :—

"(*d*) the existence of the relationship of landlord and tenant." ;

(*b*) in sub-section (2), for the words, brackets and letters "in cases under clauses (*b*) and (*c*) thereof", the words, brackets and letters "in cases under clauses (*b*), (*c*) and (*d*) thereof" shall be substituted.

Amendment of section 22, Orissa Act 16 of 1960.

8. In section 22 of the principal Act, for sub-sections (3) and (4) including the proviso thereto, the following sub-sections shall be substituted, namely :—

"(3) Except with the written permission of the Revenue Officer, no such holding shall be sold in execution of a decree to any person not belonging to a Scheduled Tribe.

(4) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (*e*) of sub-section (1) of section 17 of the Registration Act, 1908 purports to effect transfer of a holding or part thereof by a raiyat belonging to a Scheduled Tribe in favour of a person not belonging to a Scheduled Tribes, no registering officer appointed under that Act shall register any such documents, unless such document is accompanied by the written permission of the Revenue Officer for such transfer.

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(5) The provisions contained in sub-sections (*1*) to (*4*) shall apply, *mutatis mutandis*, to the transfer of a holding or part thereof of a raiyat belonging to the Scheduled Castes.

(6) Nothing in this section shall apply—

(*a*) to any sale in execution of a money decree passed, or to any transfer by way of mortgage executed, in favour of any scheduled bank or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 applies; and

Orissa of 19

(*b*) to any transfer by a member of a Scheduled Tribes within a Scheduled Area.".

Provided that no surrender or abandonment shall be disapproved unless the raiyat or tenant, as the case may be, has been given a reasonable opportunity of being heard in the matter.

(4) Where the surrender or abandonment of any holding or part thereof is approved by the Revenue Officer under this section, the holding or part thereof so surrendered or abandoned shall be settled by the Government—

(*i*) where such surrender or abandonment was made by a person belonging to a Scheduled Tribe, with another person belonging to the Scheduled Tribe ; or

(*ii*) in a case where no person belonging to a Scheduled Tribe is available or willing to make settlement under clause (*i*) or in any other case, with any other person in accordance with the priorities specified in sub-section (2) of section 51.

(5) Where any raiyat or tenant surrenders or abandons his holding or any part thereof without the previous approval of the Revenue Officer and the holding or part thereof so surrendered or abandoned is taken possession of by the landlord, then, it shall be competent for the Revenue Officer (after giving to the landlord an opportunity of being heard) to impose on the landlord a penalty of an amount not exceeding two hundred rupees per acre of the land so surrendered or abandoned for each year or any part thereof during which the possession is continued.".

endment ction Orissa 16 of

10. In section 25 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) After holding such inquiry as the Revenue Officer deems fit and after hearing the persons interested, he may declare such transfer to be invalid and impose on the transferee a penalty of an amount not exceeding two hundred rupees per acre of the land so transferred for each year or any part thereof during which the possession is continued in pursuance of the transfer which has been declared to be invalid.".

Amendment of section 24, Orissa Act 16 of 1960.

12. In section 24 of the principal Act, in sub-section (2 "on the commencement of this Act" shall be omitted.

Insertion of new sections 36-A and 36-B, Orissa Act 16 of 1960.

13. In Chapter III of the principal Act, after sect following sections shall be inserted, namely:—

Tenant to become raiyat in respect of the whole of the land where no application is made under section 26.

"36-A Notwithstanding anything contained in th provisions of this Chapter but, subject to the provisions of (2) of section 24, where neither the landlord nor the tena right to make an application under section 26 in respect has made such application, the Revenue Officer may, on a made in that behalf by the tenant within two years from th ment of the Orissa Land Reforms (Amendment) Act, 197 giving the parties interested an opportunity of being h the whole of such land to be non-resumable and determin equitable rent and the compensation payable by the ten of the land in accordance with the provisions of sectio such determination, the provisions of sections 29 to 33 (b 35-A and 36 shall, so far as may be, apply.

Procedure where no application is made under section 36-A.

36-B. Where no application is made under section tenant, the Revenue Officer may, on his own motion w from the expiry of ~~the period specified in the said section~~ action and in such manner as is provided in that section."

Substitution of new sections 37, 38, 39, 40 and 41, Orissa Act 16 of 1960.

14. For sections 37, 38, 39, 40 and 41 of the prin following sections shall be substituted, namely:—

Definitions

"37. In this Chapter,—

(*a*) "person" includes a company, family, associa body of individuals, whether incorporated o institution capable of owning or holding prop

(*b*) "family", in relation to an individual, means the husband or wife, as the case may be, of s and their children, whether major or mino include a major married son who as such ha partition or otherwise before the 26th day 1970.

area

37-A. The ceiling area in respect of a person shall be ten standard acres:

Provided that where the person is a family consisting of more than five members, the ceiling area in respect of such person shall be ten standard acres increased by two standard acres for each member in excess of five, so, however, that the ceiling area shall not exceed eighteen standard acres.

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area.

37-B. On and from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, no person shall, either as land-holder or raiyat or as both, be entitled to hold any land in excess of the ceiling area. President's Act No. 17 of 1973.

Explanation—For the purposes of this section all lands held individually by the members of a family or jointly by some or all the members of a family shall be deemed to be held by the family.

38. Save as otherwise provided in this section, the provisions of this Chapter shall not apply to—

(*a*) lands held by a privileged raiyat:

Provided that nothing in this clause shall apply to any land held by a raiyat under a privileged raiyat ;

(*b*) lands held by industrial or commercial undertakings or comprised in mills, factories or workshops, where such lands are necessary for the use, for any non-agricultural purpose, of such undertakings, mills, factories or workshops :

Provided that where the said lands are not actually used within a period of five years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, for the purpose for which they had been set apart, the Collector may, after giving notice to the persons concerned, by order, direct that the provisions of this Chapter shall apply to the said lands : President's Act No. 17 of 1973.

Provided further that the Collector may, on an application made to him in this behalf and on being satisfied that it is necessary or expedient so to do, extend the said period of five years by such further period or periods as he may deem fit, so, however, that the total period of such extension shall not exceed in any case eight years ;

(*c*) plantations ;

Explanation—"plantation" means any land used principally for cultivation of coffee, cocoa or tea (hereafter in this Explanation referred to as "plantation crops") and includes lands used for any purpose ancillary to the cultivation of the plantation crops or for the preservation of the same for their marketing ;

(*d*) lands held by any agricultural university, agricultural school or college, or any institution conducting research in agriculture.

Principles for determining the ceiling area.

39. In determining the ceiling area in respect of a person, the following principles shall be followed, namely:—

(*a*) homestead lands, or tanks with their embankments, or both, to the extent of three acres in the aggregate shall not be taken into account ;

(*b*) any land which was transferred by sale, gift or otherwise or partitioned by the person during the period beginning with the 26th day of September, 1970 and ending with the commencement of the Orissa Land Reforms (Amendment) Act, 1973 shall be taken into account as if such land had not been transferred or partitioned, as the case may be; Presid Act N of 197

(*c*) where the person is a member of a co-operative farming society, the extent of land which he would get as his share if the land held by such society is divided shall be taken into account ;

(*d*) lands in the possession of a tenant or a mortgagee shall be deemed to be lands held by the person.

Prohibition of transfer and partition of land and restriction of suits for specific performance of contracts.

40. (1) Except where he is permitted in writing by the Revenue Officer so to do, no person holding land in excess of the ceiling area shall, after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, transfer by sale, gift or otherwise or effect any partition of such land or any part thereof until the surplus land, which is to vest in the Government under section 45, has been determined and taken possession of by or on behalf of the Government and all transfers made and partitions effected in contravention of this sub-section shall be void: Presid act N 197

Provided that nothing contained in this sub-section shall apply to—

(*a*) any transfer by way of mortgage executed in favour of—

(*i*) the Central Government or any State Government ;

(*ii*) any public financial institution ;

(*iii*) any bank to which the Orissa Co-operative Societies Act, 1962 applies ; Oris 2 1963

(*iv*) any corporation established by law which is owned, controlled or managed by the Central Government or by any State Government;

(*v*) any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or by any one or more State Governments ; or

(*b*) any sale of land in execution of a decree or order or an award for the realisation of money due under any such mortgage.

(2) Every suit for the specific performance of a contract for the transfer of land, instituted after the 26th day of September, 1970 and before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall abate and no suit for the specific performance of any such contract entered into before such commencement shall be maintainable. Pre Act of 1

40-A. (1) Every person holding land (which shall include lands transferred by sale, gift or otherwise or partitioned by him after the 26th day of September, 1970) either as land-holder or raiyat in excess of the ceiling area at the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall, before the expiry of ninety days from such commencement, submit to the Revenue Officer, in such form and in such manner as may be prescribed, a return indicating the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area (hereinafter referred to as "surplus lands") and furnish in the said returns such other particulars as may be prescribed: President's Act No. 17 of 1973.

Provided that a person who has made any transfer or effected any partition in contravention of the provisions of sub-section (1) of section 40, shall not have the right to indicate the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area, but shall have to file the return furnishing the particulars of all the lands held by him as aforesaid :

Provided further that where as a consequence of the amendment of this Act by the Orissa Land Reforms (Amendment) Ordinance, 1974, such person considers it necessary to submit a return or revised return, such return or revised return shall be submitted within thirty days from the date of publication of the said Ordinance in the Gazette. Orissa Ordinance 2 of 1974.

(2) In any case where on the date of submission of the return under sub-section (1),—

(*a*) any proceeding for resumption under Chapter III or mutation proceeding or proceedings for partition in a Civil Court in respect of any land forming subject-matter of the return : or

(*b*) any proceeding under section 57-A relating to a trust on whose behalf the return has been submitted,

is pending, the person who has submitted such return shall submit a revised return on the basis of the result of such proceeding in accordance with sub-section (1) within ninety days from the date of issue of the certificate under section 29 or, as the case may be, from the date of final disposal of the mutation proceedings, proceedings for partition or proceedings under section 57-A after the termination of appeal, revision or review, if any.

41. The return referred to in section 40-A shall be submitted— Responsibility for submitting returns.

(1) in the case of an individual, by the individual or his guardian if he is a minor ;

(2) in the case of a family, by the head of the family or any member thereof or by all the members jointly :

Provided that if more than one return is filed in respect of the same family all such returns shall be taken up together for consideration ; and

(3) in any other case, by an individual competent to act on behalf of the person by whom the return is to be submitted.".

Amendment of section 42, Orissa Act 16 of 1960.

15. In section 42 of the principal Act—

(*a*) for the figure "40", at both the places where it occurs, the figure and letter "40-A" shall be substituted ;

(*b*) for the words "seventy percentum", the words "fifty percentum" shall be substituted.

Amendment of section 43, Orissa Act 16 of 1960.

16. In section 43 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) for the figure "40", the figure and letter "40-A" shall be substituted ;

(*ii*) after the words "selection made by the person concerned", the words "having a right to do so" shall be inserted ;

(*iii*) for clauses (*a*), (*b*) and (*c*), the following clauses shall be substituted, namely :—

"(*a*) the total area of land held by the person as a land-holder or as a raiyat and the class to which each plot of the land belongs ;

(*b*) the surplus area ;

(*c*) the specific parcels of land to be retained by the person and the total area thereof ;" ;

(*b*) in the proviso to sub-section (2), for the figure "40", the figure and letter "40-A" shall be substituted.

Amendment of section 47, Orissa Act 16 of 1960.

17. In section 47 of the principal Act, in sub-section (2),—

(*a*) in clauses (*a*) and (*b*) for the words "market value", the words "fifty percentum of the market value" shall be substituted ;

(*b*) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) value of land to be determined in the following manner, namely :—

Extent of surplus land	Rate of compensation
(*i*) For the first ten standard acres.	Rupees eight hundred per standard acre.
(*ii*) For the next ten standard acres.	Rupees six hundred per standard acre.
(*iii*) For the next ten standard acres.	Rupees four hundred per standard acre.
(*iv*) For the rest ..	Rupees two hundred per standard acre."

itution for 51, Act 1960.

18. For section 51 of the principal Act, the following section shall be substituted, namely :—

ment plus

"51. (1) Seventy percentum of the surplus lands vested in the Government under section 45 shall be settled with persons belonging to the Scheduled Tribes or Scheduled Castes in proportion to their respective populations in the villages in which the lands are situated and the remaining lands shall be settled with persons not belonging to the aforesaid categories :

Provided that if sufficient number of persons belonging to the aforesaid categories are not available in the village in which the lands are situated or, being available, are not willing to accept settlement of land, so much of the lands reserved for the said persons as cannot be settled with them may be settled with other persons.

(2) Notwithstanding anything contained in the Orissa Government Land Settlement Act, 1962, the procedure for the settlement of lands under this section shall be such as may be prescribed and the settlement shall be made in favour of the following categories of persons and in the following order of priority, namely :— Orissa Act 33 of 1962.

(*a*) Co-operative farming societies formed by landless agricultural labourers ;

(*b*) any landless agricultural labourers of the village in which the land is situate or of any neighbouring village ;

(*c*) ex-servicemen or members of the Armed Forces of the Union if they belong to the village in which the land is situate ;

(*d*) raiyats who personally cultivate not more than one standard acre of contiguous land ; and

(*e*) in the absence of persons belonging to any of the foregoing categories, any other persons.".

itution for n 52, a Act 1960.

19. For section 52 of the principal Act, the following section shall be substituted, namely :—

g on e acqui-

"52. The foregoing provisions of this Chapter shall, *mutatis mutandis*, apply where lands acquired and held subsequent to the commencement of the Orissa Land Reforms (Amendment) Act, 1973 by any person through inheritance, bequest, gift, family settlement, purchase, lease or otherwise, together with the lands held by him at the time of such acquisition exceed the ceiling area : President's Act No. 17 of 1973.

Provided that the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of such acquisition :

Provided further that where an application under section 57-A has been made on behalf of such person within the aforesaid period of ninety days, the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of final disposal of the proceedings under section 57-A.

Explanation I—If, as a result of irrigation facilities provided by the Central Government or the State Government to a person after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, any land falling at such commencement, within Class II, Class III or Class IV, falls, subsequent to such commencement, within Class I or Class II, as the case may be, the lands held by such person in excess of the ceiling area applicable to the class of land to which such land has fallen as a result of the provision of such irrigation facilities, shall be deemed to have been acquired and held by such person after such commencement. Presi Act 1 of 1

Explanation II—Homestead lands which have been kept out of account in determining the ceiling area in respect of any person shall, on ceasing to be used as homestead land after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, be deemed to have been acquired and held by him with effect from the date on which such lands have so ceased to be used as homestead lands.". Presi Act of 1

Amendment of section 55, Orissa Act 16 of 1960.

20. In section 55 of the principal Act, in sub-section (1), for the words "who shall hold office for a period of three years", the words "who shall, unless the Committee is sooner reconstituted, hold office for a period of three years" shall be substituted.

Insertion of new section 57-A, Orissa Act 16 of 1960

21. After section 57 of the principal Act, the following section shall be inserted, namely:—

Constitution of Tribunals and declaration of trust to be religious or charitable trust of a public nature.

"57-A. (1) The Government may, by notification in the Official Gazette, constitute one or more Tribunals having such local jurisdiction as may be specified in such notification for the purpose of sub-clause (*e*) of clause (24) of section 2.

(2) The Tribunal shall consist of one member to be appointed by the Government from among the officers of the State Judicial Service not below the rank of a Subordinate Judge.

(3) Any trustee or trustees desiring to get any trust declared to be a religious or charitable trust of a public nature under sub-clause (*e*) of clause (24) of section 2 may make an application to the Tribunal in such form and containing such particulars as may be prescribed.

(4) On receipt of an application under sub-section (3), the Tribunal may, after making such inquiry and in such manner as may be prescribed, by order, declare such trust to be a religious or charitable trust or refuse to make such declaration:

Provided that no order refusing to make such declaration shall be made without giving an opportunity to the trustee or trustees of being heard in the matter.

(5) The Tribunal shall, while holding an inquiry under this section, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document;

(*c*) reception of evidence on affidavits ;

(*d*) requisitioning any public record from any court or office ;

(*e*) issuing commission for examination of witnesses.

(6) The Tribunal shall have power to regulate its own procedure.

(7) The Tribunal shall, as far as may be practicable, dispose of an application made under this section within a period of six months from the date of receipt of such application.".

Amendment of section 58, Orissa Act, 16 of 1960.

22. In section 58 of the principal Act, in sub-section (1), after the figure "35", the figures and letters "36-A, 36-B", shall be inserted.

Provisions regarding pending proceedings.

23. (1) All proceedings commenced under Chapter IV of the principal Act and pending at the commencement of this Act shall abate.

(2) The returns, if any, submitted by any person under the principal Act before the commencement of this Act, shall be treated as evidence and taken into consideration in determining the ceiling area under the principal Act, as amended by this Act.

(3) All cases arising under sub-clause (*b*) of clause (24) of section 2 of the principal Act and pending before any Revenue Officer immediately before the commencement of this Act shall stand transferred to the Tribunal constituted under section 57-A of the principal Act as amended by this Act and having jurisdiction and thereupon the provisions of the said section 57-A shall, so far as may be, apply in relation to the cases so transferred to the said Tribunal.

Repeal of Orissa Act 16 of 1972, President's Act No. 17 of 1973 and Orissa Ordinance No. 2 of 1974.

24. (1) The Orissa Prohibition of Alienation of Land Act, 1972, the Orissa Land Reforms (Amendment) Act, 1973 and the Orissa Land Reforms (Amendment) Ordinance, 1974 are hereby repealed. Orissa Act 16 of 1972. President's Act No. 17 of 1973 Orissa Ordinance No. 2 of 1974

(2) Notwithstanding the repeal of the Orissa Land Reforms (Amendment) Act, 1973 and the Orissa Land Reforms (Amendment) Ordinance, 1974, anything done or any action taken under the principal Act as amended by the said Act and the Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act. President's Act No. 17 of 1973. Orissa Ordinance No. 2 of 1974.

THE ORISSA LAND REFORMS (SECOND AMENDMENT) ACT, 1976

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ORISSA ACT 44 OF 1976

*THE ORISSA LAND REFORMS (SECOND AMENDMENT) ACT, 1976

[*Received the assent of the President on the 15th October 1976, first published in an extraordinary issue of the* Orissa Gazette, *dated the 25th October 1976*]

AN ACT TO AMEND THE ORISSA LAND REFORMS ACT, 1960

BE it enacted by the Legislature of the State of Orissa in the Twenty-seventh Year of the Republic of India, as follows:—

Short title

1. This Act may be called the Orissa Land Reforms (Second Amendment) Act, 1976.

Amendment of section 2.

2. In section 2 of the Orissa Land Reforms Act, 1960 (hereinafter referred to as the principal Act), in clause (9-b), the existing Explanation shall be re-numbered as Explanation I and after Explanation I as so re-numbered, the following Explanation shall be inserted, namely:— Orissa Act 16 of 1960.

"*Explanation II*—For the purposes of conversion, one maund shall be equal to 37·3242 kilograms.".

Amendment of section 23.

3. In section 23 of the principal Act,—

(*a*) in sub-section (*2*), the words "and may also order such portion of the penalty as he deems fit, to be paid to the transferor or his heir" shall be added at the end;

(*b*) in sub-section (*3*), for the existing proviso, the following proviso and Explanation shall be substituted, namely :—

"Provided that if the Revenue Officer is of the opinion that the restoration of the property is not reasonably practicable, he shall record his reasons therefor and shall, subject to the control of the Government, settle the said property with another member of a Scheduled Tribe or in the absence of any such member, with any other person in accordance with the provisions contained in the Orissa Government Land Settlement Act, 1962. Orissa Act 33 of 1962.

Explanation—Restoration of the property means actual delivery of possession of the property to the transferor or his heir.";

(*c*) after sub-section (*3*), the following sub-section shall be inserted, namely :—

"(4) Where any transfer is declared under this section to be invalid and the transferee or any other person in possession of the property has been evicted therefrom, the transferee shall not be entitled to the refund of any amount paid by him to the transferor by way of consideration for the transfer.".

*For the Bill *see Orissa Gazette*, Extraordinary, dated the 20th September 1976 (No. 1554).

Amendment of section 23-A and insertion of new section.

4. Section 23-A of the principal Act shall be re-numbered as section 23-B and before section 23B as so re-numbered, the following new section shall be inserted, namely:—

Eviction of person in unauthorised occupation of property.

"23-A. Where any person is found to be in unauthorised occupation of the whole or part of a holding of a raiyat belonging to a Scheduled Caste or of a raiyat belonging to a Scheduled Tribe within any part of the State other than a Scheduled Area, by way of trespass or otherwise, the Revenue Officer may, either on application by the owner or any person interested therein, or on his own motion, and after giving the parties concerned an opportunity of being heard, order eviction of the person so found to be in unauthorised occupation and shall cause restoration of the property to the said raiyat or to his heir in accordance with the provisions of sub-section (*3*) of section 23.".

Amendment section 40-B.

5. In section 40-B of the principal Act, after the existing proviso, the following proviso shall be inserted, namely :—

"Provided further that a revised return, if filed by a person after confirmation of the draft statement in respect of his lands under sub-section (1) of section 44, shall not be taken into consideration.".

Amendment of section 42.

6. In section 42 of the principal Act, in the proviso, for the word "compensation", the word "amount" shall be substituted.

Amendment of section 43.

7. In section 43 of the principal Act, in sub-section (*2*), after the words "and making such enquiries as he deems necessary", the words and commas "and after consulting the local committee, if any," shall be inserted.

Insertion of new section 44-A.

8. After section 44 of the principal Act, the following new section shall be inserted, namely:—

Declaration under section 57-A to be produced before finalisation of statement.

"44-A. (1) Where a declaration made under section 57-A in relation to a trust is produced before the Revenue Officer by the concerned trustee at any time before the statement in respect of such trust has become final under sub-section (*3*) of section 44, all proceedings relating to the fixation of ceiling and determination of the surplus area in respect of such trust shall abate.

(2) Where the concerned trustee has given intimation in writing to the Revenue Officer prior to the finalisation of the said statement about the pendency of proceedings under section 57-A relating to a trust, all proceedings relating to the fixation of ceiling and determination of the surplus area in respect of such trust shall abate and any action taken in furtherance of such proceedings shall be of no effect.

(3) A declaration as aforesaid which is obtained or produced before the Revenue Officer after the statement in respect of the concerned trust has become final under sub-section (*3*) of section 44, shall, except where the concerned trustee has given intimation in writing to the Revenue Officer prior to the finalisation of the said statement about the pendency of proceedings under section 57-A, be of no effect whatsoever in so far as the proceedings under this Chapter are concerned.".

Insertion of new section 45-B.

9. After section 45-A of the principal Act, the following new section shall be inserted, namely:—

Lands escaping ceiling proceedings to vest along-with surplus lands already vested.

"45-B. (1) If at any time within six years from the date of finalisation of the statement under sub-section (*3*) of section 44 relating to any person holding land in excess of ceiling area, it is found that some more lands held by such person have escaped inclusion in the above statement due to any reason whatsoever, the Revenue Officer may, after giving the person an opportunity of being heard and after making such enquiry as he deems proper, declare in the prescribed manner, the whole or any part of such lands as are found to be held by the person to be surplus land in relation to him.

(2) All lands declared to be surplus land under sub-section (1) shall be deemed to have vested in the Government free from all encumbrances alongwith the surplus lands mentioned in the aforesaid statement and the provisions of sections 45, 45-A and 46 to 51 shall, so far as may be, apply to the lands so vested:

Provided that the amount payable in respect of the interest of the person to whom the surplus lands relate shall be subject to reduction at the following rate :—

	Rate of reduction
(*i*) where the land was in occupation of the person for a period not exceeding one year from the date of finalisation of the statement under section 44 (3),	Fifty-five per centum
(*ii*) where the period of such occupation exceeds one year,	Fifty-five per centum plus five per centum for each year or part thereof in excess of one year.

(3) Without prejudice to the provisions of section 39, the transfer of any land declared to be surplus land under sub-section (*1*), by sale, gift or otherwise or the partition thereof, made or effected after the date of finalisation of the statement under sub-section (*3*) of section 44 shall be deemed to be void.".

Amendment of section 51.

10. In section 51 of the principal Act, in sub-section (1), for the proviso thereto, the following provisos shall be substituted, namely:—

"Provided that where the population of the Scheduled Tribes and Scheduled Castes in a village exceeds seventy per cent of the total population of that village, the percentage of lands to be reserved for persons of the said communities shall be equal to the percentage of their population :

Provided further that if sufficient number of persons belonging to the aforesaid categories are not available in the village in which the lands are situated or, being available, are not willing to accept settlement of land, so much of the lands reserved for the said persons as cannot be settled with them may be settled with other persons :

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Provided also that the Collector of a district may, with the prior approval of the Government, set apart any of the said surplus lands for being utilised for any public purpose, other than the purpose of cultivation, and thereupon the remaining surplus lands shall be settled in accordance with the provisions of this section.".

Amendment of section 53.

11. In section 53 of the principal Act, in sub-section (*2*), after the words "They shall", the words and commas ",unless the Commission is sooner reconstituted," shall be inserted.

Amendment of section 57.

12. In section 57 of the principal Act, for sub-section (*2*), the following sub-section and proviso shall be substituted, namely:—

"(*2*) The Revenue Officers and other authorities shall have the power to award costs in proceedings before them in accordance with rules made in that behalf:

Provided that if an appellate authority is satisfied that any appeal has been preferred on frivolous grounds, it shall award such cost as it deems fit, the amount of which shall not be less than fifty rupees and more than five hundred rupees.".

Amendment of section 57-A.

13. In section 57-A of the principal Act, in sub-section (*3*), for the existing provisos, the following provisos shall be substituted, namely :—

"Provided that no application under this sub-section shall be maintainable if,—

(*a*) it relates to a trust which has been created and established after the 26th day of September, 1970; or

(*b*) it is filed after the date of expiry of a period of six months from the date of commencement of the Orissa Land Reforms (Second Amendment) Act, 1976:

Provided further that nothing in clause (a) of the preceding proviso shall affect any declaration made prior to the date of commencement of the Orissa Land Reforms (Amendment) Act, 1976.".

Amendment of section 85.

14. In section 58 of the principal Act, in sub-section (1),— Orissa Act 30 of 1976.

(*a*) for the figures and brackets "23 (2)", the letters, figures and brackets "22-A (5), 23 (2), 23-A" shall be substituted,

(*b*) after the figure "42", the letter, figures and brackets "45-B (1) " shall be inserted

Amendment of section 60.

15. Section 60 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Without prejudice to the provisions of sub-section (1), where the appellate authority, on application filed by the concerned party within two years from the date of finalisation of a statement under sub-section (3) of section 44 or within sixty days from the date of the appellate order, whichever period expires later, is satisfied that any land has been included in such statement in contravention of any provision of this Act, he may modify the order passed by the Revenue Officer under the said section :

Provided that no such modification shall be made without giving the parties concerned a reasonable opportunity of being heard :

Provided further that no such modification shall be made if—

(*a*) an application for revision under section 59 is pending, or

(*b*) an order has been passed under that section.".

Amendment of section 63.

16. In section 63 of the principal Act, in sub-section (*2*), for the words "within a period of sixty days", the words "within a period of thirty days" shall be substituted.

Amendment of section 67.

17. In section 67 of the principal Act, for the words "to entertain" the words "to try and decide" shall be substituted.

Amendment of section 68.

18. In section 68 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely :—

"(3) Whoever, after having been evicted under section 23 or under section 23-A from any holding of a raiyat belonging to a Scheduled Tribe or a Scheduled Caste, reoccupies the same without a valid transfer made in his favour, shall, on conviction, be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.".

Certain amendments effected by Orissa Act 29 of 1976 to have retrospective effect.

19. The amendment of section 45 of the principal Act and the insertion of new section 45-A therein which were made respectively by sections 18 and 19 of the Orissa Land Reforms (Second Amendment) Act, 1975, shall be deemed to have been effective from the 1st day of April, 1976 and all actions taken and things done during the period between the 1st day of April, 1976 and the 19th day of May, 1976 in pursuance of the said sections 45 and 45-A shall be deemed to have been taken and done under the said sections as so amended or inserted, as the case may be. Orissa Act 29 of 1976

Savings

20. Notwithstanding the amendment of section 63 of the principal Act by this Act, the period of limitation in respect of an appeal or an application for revision as referred to in that section, against an order passed prior to the date of commencement of this Act, shall be sixty days from the date of the order.

ORISSA ACT 12 OF 1994

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 1993

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PREAMBLE

SECTIONS

1. Short title
2. Amendment of section 2
3. Insertion of new section 8-A

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 b 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 i 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. ".

OFFICE OF THE LAND REFORMS COMMISSIONER,
BOARD OF REVENUE, ODISHA, CUTTACK.

No- VI- 01/2024 - 270 /L.R, Date- 09.01.2024

From

Smt. Saradakanti Dalai,
Under Secretary.

To

All Tahasildars.

Sub: Notification relating to Odisha Land Reforms (Amendment Act, 2023).

Ref: Govt. in R. & D.M. Deptt. No.773/R&DM dated 06.01.2024.

Madam/Sir,

I am directed to forwarded herewith a copy of the Extraordinary issue of Odisha Gazette bearing No.2908 dated 29.12.2023 containing Notification relating to publication of the Odisha Land Reforms (Amendment Act, 2023) (Odisha Act 15 of 2023) for your kind information and necessary action.

Yours faithfully,

09.01.24.

Under Secretary.

Enclose : As above

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 2908, CUTTACK, FRIDAY, DECEMBER 29, 2023/PAUSA 8, 1945

LAW DEPARTMENT

NOTIFICATION

The 29th December, 2023

No.20387—I-Legis-54/2023/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 19th December, 2023 is hereby published for general information.

ODISHA ACT 15 OF 2023

THE ODISHA LAND REFORMS (AMENDMENT) ACT, 2023

AN

ACT

FURTHER TO AMEND THE ODISHA LAND REFORMS ACT, 1960.

BE it enacted by the Legislature of the State of Odisha in the Seventy-fourth Year of the Republic of India, as follows: —

Short title. **1.** This Act may be called the Odisha Land Reforms (Amendment) Act, 2023.

Amendment of Section 8-A. **2.** In the Odisha Land Reforms Act, 1960, in Section 8-A, for sub-section(2), the following sub-section shall be substituted, namely :— Odisha Act 16 of 1960.

"(2) The conversion fees at the rate of one per centum of the market value 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 Odisha Land Reforms (Amendment) Act, 2023."

By Order of the Governor
MANAS RANJAN BARIK
Principal Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex.Gaz. 2193-183+280

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-LRB-POLICY-0005-2023- 456 / R&DM dated 04 JAN 2024

From

Shri Sashadhar Nayak, IAS,
Additional Secretary to Government

To

The Secretary, Board of Revenue, Odisha, Cuttack,
The Land Reforms Commissioner, Odisha, Cuttack,
All Revenue Divisional Commissioners,
All Collectors

Sub: Supply of Notification relating to Odisha Land Reforms (Second Amendment) Act, 2023.

Madam/Sir,

I am directed to forward herewith a copy of the Extraordinary issue of Odisha Gazette bearing No.2909 dated 29.12.2023 containing Notification relating to publication of the Odisha Land Reforms (Second Amendment) Act, 2023 (Odisha Act 14 of 2023) for your kind information and necessary action.

This may please be brought to the notice of all concerned.

Yours faithfully,

4/1/2024

Additional Secretary to Government

Memo No. 457 /R&DM dated 04 JAN 2024

Copy with copy of the enclosure forwarded to all Sub-Collectors / Tahasildars for information and necessary action.

4/1/2024

Additional Secretary to Government

Memo No. 458 /R&DM dated 04 JAN 2024

Copy with copy of the enclosure forwarded to PMU Cell for publication in the Department website.

4/1/2024

Additional Secretary to Government

THE ODISHA LAND REFORMS (SECOND AMENDMENT) ACT, 2023

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1. Short title.
2. Amendment of Section 4.

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2909, CUTTACK, FRIDAY, DECEMBER 29, 2023/PAUSA 8, 1945

LAW DEPARTMENT

NOTIFICATION

The 29th December, 2023

No.20392—I-Legis-59/2023/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 19th December, 2023 is hereby published for general information.

ODISHA ACT 14 OF 2023

THE ODISHA LAND REFORMS (SECOND AMENDMENT) ACT, 2023

AN

ACT

FURTHER TO AMEND THE ODISHA LAND REFORMS ACT, 1960.

BE it enacted by the Legislature of the State of Odisha in the Seventy-fourth Year of the Republic of India, as follows: —

Short title.

1. This Act may be called the Odisha Land Reforms (Second Amendment) Act, 2023.

Amendment of Section 4.

2. In the Odisha Land Reforms Act, 1960, in Section 4, — Odisha Act 16 of 1960.

(a) in sub-section (1), for clause (i) excluding the proviso thereto, the following clause shall be substituted, namely: —

"(i) Subject to the provisions of sub-sections (5) to (8) persons who are in personal cultivation of any land or use of any land as homestead and recorded

as sub-tenants or under-raiyats in respect of such land in the record-of-rights under any law in force in any part of the State and their successor-in-interest.";

(b) in sub-section (5),—

(i) in the fourth Proviso, after clause (b) , the following clause shall be inserted, namely :—

"(c) in the case of sub-tenants, under-raiyats and their successor-in-interest who have failed to make such application within any of the periods specified in this sub-section may make an application within a period of two years from the date of commencement of the Odisha Land Reforms (Second Amendment) Act, 2023.";

(ii) after the fourth Proviso, the following proviso shall be inserted , namely :—

"Provided also that the Government may extend such period for making application from time to time by notification published in the official Gazette."; and

(c) in sub-section (6), for the words "eight hundred rupees", the words "fourteen thousand and two hundred rupees or the amount as decided by the Government by notification from time to time published in the Official Gazette" shall be substituted.

By Order of the Governor

MANAS RANJAN BARIK

Principal Secretary to Government

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OGP/SBP Ex.Gaz. 2194-183+280

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
***

NOTIFICATION

No.RE-I-14/2015- 9851 **/R&DM, Bhubaneswar, Dated** 30.3.15

Whereas the draft of certain rules further to amend the Odisha Land Reforms (General) Rules, 1965 was published as required under sub-section (1) of section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), in the *Odisha Gazette* No.24, dated the 20th June, 2014 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No.RE-I-60/2013-15221, dated the 27th May, 2014 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette.*

And whereas no objection or suggestion in respect of the said draft has been received by the State Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), the State Government do hereby make the following rules further to amend the Odisha Land Reforms (General) Rules, 1965, namely:-

1. (1) These rules may be called the Odisha Land Reforms (General) Amendment Rules, 2015.

   (2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Land Reforms (General) Rules, 1965, for Form No.3, the following shall be substituted,namely:-

"Form No.3

Notice giving particulars of transfer of a holding of a raiyat or a portion or a share thereof

(See sub-rule (1) of rule 14 of the Odisha Land Reforms (General) Rules, 1965)

I. Name and address of the Transferor:

Name:

Name of Father/Husband:

Present Address:

PIN

Caste

Mobile No.

e-Mail ID

Permanent Address:

PIN

II. Name and address of the Transferee:

Name:

Name of Father/Husband:

Present address:

											PIN							
Caste																		
Mobile No.																		
e-Mail ID																		

Permanent Address:

											PIN							

III. Schedule of Property:

District: Tahasil: R.I.Circle

Police Station Village: Thana No.

Khata No.	Plot No.	Kisam	Total Area	Transferred Area	Name of Recorded Tenant	Name of Transferor

IV. Name and Address of Tenant as per RoR:

Village																		
Caste																		

V. Documents Relied upon (All documents in succession between recorded tenant and present Transferor)

Mode of Transfer (Voluntary Sale/Gift/Exchange/ Bequest/Sale in execution of a decree)	Document No./Year	Vol. No.	Page No.	Name of Transferor	Name of Transferee	Name of Registration Office

VI. Decree or Order of Court or of Revenue Officer

Case No./ Year	Name of Court	Date of Order	Name of Transferor	Name of Transferee

Signature of Transferor Place Signature of Transferee

Date

Verified by Registering Officer: _____

Signature of Registering Officer."

By order of the Governor

30.3.15

(Dr. TARADATT)
Additional Chief Secretary
Revenue and D.M.Department

Memo No. 9852 **/R & DM, Dated** 30.3.15

Copy forwarded to the Director, Printing, Stationary & Publication, Odisha, Cuttack to publish this Notification in the next issue of the Odisha Gazette/copy forwarded to Commerce Department, Bhubaneswar for information and necessary action.

30.3.2015
Joint Secretary to Government

Memo No. 9853 **/R & DM, Dated** 30.3.15

Copy forwarded to the All Departments/All Heads of Department/All RDCs/All Collectors/Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

30.3.2015
Joint Secretary to Government

Memo No. 9854 **/R & DM, Dated** 30.3.15

Copy forwarded to All Sub-Collectors/All Tehsildars for information and necessary action.

30.3.2015
Joint Secretary to Government

Memo No. 9855 **/R & DM, Dated** 30.3.15

Copy forwarded to the P.S. to Hon'ble Minister, R & DM for kind information of Hon'ble Minister, R & DM.

30.3.2015
Joint Secretary to Government

Memo No. 9856 **/R & DM, Dated** 30.3.15

Copy forwarded to the Deputy Secretary to Government (in charge of IMU Cell) for information and necessary action.

30.3.2015
Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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NOTIFICATION

No.RDM-LRB-POLICY-0003-2017 25803 /R&DM, The 12 JUL 2018, 2018

Whereas the draft of certain rules further to amend the Odisha Land Reforms (General) Rules 1965, were published as required under section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960) in the extraordinary issue of the Odisha Gazette No. 731, dated the 10th May, 2018 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No. 16764-RDM-LRB-STATUT-0002-2017, dated the 9th May, 2018 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of thirty days from the date of such publication;

And whereas, no objection or suggestion has been received in respect of the said draft during the stipulated period;

Now therefore, in exercise of the powers conferred by section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), the State Government do hereby make the following rules further to amend the Odisha Land Reforms(General) Rules, 1965 namely:—

1. Short title and commencement:— (1) These Rules may be called the Odisha Land Reforms (General) Amendment Rules, 2018.

   (2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Land Reforms (General) Rules, 1965, in rule 12-A, after clause(a), the following clause shall be inserted, namely-

   "(aa) The raiyats may also file an application online through electronic mode and in such event the application fee may be paid electronically.

   (ab) The Authorized Officer shall issue a general notice in form 29 inviting objections from the public on the proposed conversion of land use within fifteen days and in case the application is filed online, the general fee shall be realized through cash or through electronic mode.

   (ac) In the event the raiyat applies for conversion of land use of a part of plot, then the fee for sub-division of plot may be realized in cash or through electronic mode."

By order of the Governor

Principal Secretary to Government
Revenue and Disaster Management Department

Memo No. 25804 /R & DM, Dated 12 JUL 2018

Copy forwarded to Odisha Secretariat Gazette Cell, Commerce and Transport (Commerce) Department for information with a request to publish the same in the extraordinary issue of the Odisha Gazette and supply 50 copies to this Department.

This being a statutory Notification shall bear S.R.O. Number.

12-7-2018

Additional Secretary to Government

Memo No. 25805 /R & DM, Dated 12 JUL 2018

Copy forwarded to the Land Reforms Commissioner, Odisha, Cuttack/Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Vice-Chairman, BDA, Bhubaneswar/ all Collectors/all Sub-Collectors/ all Tahasildars for information and necessary action.

12-7-2018

Additional Secretary to Government

Memo No. 25806 /R & DM, Dated 12 JUL 2018

Copy forwarded to All Departments/All Heads of Department/Joint Secretary to Government, IMU Cell, R & DM Department for information and necessary action.

12-7-2018

Additional Secretary to Government

Memo No. 25807 /R & DM, Dated 12 JUL 2018

Copy forwarded to the Private Secretary to Minister, Revenue and Disaster Management for kind information of Hon'ble Minister, Revenue and Disaster Management.

12-7-2018

Additional Secretary to Government

Satyabrata Sahu, IAS
Additional Chief Secretary

Revenue & Disaster Managment Department
Government of Odisha
Lokseva Bhawan, Bhubaneswar-751001

Telephone : + 91 674 - 253 90 23
Fax : + 91 674 - 239 38 32
E_mail : revsec.od@nic.in I revsec.or@nic.in

No. 765 / ACSR&DM, Date 06 JAN 2024

No. RDM-LRB-POLICY-0008-2023

To

The Secretary, Board of Revenue, Odisha, Cuttack,
The Land Reforms Commissioner, Odisha, Cuttack,
All Revenue Divisional Commissioners,
All Collectors

Sub: Odisha Land Reforms (Second Amendment) Act, 2023 regarding conferment of raiyati rights on persons recorded as sub-tenants or under-raiyats in record-of-rights and their successor-in-interest.

Madam/Sir,

Enclosed please find herewith the Extraordinary issue of the Odisha Gazette bearing No.2909 Dated 29.12.2023 containing Notification relating to publication of the Odisha Land Reforms (Second Amendment) Act, 2023 (Odisha Act 14 of 2023), the contents of which are self-explanatory. This is regarding conferring of raiyati rights on sikim tenants who are recorded as sub-tenants or under-raiyats in record-of-rights. Subject to the provision of the sub-section 4(1)(i) of Odisha Land Reforms Act, 1960, persons who were in personal cultivation of any land and recorded as sub-tenants or under-raiyats in respect of such land in the record-of-rights under any law in force in any part of the State were to make application before the Revenue Officer within two years from the date of commencement of the Odisha Land Reforms (Second Amendment) Act, 1975 under sub-section (5) of Section 4 of the Act to be declared as raiyat. However, many sub-tenants or under raiyats or their successor-in-interest failed to apply in time for declaration of raiyats and their status has remained as such in record-of-rights.

2. Government have, therefore, brought out the enactment of the Odisha Land Reforms (Second Amendment) Act, 2023 which has come into force w.e.f. 29.12.2023 i.e. the date of notification in Odisha Gazette. Accordingly, the persons who are in personal cultivation of any land or use of any land as homestead and recorded as sub-tenants or under-raiyats in respect of such

land in the record-of-rights under any law in force in any part of the State and their successor-in-interest can be declared as tenants subject to provisions of sub-section (5) to (8) of Section 4 of the Odisha Land Reforms Act, 1960. Sub-tenants or under-raiyats or their successor-in-interest who have earlier failed to make such application can now make application to Revenue Officer within two years of this Notification to be declared as raiyat. The above provision shall not be applicable to sub-tenants or under-raiyats recorded in record-of-rights after the 30th day of September, 1965 or to their successor-in-interest if the land in respect of which they have been so recorded belongs to a person under disability or to a privileged raiyat.

3. Form and manner of applications under sub-section 5 of section 4 of the Act are prescribed in Rule 10 of the Odisha Land Reform (General) Rules, 1965. The applications are to be filed by sub-tenants or under-raiyats or their successor-in-interest , as the case may be, in **Form No.2** prescribed under the Rules. To expedite the matter, Tahasildars shall also start suo-moto case as record-of-rights containing sikim khatas are at their custody. For initiating suo-moto cases, they can ask for reports from RIs who shall furnish relevant details.

4. The Collectors shall sensitize the Tahasildars on the matter and Tahasildars shall sensitize the Revenue Inspectors to furnish report to start suo-moto cases. Collectors can give wide publicity to the matter by way of advertisement in papers for filing applications by such sub-tenants or under-raiyats or their successors-in-interest in respect of sikim khatas under their occupation to be declared as raiyat, as the case may be. The cost of advertisement may be met out of IEC funds placed at their disposal.

5. A Revenue Case Record shall be opened against each Sikkim khata. Under Rule 10-A of Odisha Land Reform (General) Rules, 1965, the Revenue Officer shall issue notice to all parties for filing objection. Notice shall be issued to all land holders or their successor-in-interest as well as the sub-tenants or under-raiyats or their successor-in-interest of the case land. The Revenue Officer shall hear them as also the person filing objection. A general notice shall also be served on the villagers of the village or villages in which the land

is situated inviting objections within a period of fifteen days, to the settlement asked for by the sub-tenant or under-raiyat or his successor-in-interest.

6. The Revenue Officer may cause an enquiry on the details of original land holder/holders or their successor-in-interest, the details of sub-tenants or under-raiyats or successor-in-interest possessing the land as recorded in record-of-rights, flow of title over the case land etc. After hearing all the parties concerned, he may pass the order as deemed proper under the provisions of Act & Rules for declaration of sikim tenants as raiyats.

7. However, before passing final order he will calculate the compensation amount to be payable by sub-tenants or under-raiyats or their successor-in-interest to the land holders or their successor-in-interest. The amount shall be calculated at the rate of rupees fourteen thousand two hundred per standard acre. The order sheet shall contain the amount and date of compensation to be paid, the name of sub-tenants or under-raiyats or their successor-in-interest, the name of land holders to receive compensation. Revenue Officer shall also apportion the compensation between the persons entitled thereto. The sub-tenants or under-raiyats or their successor-in-interest shall be intimated about the quantum of the compensation amount and date by which the payment is to be made. Revenue Officer shall give reasonable time and opportunity for payment / deposit of compensation amount. The land holder to receive compensation shall be duly intimated about the matter. Although the rules provide for compensation payment in instalments, the entire amount can be paid in one instalment for expeditious settlement of the case land. The compensation or any portion thereof which remains unpaid shall be recoverable as arrears of land revenue The Revenue Officer shall follow the provisions as contained in sub-sections 6,7,8 of Odisha Land Reforms Act,1960 and procedure as prescribed under Rule 11 of Odisha Land Reforms (General) Rules, 1965 for payment of compensation.

8. Rules mandate that the sub-tenants or under-raiyats or successor-in-interest shall be entitled to receipt in token as payment of compensation. However, under certain circumstances, the Tahasildar can also receive payment of compensation as provided under Rule-11 of Odisha Land Reform (General) Rules, 1965. The Tahasildar shall issue receipt to payee against

receipt of compensation as provided under the rule. The receipt so granted shall be considered as an acquittance of the compensation payable and in compliance to the order of the Revenue Officer. The procedure for maintaining accounts regarding deposit of compensation amount with Tahasildar shall be separately intimated soon in consultation with Finance Department.

9. The Revenue Officer receiving the deposit shall forthwith cause a notice of its receipt to be served on the person or persons specified in the order sheet, giving sixty days time for receiving the payment. The Revenue Officer shall pay the amount under deposit to the person or persons entitled to the same if he or they appear before him either in person or through authorised representative within sixty days from the date of issue of the notice.

10. The Revenue Officer shall fix the fair and equitable rent of the land and correct the record-of-rights in the name of sub-tenants or under-raiyats or successor-in-interest in raiyati status. At the time of correction, the case land sikim plot/plots shall be deleted from the khata of the landholder. The sikim khata shall also be deleted. New raiyati khata shall be opened in the name of the tenant who is declared as raiyat in sthitiban status following procedure as outlined in Odisha Mutation Manual.

All Revenue Officers may be instructed suitably.

Yours faithfully,

6/1/2024.

Additional Chief Secretary to Government

Memo No. 766 /R&DM dated 06 JAN 2024

Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.

6/1/2024

Additional Secretary to Government

Memo No. 767 /R&DM dated 06 JAN 2024

Copy forwarded to PMU Cell for publication in the Department website.

6/1/2024

Additional Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. RDM-LRB-MISC-0021-2019 /R&DM 5792 dated 06 FEB 2020

From

Sri P. K. Mohapatra, IAS
Addl. Chief Secretary to Govt.

To

All Collectors

Sub: Regarding provisions of 8-A of OLR Act 1960

Madam / Sir,

I am directed to say a new section namely 8-A was introduced in OLR Act as an amendment in the year 1993 and on receipt of the assent of Hon'ble President of India on 15th June, 1994, the same was published in an extra ordinary issue of Odisha Gazette dated the 1st July, 1994. In the said section, it was provided that where the conversion of the use of any agricultural land by a raiyat for the purposes other than the agriculture has been made prior to the commencement of OLR Act (Amendment),1993 it shall be deemed that the raiyat has surrendered his rayati rights 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 OGLS Act, 1962. In such cases, a lease deed was required to be executed.

However, subsequently, the Government after careful consideration was pleased to amend the erstwhile provision and in the amendment of the OLR Act in the year 2006, it was

provided that the land which are deemed to have been surrendered to Government and settled on lease basis under provisions of OGLS Act, 1962 prior to the date of commencement of OLR Amendment Act, 2006 shall cease to be so surrendered and settled on lease basis be held freely by the raiyat or the transferee as the case may be.

This amendment of Section 8-A of OLR Act has been notified by Law Department vide their Notification No.8906 dt.7.7.2006 and published in Odisha Gazette on the same date. As per the amendment, there is no requirement of execution of lease deed .This is a positive and broad step on the part of the Government. However, several complaints are being received in the Department alleging that though the Revenue Officers are not insisting on lease agreement and on conversion, the land in question is being recorded in 'stitiban' status instead of 'pattadar' status, the citizens are facing inconvenience when land earlier recorded in 'pattadar' status in connection with conversion of land from agriculture to non-agriculture is not being corrected as "stitiban" land in RoR despite filing of application / misc. case for such correction of Sattwa.

Hence, after careful consideration, it is instructed that if any application / misc. Case is filed for correction of 'sattwa' from 'pattadar' to 'stitiban' pertaining to conversion of agricultural land to non-agriculture purpose, the Revenue Officer shall dispose of such applications / misc. cases on priority basis, if found genuine. The Government have been focusing on citizen-centric governance and it is expected that this simple

measure will benefit citizens. These instructions may be brought to the notice of field officers.

Yours faithfully,

05/02/2020

Addl. Chief Secretary to Govt.

Memo No. 5793 /R&DM Dated 05 FEB 2020

Copy forwarded to Secretary, Board of Revenue / all RDCs for information and necessary action..

Addl. Secretary to Govt. 5/2/2020

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No.RE-I-28/2015-9781/R & DM, Dated 23.3.17

NOTIFICATION

In pursuance of Clause (3-a) of Section 2 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), the State Government do hereby appoint all Sub-Collectors as Authorized Officers under the provisions of Section 8-A of the said Act in their respective Sub-Division Headquarter Tahasils for conversion of land measuring one-fourth of an Acre or more than that. In these cases, the Tahasildar concerned shall initiate the OLR Case for the purpose and allow conversion with due approval of the Sub-Collector.

For the area measuring less than one-fourth of an Acre in the Sub-Division Headquarter Tahasils, the respective Tahasildars will continue to be the Authorized Officers for conversion under the provisions of the OLR Act, 1960 except where the local Development Authority has given permission for conversion with reference to section 119(3) of the ODA Act as amended in the year 2015.

The Notifications No.40247/R&DM, Dated 22nd December, 2016, No.25303/R&DM, Dated 12th August, 2016 of Revenue and Disaster Management Department and Notification bearing S.R.O. No.1175/95, Dated 25th October, 1995 of the Revenue and Excise Department, published in the Orissa Gazette No.1301, dated 18.11.1995 is hereby modified to the above extent.

By order of the Governor,

23/3

(Dr. Mona Sharma)
Principal Secretary to Government

Memo No. 9782 /R & DM, Dated 23.3.17

Copy forwarded to the Director, Printing Stationery & Publication, Odisha, Cuttack with a request to publish the Notification in the extraordinary issue of the Odisha Gazette and supply 100 (one hundred) spare copies of the same to this Department.

23/3/17

Additional Secretary to Government

Memo No. 9783 /R & DM, Dated 23.3.17

Copy forwarded to All Departments/All Heads of Department for information and necessary action.

23/3/17

Additional Secretary to Government

Memo No. 9784 /R & DM, Dated 23.3.17

Copy forwarded to all RDCs/all Collectors/all Sub-Collectors/all Tahasildars for information and necessary action.

23/3/17

Additional Secretary to Government

Memo No. 9785 /R & DM, Dated 23.3.17

Copy forwarded to the Private Secretary to Minister, Revenue and DM for kind information of Hon'ble Minister, Revenue and Disaster Management.

23/3/17

Additional Secretary to Government

Memo No. 9786 /R & DM, Dated 23.3.17

Copy forwarded to H & UD Department/Executive Officer of all Municipal Corporations/Municipalities/ULBs for information and necessary action.

23/3/17

Additional Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No. RDM-LRB-OLR-0001-2021 10809 /R&DM dated 26 MAR 2021

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: Regarding disposal of cases U/s 8-A of OLR Act, 1960

Madam/Sir,

You are aware that to achieve citizen-centric governance in sync with 5T initiatives of the Government, this Department has facilitated filing of online applications for conversion of agricultural land U/s-8-A of OLR Act, 1960. To streamline disposal of conversion cases detailed instructions have been communicated from time to time. However, several complaints are being received from the citizens that there is unusual delay at tahasil level in disposal of cases and even applicants are being harassed on flimsy grounds. It has also been observed that online applications which are required to be disposed within 60 working days are being dragged on.

It may be appreciated that a per Gazette notification of G.A. & P.G. (AR) Department dated 03/06/2020 cases U/s 8-A of OLR Act shall be disposed of within 60 days in accordance with Odisha Right to Public Services Act, 2012 (ORTPSA).The Government have viewed such attitude of Tahasildars seriously, specifically when the Department is simplifying existing procedures for quick, transparent and efficient delivery of public services.

Now after careful consideration, Government have been pleased to issue following instructions.

(1) The applicant will submit online application which will be auto forwarded to the concerned Tahasildar(Authorized Officer) without any

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delay.

(2) Tahasildar on receipt of the application will carefully verify the attached documents .

(3) After verification, he will forward the application with remarks to the concerned RI for field verification.

(4) RI will conduct field enquiry and will ascertain that the change of classification of the applied land is permissible and not violating any of the provisions as provided under Rules and instructions of Government issued from time to time. If the applied area comes within purview of Town Planning/ Archaeological area, the same will be clearly indicated by the RI in his report. He will also calculate conversion fee for the land as per notification(s) issued by Government from time to time. With all these particulars, the report of RI shall be transmitted to the Tahasildar.

(5) Tahasildar on receipt of the report of the RI will ensure that the report is in order, application for conversion is genuine and there are no violations, then he will take the following steps:

a. In case the proposed conversion is covered under Town planning/ Development Authority, he shall obtain the views of the concerned authority in prescribed manner. The concerned authority shall furnish their opinion on the application for conversion within 30 days from the date of receipt of the same, failing which it shall be deemed that there is no objection to the conversion applied for. (Rule 12-A of OLR (General) Rules, 1965).
b. In case the land is not covered under any Town Planning/ Development area, then Tahasildar may pass necessary order.
c. If the land is in the vicinity of a protected monument/ archaeological site and there is prohibition for conversion of land, then the relevant guidelines as issued by Archaeological Survey of India and this Department from time to time shall be followed meticulously. In case of doubt, Bhubaneswar Circle of ASI may be consulted.
d. In case the Tahasildar is required to conduct a personal inquiry he may do so within a reasonable time.
e. In case conversion of land is 1/4th of an acre or more, the case alongwith the report of RI and views of Tahasildar will be forwarded to concerned Sub-collector of who shall pass appropriate order as per law within 7 working days and remit the case online to concerned Tahasildar. *This is, however, applicable only for sub-*

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division headquarters tahasils as per Notification no. 9781 dated 23/3/2017 of R & DM Department.

(6) After passing necessary order or receipt of order from Sub-Collector, Tahasildar will intimate the applicant by email or his given address as the case may be, to deposit conversion fee, online in the designated account, which has already been mapped by NIC and provided in the application software. In case the applicant doesn't deposit the necessary fee, the application may be rejected on merit after stipulated notice period. Rejection of the application on valid grounds shall be informed to the applicant. On the other hand, when the applicant has deposited requisite fee, Tahasildar shall ensure correction of RoR in Bhulekh and dispatch the same through Speed Post without delay.

(7) The ideal process flow for the purpose will be like this:

Application filed online > Registered with Tahasildar > Verification of RI > In case of TP area etc. referred to concerned authority/ In other cases orders passed for deposit of conversion fees/ Referred to Sub-Collector if area is 1/4th of an acre or exceeds that > On receipt of conversion fees record sent to Record Keeper for correction of RoR.

(8) The entire procedure shall be completed maximum within 60 working days.

(9) No final order shall be made unless conversion fee has been deposited fully by the applicant.

(10) In old cases where final order has been passed and conversion fee has not been deposited within prescribed period, the same shall be recovered as arear of land revenue.

These instructions may please be brought to the notice of field officers. This may be impressed upon that when the Government do not intend to promote indiscriminate conversion of agricultural land , simultaneously restrictive measures can not be used as a tool by Tahasildars to harass the citizens. Any deviation will be viewed seriously.

Yours faithfully,

Principal Secretary to Government

26/3/2017

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