VOLUME 17

Revenue Circulars & Rules: Supplement

Mutation · RoR · OGLS · OLR · land acquisition · minor minerals · stamps & registration · certificates, 2010–2026

17

COMPILED BY

Upendra Luha, OAS

odisharevenuelaws.com

Edition · November 2026

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

NOTIFICATION

No. RDM-LRGEA- STATUT-0001-2024- 3492 /R&DM Dated 05 FEB 2024

The following draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 which the State Government propose to make in exercise of the powers conferred by section 8- A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), is hereby published as required under sub- section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after expiry of a period of thirty days from the date of publication of this notification in the Odisha Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft before expiry of the period specified above will be considered by the State Government.

Draft

1. Short title and Commencement.— (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2024.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Government Land Settlement Rules, 1983, in the Schedule VII, —

(i) in clause 2, in sub-clause (8), for the word "though" , the word "through" shall be substituted.

(ii) in clause 5, for the words "at the rate of ten per centum of the prevailing market value of the land", the words and numerals "at the rate of three per centum of the valuation of land as per the guidelines prescribed under the Odisha Stamp Rules, 1952 for a Gharabari kisam of land adjacent to or in the vicinity" shall be substituted.

(iii) in Form 3, the word "purchaser" wherever it occurs, the words "land holder" shall be substituted.

By order of the Governor

5/4/14

Additional Chief Secretary to Government

Memo. No. 3493 /R&DM, Dated 05 FEB 2024

Copy along with soft copy (CD enclosed) forwarded to Deputy Director, Odisha Secretariat Branch Press, At-Kharavela Nagar, Bhubaneswar for information and necessary action. He is requested to publish the notification in an Extra - ordinary issue of the Odisha Gazette and supply 10 (Ten) copies to this Department for reference.

This notification shall bear S.R.O number as it is a statutory one.

05/02/2024

Joint Secretary to Government

Memo. No. 3494 /R&DM, Dated 05 FEB 2024

Copy forwarded to all Departments of Government (except Parliamentary Affairs Deptt. and H&UD Deptt.) / Secretary, Board of Revenue, Odisha, Cuttack / all RDCs / Land Reforms Commissioner, Odisha, Cuttack / Director, Land Records, Surveys and Consolidation, Odisha, Cuttack / Commissioner, Land Records and Settlement, Odisha, Cuttack / Inspector General of Registration, Odisha, Cuttack / all Collectors for information and necessary action.

05/02/2024

Joint Secretary to Government

Memo. No. 3495 /R&DM, Dated 05 FEB 2024

Copy forwarded to Parliamentary Affairs Deptt. for information w.r.t their Memo No.380 dated 22.01.2024.

05/02/2024

Joint Secretary to Government

Memo. No. 3496 /R&DM, Dated 05 FEB 2024

Copy forwarded to Housing and Urban Development Department for information and necessary action.

05/02/2024

Joint Secretary to Government

Memo. No. 3497 /R&DM, Dated 05 FEB 2024

Copy forwarded to the Special Secretary to Chief Minister, Odisha / P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue & DM respectively.

05/02/2024

Joint Secretary to Government

Memo. No. 3498 /R&DM, Dated 05 FEB 2024

Copy forwarded to O.S.D to Chief Secretary, Odisha / P.S to Development Commissioner-cum-Addl. Chief Secretary to Government for kind information of Chief Secretary and Development Commissioner respectively.

05/02/2024

Joint Secretary to Government

Memo. No. 3499 /R&DM, Dated 05 FEB 2024

Copy forwarded to CH & S Branch / LR (A) and (B) Branch / Registration Branch / e-Governance Branch and all seats of LR & GE (A) / (B) / (C) Branch of Revenue & DM Department for information and necessary action.

05/02/2024

Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

PRESS BRIEF

The State Cabinet have approved the proposal of Revenue & DM Department to bring in amendment to the Odisha Government Land Settlement (OGLS) Rules, 1983 to further simplify the manner of settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi categories of lands with persons in lawful occupation of such lands and also to make provision for conversion of lease hold land of Odisha State Housing Board and Development Authorities into free hold as well as settlement of Government land directly on free hold basis in their favour for development of housing or residential projects.

The amended provisions will be implemented after publication of the OGLS (Amendment) Rules, 2023 in the official Gazette.

*****

ଓଡିଶା ସରକାର

ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ

*****

ପ୍ରେସ ନିମନ୍ତେ ସଂକ୍ଷିପ୍ତ ସୂଚନା

*****

ଖାସମାହାଲ, ନଜୁଲ, ଗ୍ରାମକଣ୍ଠ ପରମବୋକ ଓ ଆବାଦୀ ଶ୍ରେଣୀ ର ଜମିକୁ ଆଇନସମ୍ମତ ଭାବେ ଦଖଲରେ ରଖିଥିବା ବ୍ୟକ୍ତିବିଶେଷଙ୍କ ନାମରେ ଚିରସ୍ଥାୟୀ ବନ୍ଦୋବସ୍ତ କରିବା ନିମନ୍ତେ Odisha Government Land Settlement (OGLS) Rules, 1983 ରେ ରହିଥିବା ବ୍ୟବସ୍ଥାକୁ ଅଧିକ ସରଳୀକରଣ କରିବା ପାଇଁ ଉକ୍ତ ନିୟମାବଳୀରେ ଆବଶ୍ୟକୀୟ ସଂଶୋଧନ କରିବାକୁ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଆଗତ କରିଥିବା ପ୍ରସ୍ତାବକୁ ରାଜ୍ୟ କ୍ୟାବିନେଟ ଅନୁମୋଦନ କରିଛନ୍ତି ।

ଓଡିଶା ରାଜ୍ୟ ଗୃହ ନିର୍ମାଣ ସଂସ୍ଥା (Odisha State Housing Board) ଓ ବିଭିନ୍ନ ଉନ୍ନୟନ କର୍ତ୍ତୃପକ୍ଷଙ୍କୁ (Development Authorities) ବାସଗୃହ ନିର୍ମାଣ ନିମନ୍ତେ ଲିଜ ସୂତ୍ରରେ ଯୋଗାଇ ଦିଆ ଯାଇଥିବା ସରକାରୀ ଜମିକୁ ଫ୍ରିହିବାନ ସ୍ୱତ୍ୱରେ ପରିବର୍ତ୍ତନ କରିବା ପାଇଁ ତଥା ସେମାନଙ୍କୁ ସିଧା ସଳଖ ଭାବେ ଫ୍ରିହିବାନ ସ୍ୱତ୍ୱରେ ସରକାରୀ ଜମି ଯୋଗାଇ ଦେବାକୁ ମଧ୍ୟ OGLS Rules, 1983 ରେ ନୂଆ ବ୍ୟବସ୍ଥା ଆଣିବାକୁ ରାଜ୍ୟ କ୍ୟାବିନେଟ ଅନୁମୋଦନ କରିଛନ୍ତି ।

OGLS (Amendment) Rules, 2023 ସରକାରୀ ଗେଜେଟ ରେ ପ୍ରକାଶିତ ହେବା ପରେ ନୂତନ ବ୍ୟବସ୍ଥା କାର୍ଯ୍ୟକାରୀ ହେବ ।

*****

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-LRGEA-CLRFIC-0003-2023-23084 /R&DM Dated 30 JUN 2023

From

Shri Avaya Kumar Nayak, OAS (SS)
Special Secretary to Government

To

All Collectors

Sub: **Clarification regarding temporary allotment of Government land in favour of different entities for public/ private purposes subject to payment of license fee**

Madam/ Sir,

I am directed to say that two nos. of circulars i.e. G.O. No. 33503/R&DM dated 31.08.2013 and Resolution No.1071 dated 12.01.2022 have been issued by this Department laying down the principles for temporary allotment of Government land for different purposes.

2. The G.O dated 31.08.2013 stipulates that the Collector may, with prior permission of the RDC, allow temporary use of government land in favour of a private organization/ Company for private purposes on year to year basis subject to payment of license fee equivalent to 1/10th of the market value of the land payable each year by the user agency and also subject to fulfilment of several other conditions.

3. On the other hand, the Resolution dated 12.01.2022 which is applicable to all Departments stipulates that the Government in the administrative Department in whose name the land is recorded, may grant temporary allotment of land in favour of an entity for developmental and incidental works for a maximum period of three years (with provision for extending the tenure for two more spells of three years each) subject to payment of license fee equivalent to 3% of the market value of the land per annum and also subject to fulfilment of several other conditions.

4. As there are two circulars on the same subject of temporary allotment of Government land, doubts have been raised in different quarters regarding the applicability of the two circulars, particularly on certain issues like-

(i) what will be the rate of license fee i.e. whether 10% or 3% and in which case,

(ii) who is the competent authority to approve such temporary allotment, whether the RDC or the Government of the administrative Department and in which case,

(iii) whether the G.O No. 3503 dated 31.08.2013 has been superseded after coming into force of the Resolution No.1071 dated 12.01.2022.

5. Keeping the above in view, the Government, after careful consideration, have been pleased to clarify as follows,-

(i) **G.O No. 3503 dated 31.08.2013**; The G.O is applicable in case of temporary allotment of a land recorded in Revenue & DM Department Khata which has been reserved under section 3 (1) (a) of the OGLS Act, 1962 for a certain purpose or has been recorded under a certain Kisam in the Settlement records prepared under the provisions of the Odisha Survey & Settlement Act, 1958 and Rules made thereunder, but no immediate settlement for any purpose is contemplated. Under the G.O, the aforesaid land can be temporarily allotted in favour of a private entity **for setting up of stone crusher units only** and the Collector, with the prior approval of the RDC, may allow temporary use of such land subject to compliance of the terms and conditions by the user agency including payment of license fee as stipulated in the said G.O.

(ii) **Resolution No.1071 dated 12.01.2022**

(a) The Resolution is applicable in case of temporary allotment of land recorded in the name of different Departments of the State Government including in the name of Revenue & DM Department in favour of an entity, public or private, **for use only for a public purpose or for a purpose which is incidental or ancillary to any work of the Department** in whose name the land is recorded.

(b) In case the land is recorded in the name of a Department other than Revenue & DM Department, Government in the Department in whose name the land is recorded shall be the authority to grant such

permission for temporary allotment of land subject to compliance of all formalities stipulated in the Resolution dated 12.01.2022.

(c) However, in case of lands recorded in the Revenue & DM Department Khata, the Collector (instead of Government in Revenue & DM Department) may, with the prior approval of the RDC, allow such temporary allotment of land and the constitution of District Level Committee for determination of license fee and making recommendations for temporary allotment shall not be required. The Tahasildar shall determine the market value of the land in consultation with the concerned District Sub- Registrar/ Sub-Registrar and recommend proposal for temporary allotment of the land to the Collector through the Sub- Collector and the Collector may, with the prior approval of the RDC, allow such temporary allotment of land.

(d) Further, if the land is recorded in the Revenue & DM Department Khata, the land can also be temporarily allotted in favour of an entity, public or private, for a public purpose which is incidental or ancillary to any work of another Department of the State Government under the Resolution dated 12.01.2022. In that case, the following procedure shall be adopted,-

The Chief Officer of the concerned district/ division of the Department which requires land of Revenue & DM Department for temporary allotment in favour of a public/ private entity in connection with a public purpose which is incidental or ancillary to any work of that Department shall make a recommendation to the Tahasildar for temporary allotment of the land in favour of such public/ private entity and the Tahasildar, if he is of the opinion that no immediate settlement of the land for any purpose is contemplated, shall determine the license fee on the basis of the market value of the land in consultation with the concerned District Sub- Registrar/ Sub-Registrar and recommend proposal for temporary allotment of the land to the Collector through the Sub- Collector and the Collector may, with the prior approval of the RDC, allow such temporary allotment of land in favour of that public/ private entity.

(iii) Any land which attracts the provisions of the Forest (Conservation) Act, 1980 or is included in the DLC list shall not be considered for temporary allotment either under G.O No. 3503 dated 31.08.2013 or under Resolution No.1071 dated 12.01.2022.

You are, therefore, requested to take appropriate action in the matter of temporary allotment of government land accordingly.

Yours faithfully,

30/6/23

Special Secretary to Government

Memo No. 23085 /R&DM Dated 30 JUN 2023

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

30/6/23

Special Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRGEA-CLRFIC-0004-2022 /R&DM- 19636 dated 20 JUN 2022

From
Shri Avaya Kumar Nayak, OAS
Special Secretary to Government

To
The Collector, Gajapati

Sub: Clarification regarding de-reservation of Govt. land under Rakhita Khata. Kisam UJJ / Gharabari / Patita for alienation in favour of Govt. Schools.

Sir,

In inviting reference to the letter No.938 dated 07.03.2022 of the Tahasildar, Mohana addressed to this Department on the subject cited above, I am directed to say that clarification was sought for therein as to whether the land reserved as per OGLS Act under Rakhita-UJJ, for developmental works of Government, can be alienated in favour of the school without initiating any de-reservation case.

In this regard it is clarified that the Govt. land under Rakhita Khata. Kisam UJJ/ Gharabari/Patita may be de-reserved and brought to AJA Khata for subsequent alienation in favour of S&ME Department to regularize the Government land under occupation of Government Schools following the G.O No.35491 dated 25.11.2021

Therefore, you are requested to take further necessary action in the matter accordingly.

Yours faithfully,
20/6/22
Special Secretary to Government

Memo No. 19637 /R&DM dtd. 20 JUN 2022

Copy forwarded to the Tahasildar, Mohana, Dist-Gajapati for informatin and necessary action.

20/6/22
Special Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LRA-POLICY-0005-2017 – 3003 /R&DM dated 31 JAN 2024

From

Shri Sashadhar Nayak, IAS
Additional Secretary to Government.

To

The Land Reforms Commissioner. Odisha, Cuttack
All RDCs
All Collectors

Sub: **Extension of dateline for rent settlement in respect of land recorded as bebandobast status in Record of Right**

Sir,

In inviting a reference to this Department D.O. letter No. 6287/ACS dated 16.02.2023 on the above captioned subject, I am directed to say that for rent settlement of land recorded as bebandobast in Record of Rights the date line was till 31.12.2023.

After careful consideration of the matter, Government have been pleased to further extend the date line for disposal of Bebandobast cases till **31.12.2024** for settlement of land recorded as **bebandobast** in RoRs to rent.

I am further directed to say that, there are some cases where the RORs prior to vesting of Estate are in operation and are recorded as NIJ-DAKHAL/ NIJ-JOTE and continuing as rent-free (Niskara) . Such cases are to be assessed to rent by Tahasildar along with the land recorded as Be-bandobast in RORs to prevent loss of revenue.

Yours faithfully,
31.01.2024
Additional Secretary to Government.

Memo No. 3004 / R&DM dated. 31 JAN 2024

Copy forwarded to PS to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister.

31.1.2024

Additional Secretary to Government .

Memo No. 3005 / R&DM dated. 31 JAN 2024

Copy forwarded to PS to Additional Chief Secretary, Revenue & DM Department for kind information of Additional Chief Secretary.

31.1.2024

Additional Secretary to Government.

Memo No. 3006 / R&DM dated. 31 JAN 2024

Copy forwarded to all Sub-Collectors, all Tahasildars for information and necessary action.

31.1.2024

Additional Secretary to Government.

COLLECTOR & DISTRICT MAGISTRATE
ANGUL
14 DEC 2020
RECEIVED

Top Priority 21/12/20

By Fax / e-Mail 1100

Government of Odisha

Revenue & Disaster Management Department

******

L. No.RDM-LRB-POLICY-0007-2020 36350 / R & DM dated, 14-12-20

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: Instructions in connection with disposal of cases u/s 22 of OLR Act, 1960

Madam/ Sir,

I am to say that Sec-22 of OLR Act, 1960 imposes restriction on alienation of land by sale, gift and mortgage or otherwise by a member of the Scheduled Caste or Scheduled Tribe to a person not belonging to such categories unless valid prior permission for alienation is granted by the competent Revenue Officer (Sub-Collector). The Act provides that in case of transfer by sale, the Sub-Collector shall grant such permission when he is satisfied that a purchaser belonging to a scheduled caste or scheduled .. is not willing to pay the market value for the land and in case of a gift, unless he is satisfied about the *bona fides thereof*. It is further provided that no Registering Officer appointed under the appropriate Act shall register any such document unless such document is accompanied by the written permission of the Sub-Collector for such transfer.

However, it is noticed that applications made under Sec.22 of OLR Act are not properly scrutinized and adequate attention is not given at

Your Signature will appear here.

Scanned with OKEN Scanner

the time of grant of permission for alienation of land. This has been viewed seriously by the Government. It is apparently clear in case of some transactions, which were brought to the notice of the Government.

Therefore, after careful consideration, Government have been pleased to issue the following instructions for disposal of applications u/s 22 of OLR Act:

1. Application for permission shall bear requisite court fee and is to be registered properly in the office of the Revenue Officer (Sub-Collector). A register for the purpose will be maintained. Format of application in English is at **"Annexure-A".**

2. Proclamation format as provided in **Annexure-B** shall be meticulously adhered to. Proclamation may be served/ published either by the office of the Sub-Collector or concerned Tahasildar, but service of proclamation shall always be solemnly affirmed by the Nazir/ Asst. Nazir of the concerned office. Proclamation will be published in the place/village where the land is located and also in the place/village belonging to the seller. Adequate precaution should be taken to provide a copy of the proclamation to the concerned Sarpanch of the Gram Panchayat as well as to DWO/ ADWO of the district/sub-division.

3. The general proclamation inviting public objections which will be served in the locality has to be signed by at least **5 persons** and period of proclamation will be **30 days** from the date of publication of proclamation. Court seal of the Sub-Collector will be placed on the body of the proclamation, invariably, along with dated signature of the officer.

4. Simultaneously, the Sub-Collector shall call for a detailed report on the application seeking permission from the concerned Tahasildar who will enquire into the matter and examine all relevant records without entrusting the same to Revenue Inspector or Revenue Supervisor. In case the Tahasildar is not satisfied with the documents provided by the applicant, copies which have been sent to him by the Sub-Collector, he may call for additional records/ documents from the applicant. The report of Tahasildar is essential in considering grant of permission for alienation of land and therefore, Tahasildar should satisfy himself fully that the property details provided by the applicant are correct, the purpose of proposed sale is genuine beyond sustainable doubt and by alienation of proposed land, the applicant is not going to land up in distress. There should be no angle of exploitation by a person of

Scanned with OKEN Scanner

general caste which needs to be verified. Tahasildar should further explore whether any person belonging to SC/ST is willing to purchase the land applied for, on payment of proper bench mark value. If after diligent enquiry, the Tahasildar finds the case of applicant genuine, then elaborate report shall be furnished to Sub-Collector. The report of the Tahasildar shall indicate details of the applicant, details of concerned landed property, applicant's annual income, details of land proposed to be transferred, name of the person of general caste willing to buy the land, residual land after proposed transaction, the latest bench mark value, general financial condition of the applicant and he shall further indicate whether the land proposed to be alienated was obtained by the applicant from Odisha Bhoodan Yanga Samiti or through a lease or otherwise. No specific format is prescribed for the report of Tahasildar, but it is advised that all these aspects should be covered in his report. Tahasildar will furnish his report within 30 days of receipt of intimation from Sub-Collector.

5. The intention of the Government is to ensure that the person belonging to SC/ST is not exploited or harassed or forced to alienate his landed property. On the other hand, after sale of proposed land, he has balance land, which may be supplemented by his income from agriculture and other sources, so that his family has at least moderate means of sustenance.

6. It has come to the notice of Government that some SC persons under pressure or otherwise have been executing General Power of Attorney (GPA) in favour of general caste person, thereby authorising GPA holders to transfer their property. Such GPAs are being executed without obtaining previous permission from the Sub-Collector which violates the spirit of Sec. 22 of OLR Act. Whenever such GPA is noticed by the Sub-Collector/ Tahasildar, he should properly examine the same and unless prior permission has been obtained from Sub-Collector, transaction of SC/ST property by a general caste GPA holder will not be entertained. Even if, a SC/ST person executes GPA in favour of another SC/ST person authorising him to sell his landed property, the Sub-Collector shall examine whether any balance land is available at the disposal of the applicant. The Sub-Collector shall endeavour to ascertain that the person selling the land is not used as a conduit for purchase and sale of land at the behest of others. The protection of the interests of SC/ST person is paramount for the state.

Scanned with OKEN Scanner

7. The case record u/s 22 of OLR Act shall be meticulously maintained and all relevant documents/reports etc. including objection, if any, filed in the matter should invariably find place in the record. Sub-Collector shall take elaborate deposition from the applicant which should also find place in case record. On receipt of relevant report from the Tahasildar and on ensuring that proclamation has been published properly and taking into consideration the objections received and after providing due opportunity to objectors, if any, the Sub-Collector may pass necessary order either granting or rejecting the permission, as the case may be. In case, he is satisfied that the case is not genuine to be considered for grant of permission, he should pass a speaking order indicating therein the grounds of rejection. On the other hand, if permission is granted for alienation of land, the same may be communicated in the format as provided at **Annexure-C** . In addition to the applicant, copy of the permission shall be forwarded to concerned Registering Officer, Tahasildar as well as DWO/ADWO and concerned Sarpanch. Permission issued in the matter will be valid ordinarily for **03 months** from the date of granting of such permission. It is expected that applicant who has urgent need of money, will ordinarily make transaction within a period of **03** months. In case such transaction for some unforeseen reasons could not be effected, then the applicant may approach the Sub-Collector immediately on expiry of the time period and the Sub-Collector, if satisfied, may extend the permission by another one month, maximum.

8. It has also come to the notice of the Government that when an applicant has obtained sale permission from Sub-Collector for a particular schedule of land, he has been delaying alienation/ registration and the same applicant has been applying for new permission to Sub-Collector for alienation of some other property. Since transaction has not been actually effected by the applicant by that date and mutation has not been accomplished, Bhulekh database may reflect part of the property which has already been covered under permission, though in reality, the same land has been allowed for sale. By this way, the applicant may try to furnish incorrect property details. Therefore, the Sub-Collector and concerned Tahasildar should examine the records and references at their end, cause enquiry and ensure that there is no attempt on the part of the applicant to conceal the balance property details. By following these sequential steps, the Sub-Collector will be able to ensure that the applicant is not left to suffer after sale.

Scanned with OKEN Scanner

98

. The papers in the case record should be classified as A, B, C and D as per the provisions of Odisha Records Manual and before being consigned to the record room, the Sub-Collector shall ensure that digitisation/ scanning of the particular case record is properly done and kept for future reference.

10. The Registering Officer shall ensure that a copy of the permission granted by the Sub-Collector for sale of SC/ST land to a general caste person is attached to the sale deed and the matter of such grant of permission is also indicated clearly in the body of the sale deed.

11. The entire procedure shall be completed within a period of 90 days from the date of receipt of application by the office of Sub-Collector.

Any deviation from these instructions will be viewed seriously. These instructions may please be communicated to all concerned.

Yours faithfully,

Principal Secretary to Government

Memo No. 36351 / Dt 14.12.20

Copy forwarded to the Secretary, BoR, Odisha, Cuttack / the LRC, Odisha, Cuttack for information and necessary action.

Addl. Secretary to Govt. 14/12/20

Memo No. 36352 / Dt 14.12.20

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.

Addl. Secretary to Govt. 14/12/20

Memo No. 36353 / Dt 14.12.20

Scanned with OKEN Scanner

IMMEDIATE
BY FAX

GOVERNMENT OF ORISSA
REVENUE DEPARTMENT
****

No. LR(A) –Ag-2/2003 1771 Dtd. 13-1-03

From

Sri R. L. Jamuda, IAS
Commissioner-cum-Secretary to Govt.

To

The Collector , Koraput/Rayagada/Malkangiri/Nabarangpur/ Ganjam Gajapati/ Kalhandi/ Kandhamal/ Sambalpur/ Sundargarh / Keonjhar Mayurbhanj/ Balasore.

Sub:Implementation of Proviso (iii) of Section 3(1) of the Regulation 1 of 2002.

Sir,

With reference to the subject noted above, I am directed to say that as per proviso (iii) of section 3(1) of Regulation 1 of 2002, a member of a Scheduled Tribe shall not transfer any land if the total extent of his land remaining after the transfer will be reduced to less than two acres in case of irrigated land or five acres in case of un-irrigated land. Irrigated land has been explained in Explanation-II of the Section. The S.T. land owners of scheduled areas might face difficulties to transfer their land when the Registering Authorities demand evidence about extent of land held by the Tribal land owner. In fact, it is necessary that the landowner produces evidence about the extent of his land holding to the Sub-Registrar / District Sub-Registrar so that the latter is satisfied that the transfer does not hit proviso (iii) of Section 3(1) of Regulation 1 of 2002.

2. The matter was under consideration of the Govt. and after careful consideration the Govt. have been pleased to decide that -

a) The landowner belonging to S.T. in the scheduled areas shall swear an affidavit before Magistrate First class / Executive Magistrate as in Annexure –I, which discloses details of the land held by the land owner.

b) The landowner shall also furnish a certificate issued by the local Tahasildar as in Annexure –II. This certificate discloses details of land held by the landowner.

c) The Sub-Registrar / District Sub-Registrar shall insist on production of these two documents before registration of documents purporting to

transfer of land by a landowner belonging to ST in scheduled areas of the State.

d) The Tahasildar should issue the certificate in Annexure – II to the landowner on plain paper application made to him this regard. He may conduct field enquiry, consult the ROR and hear the landowner to be satisfied about the land holding of the landowner.

e) The Tahasildar shall issue the certificate within 30 days at the latest. While in no case issue of certificate should be delayed beyond 30 days all possible steps be taken to issue the certificate quickly so that the land owner does not face difficulties to transfer his land.

3. It is, therefore, requested that suitable instructions may please be issued to all concerned for implementation of the decision.

Yours faithfully,

Commissioner-cum-Secretary to Government

Memo No. 1772 /R. Dt. 13-1-03 16/1/03

Copy with copy of the enclosures forwarded to the I.G.R., Orissa, Cuttack for information and necessary action. She is requested to issue suitable instruction to all Registering Authorities of the Scheduled Areas for appropriate action by them.

Commissioner-cum-Secretary to Government

Memo No. 1773 /R. Dt. 13-1-03

Copy with copy of the enclosures forwarded to the Secretary, Board of Revenue, Orissa, Cuttack/ L.R.C., Orissa, Cuttack / All R.D.Cs for information and necessary action.

Commissioner-cum-Secretary to Government

Memo No. 1774 /R. Dt. 13-1-03

Copy with copy of the enclosures forwarded to all Sub-Collectors / Tahasildars / District Sub-Registrars / Sub-Registrars of scheduled areas of the State for information and necessary action.

13.1.03

Deputy Secretary to Government

Memo No. 1775 /R. Dt. 13-1-03

Copy forwarded to LR & GE (A) / (B)/ (C), Registration Branch, CH & S Branch and Co-ordination (A) Branch for information and necessary action.

13.1.03

Deputy Secretary to Government

Annexure - I

In the Court of .....

I, Sri/Smt./Kumari/Miss..... Son/ daughter/ wife/ husband of .....aged.....years, a permanent resident of village/Town..... P.O..... P.S..... Tahasil..... in the district of ..... at present residing at village/Town.....P.O.....P.S..... Tahasil.....in the district of ..... and ..... by profession do hereby solemnly affirm/ make oath and state as follows :-

That I am owner of / hold the land as in Schedule-A below free from all encumbrances, that I propose to transfer by way of sale/ gift/ mortgage/ lease Ac..... land out of the same as per Schedule-B, that I am aware of the provision of clause (iii) of proviso to Sub-Sec (I) of Sec-3 of the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 2000 (Regulation 1 of 2002), that after the proposed present transfer I shall remain holder of AC.....irrigated land and or AC..... un-irrigated land which is permissible under clause (iii) of provision to Sub-Sec (I) of Sec-3 of Orissa Scheduled Areas Transfer of Immovable property (By Scheduled Tribes) Amendment Regulation,2000 (Regulation 1 of 2002).

Schedule- A

Name of Mouza	Khata No.	Name of recorded land owner(s)	Plot No.	Area	Classification	Irrigated/ Un-irrigated	Remarks (if any)
1	2	3	4	5	6	7	8

Schedule-B

Name of Mouza	Khata No.	Name of recorded land owner(s)	Plot No.	Area	Classification	Irrigated/ Un-irrigated	Remarks (if any)
1	2	3	4	5	6	7	8

Signature/ thumb impression of the deponent.

Date .....

Sri/Smt. / Kumari/ Miss..... Aged..... years..... son/ daughter/ wife/ husband of ..... permanent resident of village..... P.O..... P.S..... in the district of ..... at present ..... by profession..... appears before me and states on oath/solemnly declares that the contents of this affidavit are true to the best of his/ her knowledge and belief.

Magistrate First Class/ Executive Magistrate

Annexure-II

Certificate of land holding of Sri/Smt./ Miss/Kumari.....

This is to certify that Sri/ Smt./ Miss/ Kumari .....

.....Son/daughter/wife/husband of .....

.... aged ..... years is a permanent resident of Village/ Town ..... P.O. ..... under ..... G.P of .... P.S in ..... Tahasil of .... district who holds/ owns land as follows:

Land Schedule

Name of Tahasil	Name of Mouza	Khata No.	Recorded in the name of	Plot No.	Area	Kissam	Irrigated/ Un-irrigated	Remarks

Tahasildar

Date :

Seal

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

RDM- LRB-COMM-0002-2019- 43087/R&DM Dt. 19 DEC 2022

From

Sri Sashadhar Nayak, IAS
Additional Secretary to Government

To

The Land Reforms Commissioner, Odisha, Cuttack
All Revenue Divisional Commissioners
All Collectors

Sub: Disposal of ceiling cases pending in different Revenue Courts in the State.

Sir,

In enclosing herewith the tehsil-wise list of ceiling cases pending in different courts on the subject cited above, I am directed to say that 159 cases involving an area of Ac.7794.04 dec are pending in the state. Out of which 01 ceiling case involving an area of Ac.15.91 is pending in Hon'ble Supreme Court. 64 ceiling cases involving an area of Ac.2969.81 are pending in Hon'ble High Court and 94 ceiling cases involving an area of Ac.4808.427 dec. are pending in different revenue courts in the State.

In the 5th meeting of the Committee on Public Accounts held on 16.12.2022 in the Odisha Legislative Assembly, the Committee expressed displeasure on the pendency of ceiling cases in different Revenue Courts in the State and the Department has assured the Committee for disposal of the ceiling cases pending in different Revenue Courts in the State by 30.06.2023.

Therefore, it is requested to instruct all the Tahasildars to dispose of the ceiling cases pending in different Revenue Courts within the prescribed time limit. Further, Land Reforms Commissioner, Odisha, Cuttack & all the Revenue Divisional Commissioners are requested to monitor and review the ceiling cases pending in different Revenue Courts for timely disposal and submit compliance to the Department each month.

This may be treated as **MOST URGENT**.

Yours faithfully,
17/12/2022
Additional Secretary to Government

Memo No. 43088 Dated 19 DEC 2022

Copy forwarded to all Sub-Collectors / Tahasildars for information and necessary action.

17/12/2022
Additional Secretary to Government

ANNEXURE – "A"

INFORMATION ON PENDING CEILING SURPLUS CASES

Sl. No.	Name of District	Total No. of Cases	Cases Pending in Revenue Court	Cases Pending in High Court	Cases Pending in Supreme Court	Total Area	Name of Tahasil	Case No.	Area in Acre	Name	Present position
1	2	3	4	5	6	7	8	9	10	11	12
1	Angul						Nil				
2	Balasore						Nil				
3	Baragarh	6	6			647.07	Bheden	3/1984	160.080	Siddheswar Nayak	The case has a reference to ceiling case no.2571/76 which is under enquiry at Tahasil level
							Paikmal	118/1974	35.430	Ramprasad Purohit	Detail report on present status of land, computation of standard acre and family members as on cutoff date is awaited from the Revenue Inspector. The case is now pending at Tahasil level
								3766/1976	128.750	Ramsuraj Agrawal	Detail report on present status of land, computation of standard acre and family members as on cutoff date is awaited from the Revenue Inspector. The case is now pending at Tahasil level
								1554/1976	102.120	Haldhar Duduka	Detail report on present status of land, computation of standard acre and family members as on cutoff date is awaited from the Revenue Inspector. The case is now pending at Tahasil level
								114/1974	161.840	Niaj Bibi	Pending at Sub-Collector, Padampur
								01/2005	58.850	Sopsingh Dharua	Detail report on present status of land, computation of standard acre and family members as on cutoff date is awaited from the Revenue Inspector. The case is now pending at Tahasil level
4	Bhadrak						Nil				
5	Bolangir						Nil				
6	Boudh	6		6		123.18	Harabhanga	OLR 145/74	12.190	Ramnarayan Sahani, S/o-Late Ashok Sahani of village-Syamsundarpur and others	Ac.12.190 decl. land could not be distributed due to order passed by the Honb'ble High Court as per order No.04, dt.05.11.2012 in WP© No.19813 of 2011 arise in WP(c) 9841/2008 to maintain status quo
								OLR 146/74			
								OLR 147/74			
								OLR 145/74			
							Kantamal	OLR 830/75	110.990	Nabin Prasad Dev of Boudh (Land in village Narayqanprasad)	Pending at High Court OJC 7511/93

									OLR 441/73		Bisweswar Lal Agrawala (Land in Village majhipada)	Pending at High Court OJC 6331/94
7	Cuttack	1	1			85.76	Dompada	1/1974-75	85.76		Indira Devi, D/o-Amarendra Mansingh Bhramarabararay	The case is under process of disposal.
8	Deogarh	1		1		528.56	Deogarh	30/1974	528.56		Bhamuganga Tribhubana Dev (Dead). Legal heir are Daughter-in-law, Grand-son & Grand-daughter substituted in his place	Hon'ble High Court of Orissa has given direction for filing of Revision petition in WP(C) Case No.19717/2016. in this connection no instruction has been receipt from RDC, ND, Sambalpur.
9	Dhenkanal	2	1	1		170.28	Bhuban	No.5/76	68.200			Case No.5/76 has been returned to Tahasildar, Bhuban, after recording order from LRC, BOR, Odisha, Cuttack vide District Office, Dhenkanal, L. No. 1654/ Dt.16.02.2019Disposed by LRC on 18.12.2018
							Dhenkanal	OJC No.4534/1996	102.080			Pending at High Court.
10	Gajapati	9	3	6		307.836	Paralakhemundi	OLR Ceiling Case No.2/2005-06	2.583		Sri Atla Appa Rao	Private Party are in Possession of Ceiling Surplus land Ac.2.583
							Paralakhemundi	OLR Ceiling Case No.107/1975	2.443		Sri Jagannath Mohaprabhu Bije represented by J Narayan Naidu	Private Party are in possession.
							Paralakhemundi	OLR Ceiling Case No.1/2015	36.528		Sri Bahubalendra Krushna Chandra Ray Samanta & Others	Taking over possession of ceiling surplus land of ac.36.528 of village Machhamara & Totagamunda has been done, further the land holders Sri Bahubalendra Krushna Chandra Ray Samanta has filed a Writ Petition in Hon'ble High Court under WP (C) No.14559/2015
							Paralakhemundi	OLR Ceiling Case No.20/1974	46.725			Has been sent back to Collector,Gajapati vide L.No. 69/Rev dated 21.01.2011 by Under Secy.(Judicial)BOR
							Kashinagar	OLR Ceiling Case	3.128		Sri Raghunath Jena	Subjudice in the Hon'ble High Court, Orissa
							Kashinagar	OLR Ceiling Case No.175/1975	202.392		R.Enkat Appa Rao Dora, S/o-R. Surinarayana Dora, Village- Goribandha	The case has been remanded by Hon'ble High Court, Orissa, Cuttack in W.P.(C) No.11604/2007 to this office for hearing afresh in compliance to orders of Hon'ble High Court Rehearing has been completed and pending for final orders.

							Kashinagar	OLR Ceiling Case	12.016		Subjudice in the Hon'ble High Court
							Kashinagar	OLR Ceiling Case No.13/1993			Subjudice in the Hon'ble High Court
							Kashinagar	OLR Ceiling Case No.399/1977	2.021		Subjudice in the Hon'ble High Court
11	**Ganjam**	13		13		468.469	Chikiti	OJC No.4280/1999 (OLR-204/1975, Dt.20.08.1975)	38.763	Binodini Panda	Case is pending for hearing
							J.N. Prasad	OJC No.11487/1998 (OLR-2/1992)	70.163	Padmacharana Das	Case is disposed. But the order has not been uploaded. The Tahasildar has been instructed to obtained the certified copy of the order for taking further action.
								OJC No.3516/1997 (OLR-85/1974)	51.424	Surendra Nath Nayak	
								OJC No.6335/2001 (OLR-1/1992)	48.222	Sucharu Hasini Das	
								OJC No.5976/2001 (OLR-3/1992)	124.784	Santunu Ku. Das	The case is under examination stage for hearing as it is a year old case and involve huge numbers of plots.
							Khalikote	OJC No.8131/1997 (OLR-669/77)	6.82	Maguni Nayak & others	Counter Affidavit filed & case record submitted on 17.08.2016
								OJC No.957/1996 (OLR-48/1994)	38.1	Bhimasen Samantray	Counter Affidavit filed & case record submitted on 23.09.2015
								WPC No.10534/2017 (OLR-4/1988)	36.755	Bipra Charana Sahu	
							Konisi	OJC No.3434/2001 (OLR-109/1974)	2.572	Mukuta Malana	Case is disposed on 27.06.2018. But the order has not been uploaded. The Tahasildar has been instructed to obtained the certified copy of the order for taking further action.
								OJC No.3435/2001 (OLR-111/1974)	32.829	Dili Malana	

							OJC No.3436/2001 (OLR-112/1974)	5.069	Ramakrushna Malana	
							OJC No.3437/2001 (OLR-121/1974)	4.022	Nilamadhaba Malana	
							OJC No.3438/2001 (OLR-123/1974)	8.946	Sudama Malana	
12	Jagatsinghpur	3		3	25.5		3 CASE	25.500	25.5	Pending at High Court in OJC No.1314/75, OJC No.4182/92, OJC No.2513/84
13	Jajpur	11	11		1275.589	Darpan	174/75	0.584	Bauribandhu Behera-vrs-Balakrushna Nanda	Pending at Tahasil level as Hal/Sabik co-relation of the Case Land are under progress, step[s are being taken for disposal of cases.
							290/75	113.420	Bansidhar Nanda-vrs-Govt. of odisha	Pending at Tahasil level as Hal/Sabik co-relation of the Case Land are under progress, step[s are being taken for disposal of cases.
							2544/76 & 2546	4.330	Udayanath Nayak-vrs-Harihar Das & Gopinath Das	Pending at Tahasil level as Hal/Sabik co-relation of the Case Land are under progress, step[s are being taken for disposal of cases.
						Sukinda	27/1975	327.570	Satyanaraya Mohapatra, s/o-Srikrushna Mohapatra	Pending at Tahasil level.As reported by the Tahasildar, the ceiling case was instituted prior to the publication of R.O.R. The final R.O.R. in respect of some villages has been published in the year 1993. The land schedule related to 9 no.s of OJCs are in Sabik status. The Sabik/Hal Co-relation of the land relating to concerned OJCs has been completed and found that some plots in Sabik status have been recoorded in so may numbers of Hal plots and recorded tenants. R.Is have been instructed to enquiry into the details of the recorded tenants and their legal heirs and physical status of the present position of the sweet land.
						Danagadi	13/1974	95.020	Madhusudan Sahoo, S/O-Bhagaban Sahoo	Pending at Board of Revenue, Odisha, cuttack. 6 no. of case record were submitted to the LRC, Odisha , cuttack for necessary revision under section 59(2) of OLR Act.
							80/1975	54.390	Pathani Sahoo, S/O-Bauribandhu Sahoo	

								66/1975	91.783	Mahanada Nandi, S/o-Gurangasundar Nandi	
								91/1975	344.777	Bidhubhusan Das and others, S/o-Durgacharan Das	
								72/1995	84.950	Ratnakar Mohapatra, S/o-Laxman Mohapatra	
								73/1975	36.055	Jagabandhu Jena, S/o-Brundaban Jena	
								86/1975	122.710	Krushana Chandra Deo, S/o-Chaitanya Dakhinaray	Pending at Tahasil level. As per the report of the Tahasildar Danagadi, the record was send to Sukinda Tahasil as more quantity of area situated at Sukinda Tahasil and the land owner also stying there.
14	Jharsuguda									Nil	
15	Kalahandi	15	14	1		469.08	Dharamgarh	01/2009	83.91	Mahadeb Bhainsal	On the day of hearing person against whom Ceiling case instituted, submitted the document relating to transfer of property before the date of institution of case and also submitted the list of member of family (Married, Un-married etc) claiming that there is no ceiling surplus land. The Ceiling Surplus Case initiated as per Land in Sabik Statement, now the land of the village is as per the Hal settlement. The R.I Boden has Last Date of Hearing-23.08.2022 Next Date of hearing-21.10.2022
								07/2005	46.91	Kaushik Sabar	
								23/2002	28.14	Brundaban Beldar	
								22/2002	25.68	Sudam Beldar	
								21/2002	56.25	Raj Kishore Panda	
								20/2002	31.53	Hemalata Panda	
							Junagarh	173/1975	14.44	Radhakrishna Panda, S/o-Someswar Panda, Vill-Karchala	Stay Order in Hon'ble High Court dated 01.03.2005 vide Misc.Case No.2321 of 2005. As per discussion and Whatsapp message from Govt. Advocate on 06.10.2022 by Tahasildar, Junagarh it is ascertained that the case has been disposed off on 12.12.2017. As online orders is not uploaded, steps are taken to get the certified copy through Special messanger.
								08/2001	40.82	Akshya Kumar Patra, Vill-S. Kundamal	Tahasildar, Junagarh reported that , R.I. has been informed to find the present status of land on 26.09.2022. Due to absence of Sabik Map of the concerned villages, steps are taken to collect the map from Cuttack (Jobra)

Jaipatna	71/1974	18.2	Paramananda, At/po-Umer, Jaipatna	The case has been remanded to the court of the Tahasildar Jaipatna by the Under Secretary, (Judl.) Board of Revenue, Orissa, Cuttack for fresh adjudication vide letter No.1849/peskar (GI) dated 17.12.2004. In the mean time the case land become Hal-Sabik nature. Notice issued on 29.09.2022 forn further action.
	115/1974	26.52	Mohan Panda, At/Po-Baner, Jaipatna	The case has been remanded to the court of the Tahasildar Jaipatna by the order dated 19.03.2007 of the Under Secretary, (Judl.) Board of Revenue, Orissa, Cuttack for fresh adjudication. Subsequently notice issued to the parties on27.05.2014but party denied to receive the notice, further notice issued on 29.09.2022.
	01/98	16.79	Gourachandra Panda, At/Po-Baner, Jaipatna	The case has been remanded to the court of the Tahsildar, jaipatna by the Member, Board of Revenue, Orissa, Cuttack, intimated vide letter No.447/Rev. dated 28.02.2004 of ADM, Kalahandi for fresh adjudication. Further notice issued on 13.04.2022 and R.I. concerned is directed for fresh enquiry on 13.04.2022 for further action.
	18/1992	3.95	Bhibuti Bhusan Panda, At-Khaliabhata, Jaipatna	The case has been remanded to the court of the Tahasildar jaipatna by the Member, Board of Revenue, Orissa, Cuttack, intimated vide letter No.447/Rev. dated 28.02.2004 of ADM, Kalahandi for fresh adjudication. In te mean time the case land become Hal- Sabik nature.Further notice issued on 29.09.2022 for further action.
	10/1999	17.3	Banamali Panda, At-Karmeli, Po- Kuchagaon, Jaipatna	The case land relate to OLR Ceiling Csae No.164/1975 which has been sent to the Board of Revenue u/s.-59(2) of OLR Act. for revision vide Dist Office letter No.426 dated 19.03.2001. Further action will be taken after necessary decision in original ceiling case No.164/1975 by the Board of Revenue.
	03/2002	38.01	Gokul Chandra Panda, At-Baliajore, Ps- Jaipatna	The case was for local enquiry from date 15.05.2014. In the mean time the case land become of Hal-Sabik nature. R.I. concerned is directed for fresh enquiry and report vide this office letter No.1909 dt.29.09.2022

								04/2002	20.63	Chaitanya Panda, At-Baliajore, Ps-Jaipatna	The case land relates to family members relating to OLR ceiling case No.03/2002. Hence tagged with OLR ceiling case No.03/2002
16	Kandhamala	1		1		36.79	Baliguda	OJC No.7620/99	36.79	Santosh ku. Bhoi	Dismised by Hon'ble High Court but not tracable
17	Kendrapara	8	8			80.515	Kanika	47/74	10.4	Sailendra Narayan bhanjadeo	Pending at the level of Kanika Tahasil for litigation
								84/75		Yotindra Narayan bhanjadeo	
								83/75		Sourendra Narayan bhanjadeo	
								82/75		Rabindra Narayan bhanjadeo	
							Kendrapara	69/74	2.53	Swarnalata Das & Others of Bharatpur	Pending at the level of Sub-Collector, Kendrapara for litigation.
							Pattamundai	Jan-74	67.585	Janmejaya Mohanty of Tatana	Pending at the level of Pattamundai Tahasil for litigation
								52/74		Gouri Chandra Panda of Pattamundai	
								103/74		Gouri Shyqam Patra of Badamulabasanta	
18	Keonjhar	3	1	2		260.4971	Barbil	001/1992	134.5715	Md. Mazhrulhaque	Pending at Hon'ble High Court, Odisha, cuttack vide M.A Case No. 682/94 and Misc. Case No.1051/94
								002/1992	114.2256	Md. Ekamrulhaque	
							Hatadihi	005/1991	11.7	Umakanta Rout, S/o-Basudev rout of Dhanghar, PS-Nadipada	Court ordered for hearing by Competent Authority
19	Khurda	9	9			217.216	Bhubaneswar	132/74	35.118	Durgamadhab Deo	Pending at Tahasil Level
								110/74	23.84	Nirmal Ch. Routray	Pending at Tahasil Level
								9/89	2.013	Kailash Ch. Swain	Pending at Tahasil Level
								3/74	5.19	Bhagirathi Sahu	Pending at Tahasil Level
							Balipatana	2/89	20.23	Nrusingha Charan Dash of Rajas	Pending at Tahasil Level
								3/89	25.64	Basudev Dash of Rajas	Pending at Tahasil Level
								6/91	49.29	Rajkishor Dash	Pending at Tahasil Level
							Balianta	1/86	22.23	Satyanarayan Harichandan Mohapatra	Pending at Tahasil Level
							Tangi	1/1991 C.D No.4/84,12/84	33.665	Kumar Biswal & 66 others	Pending at Tahasil Level
20	Koraput	2	1	1		89.66	Borigumma	1/93 (12.04.199	49.820	Babu Mohapatra , S/o: Late Ramnath Mohapatra Village- Gumuda	Counter has been submitted. The case is under Subjudice at Hon'ble civil Judge, Jeypore vide T.S. No.42/99

								1/94 (22.04.1994	39.840	Ganesh Bisoi, S/o- Late Arjun Bisoi , village- Kanagam	Counter has been submitted. The case is under Subjudice at Hon'ble High Court, Odisha vide OJC No.5526/96
21	Malkangiri	1		1	57.26	Mathili	04/1976 dt.18.11.1976	57.26	Sri Nilamani Mishra, S/o- Late Binayak Mishra, Village- Mendukuli, Ps- Mathili, Dist- Malkangiri	Sri Nilamani Mishra (petitioner)-Vrs- Member, Board of Revenue, Odisha, Cuttack and others (Opposite parties). PWC submitted before the Hon'ble High Court of Odisha, Cuttack on the WP(C) No.14633 of 2009 in a case between Nilamani Mishra (Petitioner) Vrs Member, Board of Revenue, Odisha, Cuttack and Others (Opposite parties). Stay order passed by the Hon'ble High Court on 19.10.2009 in Misc case No.12450 of 2009 of WP No.14633 of 2009. The Advocate General, Odisha, Cuttack has been requested to take steps to vacate the stay order vide L. No.190 dated 01.02.2012 of Collector, Malkangiri and also vide L. No.1649 dated 30.11.2018 of Addl. Standing Counsel, Odisha, high Court, Cuttack.
22	Mayurbhanj	15	5	10	678.91	Baripada	72/1975	82.260	Khitish Chandra Mohanta	Pending at High Court in OJC No.5249 of 1994
						Baripada	82/1976	81.970	Giridhar Mohapatra	Pending at High Court in OJC No.106 of 1981
						Baripada	37/1974 38/1974 40/1974	130.310	Bijaya Ku. Mohanta & others	Pending at High Court in OJC No.3470 of 1976
						Baripada	26/1974	4.490	Prdeep Chandra Bhanjdeo	Pending at High Court in OJC No.10894 of 1996
						Baripada	107/1975	6.670	Brundaban Jew	Pending at High Court in OJC No.1093 of 1982
						Baripada	42/1974	49.270	Jagannath Sahu	Pending at High Court in OJC No.12036 of 1997
						Baripada	200/76	84.890		Pending in the court of Tahasildar Baripada
						Baripada	02/1983 03/1983 19/1975	1.940		Pending in the court of Tahasildar Baripada
						Betnoti	02/1987	33.660	State -vrs- Daitari Naik & others	Pending at High Court Orissa
						Betnoti	10/1974	176.530	State -vrs- Damodara Panda	Pending at High Court Orissa
						Betnoti	01/1975	26.920	Prdeep Chandra Pati	Pending in the court of Tahasildar Baripada

23	Nabarangpur	2	2			33.22	Umerkote	547/1974	14.18	Late Laxmi Narayan Majhi survived with the legal heir Bhubaneswar Majhi of Dargaguda, Umerkote Tahasil	Consequent on orders passed by Hon'ble High Court, Odisha in OJC No.7169/1998 dated 06.01.2004, for reconsideration of the case by giving opportunity to the O.p members. As it reveals from the report of the Tahasildar, Umerkote notice has been issued to the O.P members for hearing on 18.10.2022
							Nabarangapur	50/1974	19.04	Raghunath Beborta, S/O- Lokanatha Beborta And Rabindra Nath Behera, S/O- Raghunath Behera both of village Dedespalli of Nabarangapur Tahasil	As per direction of the order of Member Board of Revenue, Odisha, Cuttack for fresh adjudication. The case for fresh enquiry on land under position by the ceiling land holders has been called for by the Tahasildar on 2015 reported vide Letter No.2840 dated 21.09.2015 of Tahasildar, Nabarangpur. No further report on the present Ststus of the case made available by the Tahasildar Nabarangpur.
24	Nayagarh	1	1			660.58	Nuagaon	11/75	660.58	Rani Soubhagya Manjari Devi, W/o- Krushna Ch. Mandhata, Vill- Nayagarh	1. Acre 401/22 out of 660.58 are rfecorded in Different mutation Cases. 2. Acre 89.90 are distributed by different Ceiling cases. 3.Acre 170.16 are in favour of Rani Soubhagya Manjari Devi.
25	Nuapada	1	1			25	Komna	703/75	25	Bijuli Raman Mohapatra, S/o Akhila Mohapatra of Kharial	Pending with the tahasildar.
26	Puri	2	2			61.51	K.Prasad	01/1976	16.22	1. Chandrasekhar Pradhan, S/o-Damodar Pradhan of Gilinasi 2. Debendra Pradhan, S/o-Chandrasekhar Pra dhan of Gilinasi	Against the order passed in O.L.R. Case No.01/1976 by the R.O. purchsers Balaram Bariki & others have filed ceiling appeal No.19/96 which is now pending before the Sub-Collector, Puri since their purchased land declared as ceiling surplus.
								01/1974	45.290	Sri Pratap chandra Mansingh, Haris Chandra Mardaraj, Bhramarabar Ray of vill- K.Prasad	Remanded by the A.D.M. Puri vide Ceiling appeal No.459/77 to the court of R.O. against the order of ceiling Case No.52/76 U/s 36(A) the tenant filed ceiling appeal No.108/84 which is pending before thesub-Collector, Puri. After disposal of appeal No.108/84 the ceiling case No.01/1974 can be heard, since the land involved in appeal is a part of original Case No.01/1974.
27	Rayagada	32	21	11		1225.78	Rayagada	28/1975	40.35	J. Dinabandhu Naik, Sikarpai	Sub-judice in the Hon'ble High Court

	51/1975	61.25	HK Panda & others, Rayagada	Sub-judice in the Hon'ble High Court
	14/1974	16.65	Gunam Rama Krishna & Gunam Subba Rao. Rayagada	Sub-judice in the Hon'ble High Court
	43/1974	3.94	Karra Appalaswamy, Kotapeta	Sub-judice in the Hon'ble High Court
	4/2003	11.91	Smt. Nilam Gouri Thakkar, Rayagada	Under hearing Stage
	5/2003	14.66	Smt. Kusum Gouri Thakkar, Rayagada	Under hearing Stage
Kolnara	11/1975 dt.3.1.1975	36.44	Huika Narsi Jani	Under hearing Stage
	6/1979 dt.26.7.79	5.95	R. Tabiti Naidu	Under hearing Stage
	4/1979 dt.26.7.1979	25.12	R. Pattani	Under hearing Stage
	98/1975 31.07.1975	33.37	Damburu Panda	Under hearing Stage
	11/1974 dt.29.11.1974	2.58	Damodar Panda	Under hearing Stage
	8/1975 dt.31.07.1975	35.27	Binayak Padhy	Under hearing Stage
K.Singpur	1/2004	31.29	Chintada Ramuluma	Final hearing Stage
Gunupur	297/74 dt.25.09.74	77.95	Manju Sabaruni, W/o Dandua Sabar, Gotana	As per genealogy of the RT remaining land are not coming under ceiling purview
B. Cuttack	5/2001	92.57	G. Manmath Rao, S/o: G. Gurumurty & others B. Cuttack	Pending in High Court, Orissa vide W.P.(C) No.7817/2004
	4/2004	38.72	Gouri Sankar Bhallabhai B. Cuttack	Pending in High Court, Orissa vide O.C No.5051/1992
	21/1979	145.32	Dambarudhar Kaibarta, S/o- Bhagirathi, Durgi	Under hearing Stage. Notice has been issued for hearing.
	1/2002	35.46	Srinivas Mohankuda, S/o Banamali, Durgi	Under hearing Stage. Notice has been issued for hearing.
	1/2004	39.38	Jagannath Sahu, S/o Agadhu, B. Cuttack	Under hearing Stage. Notice has been issued for hearing.
Muniguda	31/1980	56.46	Simanchal Majhi Samanta	Sub-judice in the Hon'ble High Court vide W.P. © No.9291/2004
	8/2001	64.55	Majhi Biswanath	Pending for enquiry on status of family members as on 26.9.70
	10/2001	56.63	Dambaru Dolei	Pending for enquiry on status of family members as on 26.9.70
	2/2004	41.68	Kumuruka Batra	Pending for enquiry on status of family members as on 26.9.70

								3/2004	122.10	Pusika Dambu	Pending for enquiry on status of family members as on 26.9.70
							Padmapur	1/2005	25.27	Bansidhar Panigrahy, Padmapur	Stay granted by the Hon'ble High Court
								3/2005	5.40	Bichitrananda Panigrahy, Padmapur	Final notice has been issued for
								4/2005	5.45	Radhaballabha Panigrahi, Padmapur	Stay granted by the Hon'ble High Court
								8/2005	23.90	Girija Sankar Sahu, Padmapur	Stay granted by the Hon'ble High Court
								9/2005	17.01	Bishnu Prasad Sahu, Padmapur	Stay granted by the Hon'ble High Court
							Gudari	2/1985	43.84	Korada Sarveswar Rao, S/o- Satyanarayana, Gudari	Under hearing stage
								143/74	7.81	B. Vaikuntha Rao, S/o- Subudhi Gudari	Under hearing stage
								3/1986	7.600	Smt. Amana Sana Gudari	Under hearing stage
28	**Sambalpur**	**12**	**5**	**6**	**1**	**216.27**	Sambalpur	112/76	6.280	Saraswati Pradhan -vrs- State Of Odisha	The Case is pending at Hon'ble High Court in OJC No. 1352/78 saraswati Pradhan- vrs- State
								267/74	43.080	Gyanswarup Mishra -vrs State Of Odisha	The Case is pending at Hon'ble High Court in WPC Case No. 2920/04 Gyanswarap Mishra- vrs- State
								126/75	23.770	Bishnu Shankar Sahu -vrs- State Of Odisha	Pending at Court of Tahasildar
								251/74	4.430	Harihar Behera	Pending at Court of Tahasildar
							Rengali	10 / 1976	17.710		This case is pending before the hon'ble High court on OJC No. 1081/79
								147/1975	12.410	Muralidhar Pujhari, S/o- Prassana Kumar Pujhari	Due to non receipt of report from parties
								01/1983	27.690	Tularam Sahu, S/o-Lae Duryodhan Sahu, R/O Ghichamura	Pending at Court of Tahasildar
							Kuchinda	11 /1978	15.910		This case is pending Hon'ble Supreme Court if Chandrama Choudhary of Lapada Salohi
								247/74	38.200		This case is pending before the hon'ble High court on OJC No. 5297/97
								12 /1989	2.100		This case is pending before the hon'ble High court
								31/74	12.030		This case is pending before the hon'ble High court on OJC No. 3500/97
								290/74	12.660		This case is pending before the Tahasildar

29	**Subarnapur**	**3**	**2**	**1**		49.512	Sonepur	243/75	43.623	Kshirodra Mahakur, S/o-Chartubhuja, R/O-Bishalpali	The Ceiling Surplus land holder has not submitted his opinion
							Rampur	008/90	3.212	Sebakari bagh, S/O-Narasingh bagh, R/O-Dumerpali, Surya Bhoi, W/O-Chaturbhuja Bhoi	Revision has been filed before the Court of ADM on 08.11.2019
							Rampur	16/2001	2.677	Himanshu Sekhar Biswal, S/O-Dhruba Biswal, R/O-Dunguripali	Sub-judice in the Hon'ble High Court od Orissa vide W.P.C No.7268/2017
30	Sundargarh						Nil				
	Total	**159**	**94**	**64**	**1**	7794.04			7794.040		

(Seven thousand seven hundred ninety four Acre and four decimal)

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 731, CUTTACK, THURSDAY, MAY 10, 2018/BAISAKHA 20, 1940

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 9th May, 2018

No.16764–RDM-LRB-STATUT-0002-2017/R&DM. — The following draft of certain rules which the State Government proposes to make in exercise of the powers conferred by Section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960) is hereby published as required under the provisions of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft shall be taken into consideration by the State Government on or after expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified above shall be considered by the State Government.

DRAFT RULES

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*.

(3) In the Odisha Land Reforms (General) Rules, 1965 in rule 12-A, after clause (a) the following clauses shall be inserted namely:—

"(aa) The raiyats may also file application online through electronic mode and in such event the application fee may be paid through electronic mode.

(ab) The Authorized Officer shall issue a general notice in form 29 inviting objection from the public on the proposed conversion of the land use within fifteen days and in case the application is filed online, the general fee shall be realized through cash or though electronic mode.

(ac) In the event the raiyat applies for conversion of land use of a part of the plot, then the fee for sub-division of plot may be realized in cash or though electronic mode."

By Order of the Governor

Dr. C. S. KUMAR
Principal Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
Ex. Gaz. 208-173+50

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

RDM- LRB-POLICY-0007-2023-36070 /R & DM, Dated 10 OCT 2023

NOTIFICATION

In exercise of the powers conferred by clause (c) of section 73 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), the State Government do hereby specify that agricultural land deemed to be used for non-agriculture purpose for establishment of Renewable Energy Projects shall be exempted from the application of the provisions particularly from payment of premium leviable under the provisions of section 8-A of the Land Reforms Act, 1960 as mentioned at Para-10(6) of the Odisha Renewable Energy Policy, 2022 introduced by the Energy Department, Government of Odisha.

By order of the Governor,

(Satyabrata Sahu)
Additional Chief Secretary to Government

Memo No. 36071 /R&DM, Dated 10 OCT 2023

Copy with soft copy forwarded to the Gazette Cell of Commerce & Transport (Commerce) Department 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.

This being a statutory Notification shall bear S.R.O. Number.

10/10/2023

Additional Secretary to Government

Memo No. 36072 /R&DM, Dated 10 OCT 2023

Copy forwarded to the Accountant General, Odisha, Bhubaneswar/ All Departments of Government/ All Heads of the Department/ Secretary, Board of Revenue, Odisha, Cuttack/ LRC, Odisha, Cuttack/ All RDCs/ All Collectors/ All Sub-Collectors/ All Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 36073 /R&DM, Dated 10 OCT 2023

Copy forwarded to the Energy Department for information and necessary action.

Additional Secretary to Government

Memo No. 36074 /R&DM, Dated 10 OCT 2023

Copy forwarded to the Private Secretary to Minister, Revenue & D.M. for kind information of Hon'ble Minister, Revenue & Disaster Management.

Additional Secretary to Government

Memo No. 36075 /R&DM, Dated 10 OCT 2023

Copy forwarded to CH & S Branch/LR & GE Branch/LR-A Branch/LR-B Branch(20 copies) of Revenue & DM Department for information and necessary action.

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. 2151 / ACSR&DM, Date 20 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: Procedure for accounting of deposits of compensation amount received from sikim tenants.

Ref: This Department Letter No.765 Dated 06.01.2024.

Madam/Sir,

In continuation to this Department letter No.765 dated 06.01.2024 to the subject cited above, I am desired to say that at para 8 of the above letter, it was intimated that the procedure for maintaining accounts regarding deposits of compensation amount with Revenue Officer shall be communicated soon. Accordingly, it is instructed that the Revenue Officer shall receive the compensation amount in MR & then issue acknowledgement receipt in Form No.15 along with MR to the payee against receipt of compensation as provided under rule 11(7) of the Odisha Land Reforms (General) Rules, 1965. While issuing acknowledgement receipt in Form No.15, he shall prepare this in duplicate mentioning the MR number in Form No.15 also and one copy of receipt shall be kept in case record. He shall maintain a separate subsidiary cash book under compensation head. In cash book, on receipt side, the revenue case number along with name of village shall be mentioned, so that it will be convenient on his part to make compensation payment to concerned land holders. The postings in subsidiary cash book shall also be taken into main cash book as per accounting procedure. The Revenue Officer shall open a joint account in any nationalised bank to be operated by the Revenue Officer and Section Officer and deposit the amount of compensation received by him in this account. 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. In case of persons entitled to receive compensation fail to receive compensation, the Revenue Officer shall take action as provided under rules.

This may please be brought to the notice of all concerned.

Yours faithfully,

20/1/24

Additional Chief Secretary to Government

Memo No. 2152 /R&DM dated 20 JAN 2024

Copy forwarded to all Sub-Collectors / Tahasildars for information and necessary action.

20/1/2024

Additional Secretary to Government

Memo No. 2153 /R&DM dated 20 JAN 2024

Copy forwarded to e-Governance Branch for publication in the Department website.

20/1/2024

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. 15362 / ACSR&DM. Date 29 APR 2023

No. RDM-LAA-CLRFIC-0001-2017

To

All Collectors
All LAOs/Spl LAOs

Sub: Comprehensive guideline on procedure for calculation and disbursement of compensation in case of acquisition of FRA land of the FRA title holders where forest right is recognized with S.T. and other Traditional Forest Dwellers under S.T. & O.T.F.D.(Recognition of Forest Rights) Act, 2006.

Ref: This Department letter No.18034 dated 15.05.2013, No. 31117 dated 22.10.2020 issued to all Collectors and letter No.15642 dated 12.05.2022 issued to Collector, Kalahandi.

Sir,

In inviting a reference to the letters on the subject cited above, I am directed to say that the field officers are facing problem for calculation and disbursement of compensation in case of acquisition of the land of the FRA title holders where forest right has been recognized with S.T. and other Traditional Forest Dwellers under S.T. & O.T.F.D.(Recognition of Forest Rights) Act, 2006. Earlier, although clarifications have been issued to different Collectors on the aforesaid matter vide letter under reference, but Collector, Sundargarh has requested for comprehensive guidelines with step-wise process for disbursement of LA Compensation to FRA holders.

2. Under the provisions of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006 read with Rule 8 (h) of Forest Rights Rules, 2007, the S.T. and other Traditional Forest Dweller is granted with a title for that forest under his occupation to hold and live in the forest land for habitation or self-cultivation for livelihood. It was instructed by this Department to reflect the title in Bhulekh portal and issue an RoR, so that other schematic benefits of the Government can be extended to the beneficiaries. So, if the said forest land is acquired, the S.T or the Traditional Forest Dweller having the title to hold and live on the said land for habitation or self-cultivation for livelihood shall lose that right for ever and he/she will be deprived of his/her habitation as well as self-cultivation for livelihood forever. Thus, it is an established fact and clarification given earlier

after concurrence of the Law Department vide Revenue & DM Deptt. letter No. 18034 dated 15.05.2013 to all Collectors that the Forest right holders are entitled to get compensation in the event of acquisition of forest land.

3. However, doubts persist among the field functionaries on the following issues;

i. When the land is acquired under the RFCTLAR&R Act, 2013, the LAO concerned calculates the compensation amount. But in cases, where no land is acquired under this Act, but forest diversion is being done, then who will calculate the compensation amount and who will disburse the amount?
ii. What will be the procedure for calculation and disbursement of the compensation?
iii. How the market value of the land will be determined in respect of forest land, which has no BMV and even for other lands in the village where no transaction has been done during last three years?

4. In order to dispel the doubts and confusion on calculation and disbursement of compensation, the Government have been pleased to prescribe the following procedure to be adopted for the purpose;

i. In cases, where acquisition of private land is being done along with forest land, the affected family as defined u/s 3(c)(iii) of the RFCTLAR&R Act, 2013 and their extent of FR land including any damage inflicted to anything attached to such land shall be identified and assessed through a **joint enquiry** conducted by the concerned Land Acquisition Officer/ Special LAO for the project, representative of DWO of the district or WEO of the Block, Tahasildar/ R.I. concerned and representative of Forest Department. The LAO/ Spl LAO concerned will initiate a Land Acquisition Misc case record, process the same, appoint the joint enquiry committee with approval of Collector and he shall be part of the joint enquiry committee.
ii. In cases, where land acquisition process is not required under the RFCTLAR&R Act, 2013 or only forest diversion is being done, on receipt of the intimation from the project proponent regarding acquisition of FRA land, the **LAO of the District** will initiate a Land Acquisition Misc case record, process the same, appoint the joint enquiry committee with approval of Collector and he shall be part of the joint enquiry committee.
iii. For assessment of structure value of dwelling house, if any, the assistance of Executive Engineer (RD) may be taken and his representative may be taken as a member of the joint enquiry committee.
iv. The joint enquiry shall be conducted in presence of the FR Holders.
v. On the basis of the report of the joint enquiry, the Land Acquisition Officer or the Spl Land Acquisition Officer, as the case may be will assess the

compensation as per the provision of Section 26-30 of the RFCTLAR&R Act, 2013.

vi. Section 26(1) and (2) of the RFCTLAR&R Act, 2013 provides for the procedure for determination of market value of land by Collector. It also provides at Section 26 (3) of the Act that "*where the market value under sub-section (1) and (2) of section 26 cannot be determined for the reason that;*

a. *The land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or*

b. *The registered sale deeds or agreements to sale as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or*

c. *The market value has not been specified under the Indian Stamp Act, 1899 by the appropriate Government, the State Government concerned shall specify the* ***floor price or minimum price per unit area*** *of the said land based on the price calculated in the manner specified in sub-section (1) of section 26 in respect of similar types of land situated in the immediate adjoining areas."*

vii. Thus, for determination of market value of land, the LAO shall calculate the market value as per section 26(1) and (2) of the Act. If it is not possible, he shall calculate the market value of a similar type of land situated in the immediate adjoining areas and submit the proposal to Government through Collector for approval of this price as the floor price or minimum price per unit area of land in the proposed acquisition area.

viii. Award may be passed in favour of the FR holders by Collector of the District and disbursement of compensation will be done by the concerned Spl LAO or district LAO, as the case may be.

ix. In cases, where dwelling houses on FRA Land are acquired involving physical displacement, care should be taken to comply to the provision of Section 41 and 42 of the RFCTLAR&R Act, 2013 and R&R benefits, if not already done otherwise, may be extended as per the provisions of the RFCTLAR&R Act, 2013 or ORRP, 2006.

x. The above procedure shall be adopted in land acquisition cases for payment of compensation to IFR beneficiaries.

This has the approval of Government in Revenue & DM Department file No. RDM-LAA-CLRFIC- 0001-2017.

Yours faithfully,

29/4/23

Additional Chief Secretary to Government

3/4

Memo No. 15363 **/ R&DM, Dated** 29 APR 2023

Copy forwarded to Member, Board of Revenue, Odisha/ All Departments of Government / All Heads of Department / All RDCs for information and necessary action.

29/4/23

Special Secretary to Government

Memo No. 15364 **/ R&DM, Dated** 29 APR 2023

Copy forwarded to CMD, IDCO, Bhubaneswar/ CMD, IPICOL, Bhubaneswar for information and necessary action.

29/4/23

Special Secretary to Government

Memo No. 15365 **/R&DM dtd.** 29 APR 2023

Copy forwarded to E-Governance Branch with a request for upload of the same in Revenue & DM Department website for information and necessary action.

29/4/23

Special Secretary to Government

Memo No. 15366 **/R&DM dtd.** 29 APR 2023

Copy forwarded to Land Acquisition (B) & (C) Branch, Registration Branch and R&R Cell of this Department for information and necessary action.

29/4/23

Special Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LAA-CLRFIC-0002-2015 / 3030 R&DM, dated 02 FEB 2022

From

Avaya Kumar Nayak, OAS (SS)
Special Secretary to Government

To

All Collectors
All LAOs/Spl LAOs

Sub: Clarification regarding determination of the market value under section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Ref: This Department letter No.4030 dated 07.02.2014, No. 29747 dated 07.09.2017, Notification No. 14131 dated 19.04.2018. & Letter No. 22485 dated 22.06.2018

Sir,

In inviting a reference to the letters on the subject cited above, I am directed to say that the field officers are facing problem while determining the market value of the land under section 26 of the RFCTLA R&R Act 2013 and queries are also being arisen to this aspect by Commerce & Transport (Transport) Department. In this connection, Law department was requested to enlighten in certain queries with regards to determination of market value under section 26 of the Act. Basing on the views offered by the Law Department, queries on the said issues are clarified as below.

Sl. No.	Queries	Views/Clarifications offered by the Law Department
1	How the market value of land be determined in the villages, where no transaction has been done during last three years and no BMV is fixed	Procedures to determine the market value of the land by the Collector have been mentioned in Section 26 of the RFCTLA R&R Act, 2013. Sub-Section 3 of Sec. 26 of the Act provides solution to most of the situations that may arise while determining market value of the land. Under such scenario it would be apt to reproduce the aforementioned provision.
2	There are some un-surveyed villages where there is no BMV or sale transactions,	

	then if such villages will be under acquisition process, then how the market value will be calculated.	*Sec.26 (3) Where the market value under Sub-Section (1) or Sub-Section (2) cannot be determined for the reason that* *(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or* *(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of Sub-Section (1) for similar land are not available for the immediately preceding three years; or* *(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-Section (1) in respect of similar types of land situated in the immediate adjoining areas.* On bare reading of the provisions mention above it is clear that in absence of sale transaction, agreement to sale for similar lands for last three years or non-specification of market value as per the Stamp Act etc. the State Govt. shall specify **the floor price or minimum price per unit area** of the said land basing on the price calculated as per Sub Sec.1 of Section 26 in respect of similar type of land situated in the immediate adjoining areas.
3	In similar other cases, where forest rights have been granted on forest land, if such land is acquired, as per the provisions of the RFCTLAR&R Act, 2013, the FRA Holders will get	It may be noted here that the State Government in Revenue & DM Department has issued a clarification that in the event of acquisition of Forest land where forest right is recognized with a member of the Scheduled Tribe community and other forest dwellers then such persons are

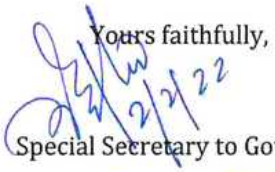
	compensation towards individual forest rights and proportionate compensation for community forest rights. As forest lands are not alienable and no transaction is possible, how 'the similar type of land' will be defined in such cases and the valuation of such land will be done.	entitled to compensation in the event of acquisition of land irrespective of the ownership of such land. In such event, it may be referred to Sub.Sec.3 (a) of Sec. 26 of the Act, 2013. The said provision relates to a situation where transactions in land are restricted by or under any other law for the time being in force in that area. In case of Forest land there is absolute restriction on sale etc. for which the State Government shall have to specify the floor price / minimum price per unit etc. as per the provisions mentioned in the preceding paragraph.
4	How the term vicinity will be determined? Whether Vicinity means the adjoining villages in the peripheral region of the concerned village where acquisition process is going on.	The word Vicinity has not been defined under the Act, 2013. The words 'nearest Vicinity area' found place in Section 26 (1) (b) perhaps has been used so as to deal with a situation where only few registered sale deeds / registered agreement to sale of small piece of land etc. of nearest village are only available. In such circumstance, the Collector may refer to the average sale price of nearest vicinity area and the same may include the immediate adjoining village to the nearest village of the acquired lands. The query that nearest vicinity may come under urban area has lost its significance for aforenoted reasons. Speaking differently if the nearest vicinity area is close to urban area then the value of land may be calculated by taking in account all the relevant factors mentioned in the Act, 2013, in particular Section 26 of the Act.
5	Even in such cases, the plot in the nearest vicinity may come in an urban area, the cost of which may be too high in comparison to the plots in the same vicinity area pertaining to Rural area. Whether the value of the urban land in the nearest vicinity can be avoided?	
6	In the event of two different rates of land value emerged, one for the nearest village (same village) and another for nearest vicinity and if the rates vary substantially, which one will be given	As per relevant provision Sec. 26 (1) (b) only the average sale price for similar type of land situated in the nearest village or nearest vicinity of area shall be taken into account. Therefore, the question of taking into account sale transaction of lands of the

	priority?	village under acquisition does not arise.
7	When sale transaction of village under acquisition are available, whether sale transaction of same village shall be taken into consideration or sale transaction of all the adjacent villages (excluding the same village) shall be taken into consideration or sale transactions of all villages including the same village be taken?	
8	When sale transaction of village under acquisition is not available and transactions of adjacent villages are taken, whether all adjacent villages be calculated separately or all villages will be taken together for calculation.	Usually there would be one village to the nearest village lands under acquisition and the exception is otherwise. If there is more than one nearest village to the acquired land then the required sale transactions of all the said nearest villages may be taken in account for calculation of market value. It may be pointed out here that no such term adjacent **village**s have been referred to in Section 26 or any other related provisions of the Act.
9	Whether highest sale transaction or the average of the 50% highest sale transactions will be taken into consideration?	Explanation-2 of Section 26 (1) (c) is clear to the effect that one half of the total number of the sale deeds or sale agreements in which the highest price has been mentioned shall be taken into account. Therefore, while calculating market value **it will not be improper to take into account average of the 50 % of the highest sale transactions.**
10	Whether section 26(1)(c) i.e (consented amount) shall be taken into consideration for acquisition of land for all types of projects or only for projects taken up for private companies or for PPP projects?	Section 26 (1) (c) clearly stipulates that the Collector shall take into account the consented amount of compensation as agreed upon under Sub-Sec.2 in case of acquisition of land **for private companies or for public private partnership projects** but not for acquisition of land for all type of projects.

2/2/22

In view of the above, you are requested to take necessary action accordingly.

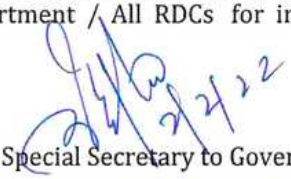
Yours faithfully,



Special Secretary to Government

Memo No. 3031 **/ R&DM, Dated** 02 FEB 2022

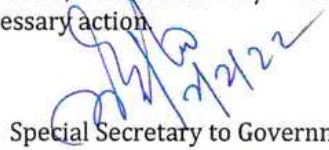
Copy forwarded to Member, Board of Revenue, Odisha/ All Departments of Government / All Heads of Department / All RDCs for information and necessary action.



Special Secretary to Government

Memo No. 3032 **/ R&DM, Dated** 02 FEB 2022

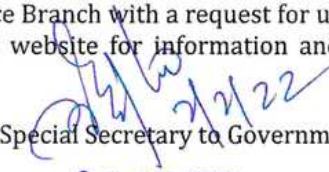
Copy forwarded to CMD, IDCO, Bhubaneswar/ CMD, IPICOL, Bhubaneswar for information and necessary action.



Special Secretary to Government

Memo No. 3033 **/R&DM dtd.** 02 FEB 2022

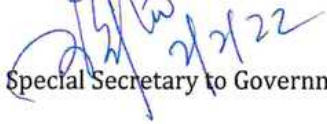
Copy forwarded to E-Governance Branch with a request for upload of the same in Revenue & DM Department website for information and necessary action.



Special Secretary to Government

Memo No. 3034 **/R&DM dtd.** 02 FEB 2022

Copy forwarded to Land Acquisition (A), (B) & (C) Branch , Registration Branch and R&R Cell of this Department for information and necessary action.



Special Secretary to Government

GOVERNMENT OF ODISHA

DEPARTMENT OF WATER RESOURCES

*****

No.-WR-LA-CASEOP-0002-2023-18728/WR, Date: 5/7/2023

From

Shri Alok Kumar Kar, IAS,

Director R&R -cum- Additional Secretary to Government.

To

The Collector & DM, Kalahandi.

Sub:- Clarification regarding the enumeration of married daughters for granting of Rehabilitation Assistance.

Sir,

In inviting reference to your office Letter No.101 dated 21.04.2023 on the subject cited above, I am directed to enclose herewith a copy of the extract of noting made by the Law Department in the file of Revenue & DM Department bearing No."R&R EH-17/2023" towards the clarification of eligibility of married daughter to be granted with the Rehabilitation Assistance.

Encl: As above

Yours faithfully,

Director R&R -cum-

Additional Secretary to Govt.

Memo No. 18729/WR, Dt. 5/7/2023

Copy forwarded to the L.A & R.O, Ret Irrigation Project, Kusumkhunti, Kalahandi for information and necessary action w.r.t. his Letter No.399 dated 21.10.2022.

Director R&R -cum-

Additional Secretary to Govt.

Extract of noted taken from the Revenue & Disaster management Department File No. R&RH-17/23

Sch.-Uil.-F.No.10

NOTE SHEET

LAW DEPARTMENT

The A/D has endorsed the file to this Department for opinion as to whether the married daughter of the displaced family may be treated as an awardee for extending the R&R benefits in respect of irrigation projects under R&R Policy, 2006 or any other acts as well as the definition of project area.

Without repeating the factual aspects of the file, I solicit my opinion below :

Rehabilitation & Resettlement of displaced family of an affected area, which is to be notified for the purpose of land acquisition is governed by "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013", hereinafter called as "Act".

As per Section 31 of the Act, the Collector shall pass Rehabilitation & Resettlement Awards for each affected family in terms of the entitlements provided in the **Second Schedule**. The elements of rehabilitation and resettlement entitlements as well as entitlement provision have been provided in the Second Schedule.

Affected family is defined under Section 3(c) of the Act. Clause (i) & (ii) are the relevant provisions. As per Section 3(c), **affected family** includes;

(i) A family whose land or other immovable property has been acquired.

OGP(Forms)-CTP
363 -40,00,000
12-12-2018

16/9/23

Sch.-Ulis-No.10

NOTE SHEET

children or dependents shall be considered as a separate family for the purpose of rehabilitation and resettlement under the Act provided;

(a) If the family does not own any land and the daughter is residing in the project area for a period of not less than three years prior to the date of publication of notification for acquisition of land and her primary source of livelihood stand affected by the acquisition of land.

(b) If the land and other immovable property of the family are acquired, she is also eligible for R & R benefit as an affected family and for determination of benefits, total extent of land owned by her as a co-sharer will be taken into account.

But the above benefits should be extended in consonance with the limitations of elements of Rehabilitation & Resettlement entitlements as provided under the Second Schedule to the Act.

16/5/23

(B.P. Panda)
2nd ALR-cum-Addl. Secy.
to Govt. of Odisha
Law Department, Bhubaneswar

Revenue & D.M. Department.

17/5

AC(S)

OGP(Forms)-CTP
02-20,00,000-
02-07-2021

Under Secy.
17-5-2023

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-LAA-MISC-0032-2016 11373 /R&DM dated 29-3-18

From

Avaya Kumar Nayak
Joint Secretary to Government

To

Collector Ganjam

Sub: Clarification regarding Parking of Advance Compensation money in Government under Civil deposit for the Project Berhampur Bypass.

Ref: Your letter No.10 dated 02.02.2018

Sir,

In inviting a reference to the subject noted above, I am directed to say that you have requested to clarify as to whether L. A. Compensation will be remitted to MoRTH, Kolkata as per instruction of G.o.I or to keep the amount under proper head of account as per the Finance Department guidelines on parking of Advance Compensation in Civil Deposit .

In this connection it is clarified that, if the compensation has already been paid or the project has been abandoned and there is no possibility of further expenditure from the advance compensation amount deposited by NHAI i.e the LA process has closed, then the amount may be refunded to NHAI after deducting the actual expenditure if made any.

Similarly, the interest amount if accrued any due to keeping it in the interest bearing account, should also be refunded to NHAI as the interest money is normally treated as a part of the project money.

Yours faithfully,

Joint Secretary to Government

Memo No. 11374 /R&DM dtd. 29-3-18

Copy forwarded to the **All Collectors,/ All Spl. LAOs/ LAOs** for information and necessary action.

Joint Secretary to Government

Memo No. 11375 /R&DM dtd. 29-3-18

Copy forwarded to LA(B)/ LA(C) Branches/ R&R Cell/ IMU Cell of Revenue & DM Department for information and necessary action. Joint Secretary, IMU Cell is requested to upload the same in the Department website.

Joint Secretary to Government

GOVERNMENT OF ODISHA
STEEL & MINES DEPARTMENT

*****

RESOLUTION

No. 12793 /S&M,Bhubaneswar , dated the 21/12/2023

SM-MC3-MISC-0080-2023

Sub: Guidelines for regulating the sand quarrying in the State.

The Odisha Sand Policy 2021 has been published by the Revenue and Disaster Management Department vide their Resolution No. 26372/ R & DM, Bhubaneswar, dated 02 September, 2021. Subsequently the administration of Minor Minerals including River Sand Mining has been transferred to Steel & Mines Department. Instructions and guidelines have been issued by the Government from time to time for scientific and systematic quarrying, and for the prevention of illegal mining of minor minerals including sand. Odisha Sand Policy, 2021 is a step in this direction to systematise the process of river sand mining and ensure scientific and sustainable sand mining in the State. In order to streamline the process of sand mining in the State, it was felt necessary to adopt a holistic process-chain with sustainable and scientific mining and management of sand mining with IT-enabled monitoring of its movement from the source to the end user. However it has been observed that the mandate of Odisha Sand Policy is yet to be translated into effective implementation at various places in the State. In this context, in continuation to various guidelines issued by the Department in the past, the following guidelines are issued for effective implementation of the Odisha Sand Policy, 2021.These guidelines provide a procedural framework and modalities for the implementation of the components of Odisha Sand Policy 2021. These are in accordance to the provisions of Sustainable Sand Mining Management Guidelines, 2016", "Enforcement & Monitoring Guidelines for Sand Mining, 2020" and directives issued by the Hon'ble NGT from time to time and in the lights of directions in the judgment of the Hon'ble Supreme court, including in Deepak Kumar Vrs State of Haryana and Others (2012) 4 SCC 629 and Goa Foundation Vrs Union of India & Others (2014) 6 SCC 590.

1. Demand Supply Estimation:

Scientific demand-supply estimation and the resultant gap assessment shall be prepared for every district every year which can help for allocation of sand from surplus districts to meet the need of deficit districts, adoption of business models and framing of policy for alternatives of sand, if in short supply.

a. All public authorities carrying out projects within the district will intimate by end of February every year to the Mining Officer consumption of sand in the financial year including estimated consumption to be made till the end of the year and the projected consumption during the next financial year.

b. Every year, by the end of February the Mining Officers shall report to the Deputy Director of Mines the production capacity of all the operational and operable sand sources in their Districts (source-wise). At the district level, assessment of the annual supply position of sand in the district will be made on such report for the next financial year. This will be done by the end of March.

c. Demand-Supply estimation as above and resultant gap analysis along with the action plan to meet the deficit, if any, from the adjoining surplus district(s) (if the district is a sand deficit district) shall be made in the month of March by a district level committee under the chairmanship of the Collector with following members:

- Project Director DRDA
- Executive Engineers of WR and other Engineering Departments
- All Sub-Collectors of the district
- Deputy Director, Mines
- Mining Officer (Convenor)
- Joint/Deputy Director, Geology of the zone
- Executive Officers of ULBs.
- Special invitee/ Public Authority, if any decided by the Collector.

d. Demand -Supply estimation, gap analysis and action plan to meet sand deficit, if any shall be intimated by the Deputy Director of Mines to the Directorate of Minor Minerals, Department latest by end of March.

e. The Directorate of Minor Minerals will make an analysis of the district-wise demand- supply position, gap analysis and action plan to meet the deficit, if any and approve the allocation of sand from surplus districts to deficit districts with modification, if any required. From the district Demand-Supply estimation and gap analysis reports the Director, Minor Minerals will draw up the State Demand-Supply estimation and gap analysis and if, necessary shall propose the provision of alternatives of sand to meet the deficit situation, if any.

f. Demand for successive five years may be projected and incorporated in the District Survey Report (DSR) prepared by Sub-Divisional Committee.

2. Identification of sources:

Identification of sand sources shall be carried out in the following manner:

a. A regular annual exercise shall be carried out by the Committee headed by the Mining Officers with officers from Water Resources Department, State Pollution Control Board, Forest Department, Steel and Mines Department, in

December & January to identify the potential sand sources. The guidelines issued in this context vide MoEF& CC notification dated 25th July 2018(preparation of DSR) may be adhered to.

b. After identification of sources recommendation of the committee shall be submitted to the District Collector along with a location map, geological resource potential, and feasibility report.

c. Emphasis should be given to identify large stretches of rivers and beds exceeding 5 Hectares as sand sources for scientific and sustainable sand mining.

d. The mining lease area should be so selected as to cover the entire deposition area excluding the safety zones. Dividing a large area of deposition into smaller mining leases should be avoided as it promotes illegal and unscientific mining and causes revenue loss to the State.

e. Transportation route with its carrying capacity to be selected in such a way that the movement of vehicles through the villages/ habitation can be avoided to the extent possible.

f. All such identified sources will be demarcated in the field with posting of pillars on the boundary and shall be made part of the District Survey Report (DSR) prepared by the Sub-Divisional Committee.

g. Instructions regarding the preparation of DSR issued vide Steel & Mines Department Letter No. 10684/S&M dated 25.10.2023 shall be followed.

h. Fixation of Minimum Guaranteed Quantity (MGQ) of the sources shall be duly approved by the Controlling Authority. It should be done as per the instructions issued by the Department from time to time.

3. DGPS Survey of sand sairat sources:

a. After completion of pillar posting of a source, the competent authority shall submit a requisition along with the cadastral map of the source to Odisha Space Application Centre (ORSAC) and upon requisition, ORSAC shall take up the Differential Global Positioning System (DGPS) survey of the source boundaries.

b. The Deputy Director of Mines shall review the status of DGPS Survey of sources on monthly basis and submit it to the Directorate of Minor minerals and the Department.

4. Quarrying Operation:

The Operation of sand quarries should be carried out strictly in adherence to the applicable provisions of law and the related guidelines and executive instructions. In this regard the following measures are specifically to be ensured.

a. Environment Clearance for grant of quarry lease.

Environment Clearance as applicable under the provisions of the Environment (Protection) Act 1986 shall be obtained from SEIAA by the lessee/Competent Authority before operationalization of sources. Also the lessee is responsible for the implementation of the Environment Management Plan (EMP).

b. The lessee shall obtain Consent to Establish (CTE) & Consent to Operate (CTO) of such mine from State Pollution Control Board under the provisions of sections 25/26of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution)Act,1981 and the Rules framed there under. The SPCB shall not grant CTO unless the EC has been obtained by the lessee.

c. On registration of quarry lease or issue of permit order as the case may be the boundary of the source area shall be demarcated and shown to the lease/permit holder with written and dated acknowledgment to that effect. Mining Officer or Assistant Mining Officer in charge of the District shall remain present at the time of such demarcation.

d. Geo-fencing of the sites, allotment of geo-coordinates to all the pillars on the boundaries of the sources and electronic surveillance shall be done.

e. Baseline data in respect of the initial level of mining lease in the interval not more than 25 X 25 meters shall be collected for record by the leaseholder.

f. Display board showing details like name of the source, revenue village, name of the lessee/ permit holder, area of the source, lease/permit period, approved quantity of extraction, etc. shall be fixed by the lease/permit holder at a conspicuous place near the approach to the source.

g. Quarry operation shall be carried out strictly in accordance with the approved mining plan duly adhering to the provisions of Odisha Minor Mineral Concession Rules 2016 and terms and conditions of respective statutory clearances and approvals. The mining plan shall be prepared by following the guidelines of MoEF & CC Government of India formulated in their **Sustainable Sand Mining Guidelines, 2016** and the said guidelines prescribed standard environmental condition for sand mining at Sl No. 19 which clearly envisages **"Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method."** Sand quarrying activity shall be stopped when the approved quantity of extraction is reached unless through duly modified and approved mining plan & EC for extra quantity is permitted for extraction. It shall be the responsibility of the Competent Authority to ensure that no extraction takes place beyond the permitted quantity.

h. All precautions shall be taken to ensure that the water stream flows unhindered and the process of natural river meandering does not get affected due to mining activities.

i. The mine closure plan should be a part of the mining plan prepared for the source and shall be carried out by the lessee in accordance to it.

j. A copy of the approved mining plan may be kept at the quarry site for ready reference.

k. First aid kit with all essentials shall be kept ready at the quarry site, to be used in case of any emergency.

l. To prevent air pollution due to the dust during sand quarrying operations constant water sprinkling on the pathways and dust-prone areas shall be done. The sand loaded vehicles shall be properly covered with a tarpaulin before moving out of the quarries.

m. On the expiry of the lease period or termination of lease sheds and other constructions at the quarry site shall be removed by the lessee. All the roads and pathways shall be leveled so that there is no obstruction to the normal flow of the river.

n. Steps shall be taken sufficiently ahead of the completion of the lease period of a source to initiate the process of subsequent lease of the source so as to avoid time gap between leases.

o. Quarterly returns as per OMMC Rules, 2016 regarding extraction of minor mineral shall be checked by Mining Officer in respect of all the quarries under his jurisdiction so as to prevent over extraction. The quarterly production report shall be submitted by the lessee to the Mining Officer and SPCB Regional office concerned for record.

p. District administration/mining officer shall provide detailed information on their website about the sand mines in its district for public information.

q. All the records/registers shall be carefully maintained by the lessee for future reference.

5. <u>Monitoring & Enforcement:</u>

a. IT-enabled technology of i4MS (Integrated Minor Minerals Mines Management System) which is being developed by the Department has already been implemented to track and monitor the sand mining activities in an effective and efficient manner. Features like barcode enabled transit pass(Y Form) and a facility for accessing illegal transportation via mobile app has already been implemented and used by enforcement squads to verify e-pass details like approved quantity and validity period etc.

b. Steps will be taken to workout modality for tracking the vehicles carrying minor minerals through incorporation of GPS Units and a befitting monitoring module under i4MS.

c. A Project Monitoring Unit (PMU) shall be set up in the Directorate of Minor Minerals to regularly monitor the sand mining activities of the State.

d. State Level Enforcement Squads (SLES) are being constituted in the Range Police Headquarters of the State to conduct regular enforcement activities, functioning of which should be regularly reviewed and effectively monitored.

e. Regular inspection of operational sources will be ensured through frequent visits of the concerned Junior Mining Officers, Assistant Mining Officers, Mining Officers and Deputy Director of Mines.

f. The Mining Officer of the District may make requisition to SLES of his/her jurisdiction as and when required for Enforcement and conducting raid in his/her jurisdiction.

g. During field visits Senior Officers like Deputy Director of Mines, Officers from Directorate of Minor Minerals should visit sand sources to see adherence rules and regulations in sand mining and check the incidence of illegal mining if any.

h. Constitution of District Level Task Forces (DLTF) will be ensured in each district under the chairmanship of the District Collector as per the guidelines envisaged in the order of the Hon'ble NGT:

6. Post Environmental Clearance Monitoring and Environmental Audit:

The Mining Officer (Competent Authority) shall ensure that Post Environmental Clearance Monitoring and Environmental Audit is carried out. The Deputy Director of Mines concerned shall supervise such exercise to ensure that it is carried out in compliance with the guidelines/directives issued from time to time.

It is the responsibility of the EC holder to comply with the Environmental Clearance conditions as laid down by SEIAA at the time of grant of EC and monitoring shall be carried out by SEIAA as per the procedure laid down by MoEF & CC from time to time.

The environmental audit shall be carried out at least once a year by a three member committee nominated by District Collector/ Magistrate comprising ex-serviceman, ex-Government official of repute, Professor or person having experience of mining/environment. The audit report shall be uploaded on the website of the district administration.

Environmental Statement for the financial year ending the 31st March shall be submitted to the concerned State Pollution Control Board, on or before the 30th September of the same year. NABET/QCCI Accredited consultant may be engaged for Environment Audit and during the course of the audit, a three-member committee nominated by District Magistrate shall be associated.

7. Replenishment study:

a. Regular replenishment study shall be carried out to keep a balance between deposition and extraction and to minimize the adverse impact arising out of excessive sand mining in a given stretch of river. A replenishment study of sand mining shall be carried out in each source by the lessee. The

Replenishment Study of the sand shall be done by NABET/ QCCI accredited consultant following the guidelines issued by MoEF & CC in their notification **Enforcement and Monitoring Guideline of Sand Mining 2020**. The Mining Officer of the respective district shall ensure the same in respect of the sources in their jurisdiction.

b. Initially, the Sub-Divisional Committee preparing the DSR shall carry out the replenishment study and incorporate the same in the DSR. Subsequently, as per the terms and conditions of the grant of EC by SEIAA, the lessee shall get the annual replenishment study conducted in respect of his/her lease area and submit the report to SEIAA through Competent Authority.

8. Customer Grievance Redressal Centre:

a. Customer Grievance Redressal Centre shall be established in each district in the office of the Mining Officer which will inquire into and address the grievances of the sand consumers/Lessees/Public & etc.

b. A monthly report on receipt and disposal of such grievances during the month shall be submitted to the Directorate of Minor Minerals and Steel & Mines Department.

These guidelines are framed in supersession of all guidelines issued earlier and will come into effect from the date of issue.

By order of the Governor

21/12/2023

Additional Chief Secretary to Government

Memo No. 12794 /S&M Dated 21/12/2023

Copy forwarded to P.S. to Minister, Steel & Mines for kind information of Hon'ble Minister, Steel & Mines.

21/12/23

Additional Secretary to Government

Memo No. 12795 /S&M Dated 21/12/2023

Copy forwarded to OSD-cum-Special Secretary to Chief Secretary for kind information of Chief Secretary.

21/12/23

Additional Secretary to Government

Memo No. 12796 /S&M Dated 21/12/2023

Copy forwarded to the Sr. PS to DC-cum-ACS for kind information of DC-cum-ACS.

21/12/23

Additional Secretary to Government

Memo No. 12797 /S&M Dated 21/12/2023

Copy forwarded to the Sr. PS to ACS, Steel & Mines for kind information of ACS, Steel & Mines.

21/12/23

Additional Secretary to Government

Memo No. 12798 /S&M Dated 21/12/2023

Copy forwarded to the Advisor(Mining)/Director of Minor Minerals, Odisha/Director of Mines & Geology, Odisha/ All Sections of Steel & Mines Department for information and necessary action.

21/12/23

Additional Secretary to Government

Memo No. 12799 /S&M Dated 21/12/2023

Copy forwarded to all Departments of Government / All Heads of Department/ Member Secretary, State Environmental Impact Assessment Authority, Odisha/ Member Secretary, State Pollution Control Board, Odisha/ all Revenue Divisional Commissioners/ All Collectors/ All Deputy Director of Mines/ All Mining Officers.

21/12/23

Additional Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
*****

RESOLUTION

No. 23225 / R&DM, Bhubaneswar, Dated the 28 JUN 2018

RDM-LRGEC-MISC-0012-2018

Sub: Principles/Procedure for implementation of the scheme "Prevention of theft of Minor Minerals and eviction activities".

Minor Minerals are the gift of nature, which needs to be exploited scientifically through sustainable mining, without incurring damage to environment. Since mineral reserves is under the administrative control of the State Government, it is the primary responsibility of the Government to ensure scientific mining and to maintain continuous supply of minor minerals to all developmental projects including infrastructure and welfare scheme projects like NH, SH and Housing projects and to private projects in a transparent manner in the supply chain from the source to the end users. But it is often reported that due to unscientific mining and illegal lifting of minor minerals by unscrupulous mineral mafias, huge amount of revenue loss has been caused to the State Exchequer. Illegal lifting and theft of minor minerals has been a continuous challenge for the Revenue Administration.

2. In order to curb such illegal lifting and transportation of minor minerals, squads have been constituted at district / sub division levels. But these squads, due to lack of police assistance and lack of proper coordination, have not been very effective to face such a large challenge. In many occasions, the Tahasildars/ Addl. Tahasildars and other Revenue Officials are being manhandled by miscreants during raids. Police personnel are not being readily available at the time of need. Adequate funds for incurring expenditure for enforcement activities are not available with district administration in order to handle the situation. Allegedly, it is going on unabatedly despite all efforts to check the same. Protection of mineral reserves as well as its sustainable exploitation for developmental use is one of the concerns of the State Government. As land and the mineral reserves thereon is the most important capital asset, protection of such capital asset would be a legitimate plan activity.

3. In careful consideration of the above facts, in order to ensure scientific mining, transparent distribution system and to prevent illegal lifting/ theft of minor minerals, the State Government have been pleased to implement a new Scheme namely **"Prevention of theft of Minor Minerals and eviction activities"** from the current financial Year 2018-19 under Programme Expenditure.

4. BROAD OBJECTIVES:

The broad objectives of the scheme namely "Prevention of theft of Minor Minerals and eviction activities" are as below;

i. To ensure adequate and uninterrupted supply of minor minerals for all infrastructure and other developmental projects

ii. To ensure uninterrupted supply of sand to all rural housing and other welfare scheme projects

iii. To prevent illegal lifting/ theft of minor minerals from unscrupulous mineral mafias.

iv. To put in place robust monitoring mechanism to prevent illegal lifting of minor minerals.

v. For optimal mobilization of revenue so that mineral revenue inflow is maintained to the State exchequer.

vi. To induct technological intervention in every stage of process chain.

vii. To ensure sustainable mining without compromising with environment, without damage to roads, river embankments etc.

5. ACTIVITIES TO BE COVERED UNDER THE SCHEME:

The following activities will be covered under the scheme.

i. Demarcation of Minor mineral sources, Pillar posting on the perimeter of the sources, erection of signboards depicting the details of source, quantum of deposits, area and details of the license etc.

ii. Implementation of all activities specifically suggested under the Odisha Sand Policy, Odisha Minor mineral Concession Rules, 2016 or any other policy decision of the Government.

iii. Expenditure incidental to constitution of teams for survey, field survey and preparation of District Survey Reports. Remuneration and other expenditure for such survey shall be met out of this Scheme.

iv. DGPS survey, pillar posting and web-based monitoring of the sources.

v. Setting up of weigh bridges/ check gates at square points of Blocks/ Tahasils and at lifting point to verify the actual quantity of minor minerals.

vi. IT intervention like installation of CCTV Camera and DGPS etc shall be made to ensure transparency in operationalisation of sources and transportation of materials.

vii. Constitution of task force/flying squads for prevention of illegal mining at the State/sub-division/ District/Tahasil level with adequate retired police / ex-army personnel.

viii. Remuneration of the retired personnel for squads/ survey teams etc engaged on out sourcing basis.

ix. Hiring of equipment / machinery / private vehicles with cost of fuel to be used for survey teams/ police forces, enforcement squad and eviction activities.

x. Real- time monitoring of the transport vehicles like trucks with GPS enabling from source to the end user.

xi. Hosting of information regarding minor mineral quarry leases on website to make mining operations more transparent.

xii. Purchase of IT machineries like computers & printers, consumables, development of web-based applications, mobile apps for online requisition and monitoring of delivery materials.

xiii. Disclosure of relevant information for each lease on the State/ District website with various terms and conditions to which the lessee shall be adhered to at the time of lifting the Minor Minerals

xiv. Implementation of futuristic technological intervention like i4MS.

xv. Setting up State level/ District level PMUs and expenditure incidental to such PMUs including remuneration of IT professionals and other staff.

xvi. One Deputy/ Asst. Collector in the District shall remain in charge of the District PMU, who will report to the ADM(Rev) of the District.

xvii. Expenditure pertaining to deployment of police personnel their transportation etc.

xviii. Online requisition and monitoring of delivery of materials to the end users.

xix. Preparation and publication of Standard Operation Procedures & Operation Manuals for various minor minerals with safety and environmental clauses.

xx. Expenditure incidental to seizure, disposal and eviction activities relating to minor minerals.

xxi. Any other activity for prevention of illegal lifting or theft specifically approved by Government.

Provided that, if expenditure regarding any of the items above is borne by any other Department like the cost of pillar posting is borne by Steel and Mines Department, Deployment of Police personnel is borne by Home (Police) Department, then no funds out of this scheme shall be utilized for such items of work to avoid duplicity.

6. AREA OF OPERATION OF THE SCHEME:

i. The scheme will be implemented in all the Districts of the State. However, more emphasis shall be given to the high value and high risk sources coming under sensitive Tahasils of the District. The Collector of the District shall identify and prioritize the high risk and sensitive sources and ensure immediate implementation of measures for prevention of theft of Minor Minerals.

ii. District surveys shall be conducted in all districts for various minor minerals to assess the demand and supply and Gap analysis.

iii. The Collector of the District shall prepare the list of sensitive tahasils / list of sensitive sources after realistically assessing the risk and sensitivity.

7. IMPLEMENTING AUTHORITIES:

i. Tahasildar is the competent authority for minor minerals, who will implement the scheme under supervision of Sub-Collector and ADM(Rev) of the district. The scheme shall be implemented in the district level with approval of Collector. The execution of hardware activities like eviction, pillar posting, construction of boundary walls, fencing, erecting signboards etc for protection of valuable Government land and mineral reserves may be taken up by the Tahasildar of respective Tahasil through his field functionaries or through any other agency identified by Tahasildar following due procedure of law with prior approval of Collector and with technical support from the JE of the respective Block or RW Department, who will check measure the same.

ii. The Collector of the respective District may issue further instruction to standardize the procedure in the matter for proper implementation of the Scheme in conformity with financial rules/instructions.

iii. Enforcement squads shall be formed by the Collector under the direct control of the Sub-Collector concerned. In the event of requirement, the Tahasildar/ Tahasildars concerned shall make a requisition to the sub-collector concerned specifying the date of raid/operation for arrangement of squad, who shall intimate the fact to the Collector of the District for constitution of the squad.

iv. The squad shall strictly follow the standard operating procedure for the purpose.

8. **MODE OF EXPENDITURE:**

i. All financial rules and accounting procedure as provided in the OGFR, Odisha Treasury code and instructions issued by the Finance Department from time to time for incurring expenditures of Government funds shall be followed.

ii. All receipts and expenditure shall be entered in the Cash Book and a separate subsidiary Cash Book may be maintained for the purpose of keeping proper accounts.

iii. No amount should be withdrawn from the Bank if not required urgently. Drawal of money from the Bank account for keeping it in shape of cash is strictly prohibited. All expenditures should be limited to the funds available only.

iv. A Flexi Account shall be maintained in any eligible scheduled/ Nationalized Bank.

v. All expenditure shall be made with prior approval of Collector of the District as per the power delegated for incurring expenditure under Delegation of Financial Power Rules.

vi. For all types of unusual expenditure or new type of expenditures, approval of Government should be obtained.

vii. Monthly expenditure report with item-wise details shall be furnished to the District office by concerned Tahasildars by 10th of the next month. The ADM/

Nodal Officer of the district shall furnish the compiled expenditure statement of the District to R&DM Department by 15th of the next month.

9. SUBMISSION OF UTILIZATION CERTIFICATE:

Necessary Utilization Certificate in respect of the expenditure incurred out of the funds under the scheme for the preceding Financial Year shall be furnished by the District Collector in the form prescribed under OGFR to R&DM Department by 30th April of the succeeding Financial year.

10 LEGAL SAVINGS:

This implementation procedure of the scheme shall not have any overriding effect on any statutory laws for the time being in force like the OPLE Act, 1972, the OGLS Act, 1962 and Rules made there under / Financial procedures like OGFR & Odisha Treasury Codes / instructions issued by the Finance Department from time to time.

ORDER- Ordered that the Resolution be published in the Extra-ordinary issue of the Odisha Gazette and copies thereof be forwarded to Revenue & DM Department/ Board of Revenue, Odisha, Cuttack/ All RDCs/ All Collectors for information.

By order of the Governor

28.6.2018

(Dr. C.S. Kumar)
Principal Secretary to Government

Memo No. 23226 / RDM Dated 28 JUN 2018

Copy forwarded to Odisha Secretariat Gazette Cell, C/o Commerce and Transport (Commerce) Department for information and necessary action. They are requested to publish the Resolution in an extraordinary issue of the Odisha Gazette and supply 10 (ten) copies to this Department for use.

28/6/18

Joint Secretary to Government

Memo No. 23227 / RDM Dated 28 JUN 2018

Copy forwarded to Addl Chief Secretary, Forest and Env. Department / Addl Chief Secretary, Home Department/ Principal Secretary, Finance Department/ Principal Secretary, Steel and Mines Department/ Principal Secretary, Water Resources Department for information and necessary action.

28/6/18

Joint Secretary to Government

Memo No. 23228 / RDM Dated 28 JUN 2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs/ All Collectors/ All Sub-Collectors/ All tahasildars for information and necessary action.

28/6/18

Joint Secretary to Government

Memo No. 23229 / RDM Dated 28 JUN 2018

Copy forwarded to P.S to Minister, Revenue & DM, Odisha/ OSD to Chief Secretary for kind information of Hon'ble Minister, Revenue & DM and Chief Secretary respectively.

28/6/18

Joint Secretary to Government

Memo No. 23230 / RDM Dated 28 JUN 2018

Copy forwarded to FA-cum- Addl. Secretary/ Joint Secretary (in charge of IMU Cell) / Budget Branch of Revenue & DM Department for information and necessary action.

28/6/18

Joint Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No.PT1-RDM-MMS-MEET-0002-2019-12160/R&DM dtd. 19 APR 2022

From

Sri Amiya Kumar Sahoo, OAS (S)
Joint Secretary to Government

To

Secretary, Board of Revenue, Odisha, Cuttack/
All Revenue Divisional Commissioners /
Director, Minor Minerals,
All Collectors.

Sub: Notification of Odisha Minor Minerals Concession (Amendment) Rules, 2022.

Madam/ Sir,

In inviting a reference to the subject cited above, I am directed say that the Odisha Minor Minerals Concession (Amendment) Rules, 2022 has been notified by Steel & Mines Department and published in the Odisha Gazette bearing No. 2937/SM dtd. 31.03.2022. The same is also being uploaded in the official Website of Revenue & DM Department. A copy of the same is enclosed for ready reference.

You are, therefore, requested to instruct all field functionaries under your jurisdiction to follow the amended Rules in administration of minor mineral sources with immediate effect.

Yours faithfully,

Joint Secretary to Government
19/4/22.

Memo No. 12161 dtd. 19 APR 2022

Copy along with the Odisha Minor Minerals Concession (Amendment) Rules, 2022 forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.

Joint Secretary to Government
19/4/22.

Memo No. 12162 dtd. 19 APR 2022

Copy along with the Odisha Minor Minerals Concession (Amendment) Rules, 2022 forwarded to I/c of e- Governance Branch, Revenue & DM Department for information with a request to upload the same in the Department website.

Joint Secretary to Government
19/4/22.

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 623 CUTTACK, THURSDAY, MARCH 31, 2022/ CHAITRA 10, 1944

STEEL & MINES DEPARTMENT

NOTIFICATION

The 31st March, 2022

No.2937—SM-MC2-SMP-0002/2021/SM.— In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act., 1957 (67 of 1957), the State Government do hereby make the following rules further to amend the Odisha Minor Mineral Concession Rules, 2016, namely:—

1. (1) These rules may be called the Odisha Minor Mineral Concession (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Minor Mineral Concession Rules, 2016, (hereinafter referred to as the said rules), in rule 16,—

(i) for sub-rule (3) excluding *Explanation*, the following sub-rule shall be substituted, namely :—

(3) The applicant having a net worth of less than one percentum of the value of estimated mineral resources shall not be eligible for participating in the auction process for grant of a mining lease:

Provided that, the net worth requirement shall not exceed fifty crore rupees.

(ii) for sub-rule(10), the following sub-rule shall be substituted, namely :—

"(10) The selected bidder shall, convey his acceptance of the terms and conditions within fifteen days of such intimation and deposit a sum equivalent to zero point two five percentum (0.25) of the value of estimated mineral

resources, subject to a maximum of ten crore rupees, towards part of security deposit and such deposit along with the earnest money, shall be held as, interest-free security deposit for due observance of the terms and conditions of the mining lease."

3. In the said rules, in rule 27, in sub-rule (4), for clause (iv), the following shall be substituted, namely :-

"(iv) Income Tax Return of previous financial year showing annual income for an amount not less than the amount of additional charge offered and the royalty payable for the minimum guaranteed quantity for one whole year or Bank guarantee valid for a period of eighteen months for the amount not less than the amount as above."

4. In the said rules, in rule 35, –

(i)in sub-rule (1), after the words "Schedule-II" and before the words "and compensatory afforestation " the following comma and words shall be inserted, namely :–

", additional charge"

(ii) after sub-rule (2), the following sub-rule shall be inserted, namely :–

"(3) The Additional charge provided under sub-rule (1) will be the average of highest bid price received and executed in respect of five nearest sources of the same minor mineral during last three to five years in the same Tahasil or nearby Tahasil of the same District or of the nearby District :

5. In the said rules, for rule 36, the following rule shall be substituted by namely: –

"36. Duration of quarry permit .– The period of quarry permit shall be as per the project period and shall be usually for three (3) months which can be extended up to one year or more by the competent authority not exceeding the project period relating to which the permit has been granted. In case of extension of the project period the permit can be re-issued by the Competent Authority for the extended period."

6. In the said rules, in rule 45, in sub-rule (1), for the words and comma "lease has been granted through auction", the words and comma "lease has been granted", shall be substituted.

By Order of the Governor
DEORANJAN KUMAR SINGH
Principal Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex.Gaz.2237-183+10

By Fax/e-mail

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-MMS-POLICY-0003-2021- 5958 **/ R&DM Dated** 22 FEB 2021

From

Sri Biranchi Narayan Dash,

Deputy Secretary to Government.

To

All Collectors.

Sub: Compliance to the conditions stipulated by State Environment Impact Assessment Authority (SEIAA) while giving permission for sand mining.

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to enclose herewith a copy of SEIAA's letter No. 400 dated. 08.02.2021 addresed to to Addl. Chief Secretary, F&E Deptt and say that in the said letter concern has been raised for non-compliance of the conditions stipulated by SEIAA in the ECs granted for sand mining leases. As mentioned there in it is essential for any project proponent to carry out proper study with regard to (a) annual rate of replenishment of the river bed proposed for sand mining and (b) time frame for such replenishment after mining closure. Findings of such study should be placed in the District Survey Report (DSR). SEIAA is granting EC for sand mining leases with an express condition that a proper study of rate of replenishment of sand at the particular lease area has to be carried out by the project proponent within a period of one year and the result thereof shared with SEIAA. This together with some other conditions set by SEIAA in the ECs granted for sand mining leases have been discussed in the letter of SEIAA.

You are,therefore, requested to instruct the Tahasildars (Competent Authorities) to ensure full compliance of the terms and conditions set by SEIAA while granting ECs for sand mining leases by project proponents

Yours faithfully,

19/2/21

Deputy Secretary to Government

P.T.O.

Memo No. 5959 /R&D.M. dated 22 FEB 2021

Copy along with copy of letter No.400 dtd. 08.02.2021 of Chairman, SEIAA, Bhubaneswar addressed to Addl. Chief Secretary, Forest & Environment Department forwarded all Sub-Collectors /Tahasildars for information and necessary action.

19/2/21

Deputy Secretary to Government

Memo No. 5960 /R&D.M. dated 22 FEB 2021

Copy along with copy of letter No. 400 dtd. 08.02.2021 of Chairman, SEIAA, Bhubaneswar addressed to Addl. Chief Secretary, Forest & Environment Department forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all Revenue Divisional Commissioners for information and necessary action.

19/2/21

Deputy Secretary to Government

Memo No. 5961 /R&D.M. dated 22 FEB 2021

Copy along with copy of letter No. 400 dtd. 08.02.2021 of Chairman, SEIAA, Bhubaneswar addressed to Addl. Chief Secretary, Forest & Environment Department forwarded to Director, Minor Minerals, Odisha for information and necessary action.

19/2/21

Deputy Secretary to Government

Memo No. 5962 /R&D.M. dated 22 FEB 2021

Copy along with copy of letter No. 400 dtd. 08.02.2021 of Chairman, SEIAA, Bhubaneswar addressed to Addl. Chief Secretary, Forest & Environment Department forwarded to Joint Secretary I/c of e-Governance Branch with a request to upload the same in Revenue & DM Department website.

19/2/21

Deputy Secretary to Government

सत्यमेव जयते

State Environment Impact Assessment Authority, Odisha, Bhubaneswar

Qr. No. 5RF-2/1, Unit – IX, Bhubaneswar – 751022, Tel: 0674-2540669

No. _____ Dt. _____

From

Suresh Chandra Mohanty, IFS(Retd.)
Chairman,

To

The Additional Chief Secretary to Govt,
Forest & Environment Department
Government of Odisha

Madam,

We stipulate a number of conditions while granting environmental clearance to a proposal for mitigation and amelioration of adverse environmental impact. However, we have very little facility in-house for monitoring the compliance of these conditions. We have therefore requested in our letter no. 10076/SEIAA dated 16.12.2020 to the State Government to sanction a few technical posts for our office and provide additional office accommodation, precisely for having a monitoring outfit.

To illustrate the need for monitoring, I would like to bring to your attention the case of hundreds of sand mining leases in the state. It is essential for any project proponent to carry out a proper study with respect to (a) annual rate of replenishment of the river bed proposed for sand mining, and (b) timeframe for such replenishment after mining closure. As a matter of fact, findings of such study should have been built up in the District Survey Report (DSR)

while identifying the sand mining sources. But no such study has been carried out in the preparation of the DSRs for minor mineral(sairat) sources.

The NGT order implies that sand mining should not be allowed in the absence of proper study of the rate of replenishment at the site and assessment of a timeframe of full replenishment after closure of the mine.

In the absence of the above study, grant of EC needed to be declined, but we were overwhelmed by the sheer number of applications being filed from all over the state. Putting a halt to the grant of EC in all such cases would have resulted in serious dislocation of developmental programme. We therefore granted the ECs with an express condition that a proper study of rate of replenishment of sand at the particular lease area has to be carried out by the project proponent within a period of one year, and the result thereof shared with SEIAA. The quantity of sand to be allowed for extraction in a year should not be more than the quantity being replenished at the site during the rainy season of the previous year. Pending this study, adhoc clearances have been granted to carry out the operation as per the mining plan submitted, for one year only, after which the quantity to be extracted has to be determined afresh based on the findings of the study of the rate of replenishment.

By now, we have granted ECs to 741 number of sand mining proposals submitted by the respective Tahasildars, and some 400 more proposals received by us are under process. More and more proposals are being received. We are not sure if our stipulation to carry out study of the rate of replenishment is being properly carried out by the PPs under the supervision of the concerned Tahasildars. Unless we receive credible result of such studies post monsoon, we will be constrained to withdraw the clearances.

I would also like to mention some of our other stipulations in the ECs for sand mining from river bed, which are as follows:

1. The lease area and the actual working area shall be demarcated on the ground by erecting durable masonry /concrete pillars by the project proponent.
2. (a)There shall be a 'no working zone' of prescribed width to protect the embankment on both sides, road or rail bridge, dam, weir, water intake structure or drinking water project, or any cross drainage structure, if any, in the vicinity. (b) The actual area for extraction of sand shall accordingly be carved out within the leasehold. (c) Exact map of the lease area, and the 'no mining zone' shall be drawn to scale, showing the DGPS coordinates of all corner points, and

the location of the bridge, embankment, extraction route & other structures; and such map has to be submitted to SEIAA by the project proponent through the Tahasildar within three months of the date of issue of the EC.

3. The project proponent should preferably carry out river bed mining manually by engaging local labour force, as there is apprehension of over exploitation of sand if machines are deployed for extraction.
4. In the first year i.e. before the rainy season of 2021/2022, the extraction of sand shall not exceed ----Cum(prescribed production capacity as per approved mining plan), calculated by multiplying the working area in SqMtr by 1.0/1.5/2.0 meter allowable depth of excavation
5. It shall be obligatory for the project management to submit quarterly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha.

We are not sure if any of these important stipulations is being enforced in the field. Neither the Tahasildar nor any lease holder files the stipulated quarterly compliance report with us. Flagrant violation of all norms appears from press reports to be taking place in many places, notably in Balianta Tahasil close to Bhubaneswar. Violation of these conditions is liable to lead to exploitation beyond the permissible limit for sustainable mining, rampant theft and loss of revenue and may pose safety hazard to the river embankment, etc.

I would therefore, request that the concerned authorities of the Revenue Department may be impressed to enforce some mechanism to ensure that all sand mining activities are fully compliant with the environmental stipulations.

Yours faithfully,

Sd/-

Chairman

Memo No. 401/SEIAA Dated 08.02.2021

Copy forwarded to the Chief Secretary, Govt. of Odisha for kind information.

S.K. Mohanty

Chairman 8.2.21

Sc Indharty

Fax / e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

RDM-LRGEC-CLRFIC-0004-2012- 53276 dtd. 10.12.12

From

Shri Pradeep Kumar Hota,
Additional Secretary to Government.

To

All Collectors.

Sub: Clarification on Environmental clearance of Sairat sources/minor mineral leases of an area of less than 5 hectares- regarding.

Sir,

In continuance to this Department Letter No.50361 Dtd.17.11.2012, I am directed to say that in view of the orders dtd.27.02.2012 in IA No. 12-13 of 2011 in SLP © No. 19628-19629 of 2009 in the matter of Deepak Kumar etc. Vrs State of Haryana and others, certain guidelines are now required to be followed for lease out Sairat sources/ minor minerals including their renewal for an area of less than five hectares.

1. The lessee shall submit application in the prescribed format at Annexure-I in place of Form-I of EIA Notification, 2006 and Pre-feasibility report in MoEF format for all projects of minor mineral with mining lease area of less than 5 hec.
2. The lessee shall deposit the scrutiny fee of Rs. 1000/- per application for sand lease area of less than 5 hec. For lease area of minor mineral other than sand in less than 5 hec, the lessee shall deposit scrutiny fee of Rs. 5000/- per application. The prescribed scrutiny fee shall be furnished in shape of BD in favour of 'Chairman', SEIAA payable at Bhubaneswar and to be enclosed with the application.
3. Duly filled in format given in Annexure-I with requisite enclosures shall be furnished by the applicant to the Tahasildar concerned. Tahasildar shall take up the initial scrutiny at his level within 7 days in order to check the correctness of the entries and send the proposal to SEIAA for their consideration.
4. On receipt of application from Tahasildar, the SEIAA may consider forwarding the application to SEAC immediately and SEAC may, as far as possible furnish its views to SEIAA within 15 days so that entire process of EC by SEIAA & SEAC is completed within a month.

5. For implementation of Environment Management Plan/ environmental restoration measures in case of minor mineral leases up to 5 hectares, 25% of the auction bid amount, royalty and surface rent paid or payable from the minor mineral extracted or to be extracted should be collected to be deposited with the relevant authority. The officer of Revenue & Disaster Management, Forest & Environment or Steel & Mines Department authorized to settle the source and collect the royalty, surface rent and auction bid amount will be responsible for collecting the contribution to the Environment management by way of bank draft and to remit it to the Odisha Environment Management Fund Trust at Bhubaneswar and send periodical returns for such collection. The amount realized on this account will be utilized for appropriate environmental conservation measures as per MoEF guidelines and subsequently as per the program/plan drawn by the Collector concerned.

The guidelines/ new procedures communicated above should be explained to the concerned Tahasildars so as to avoid delay and confusion while processing the case.

Yours faithfully,

10.12.2012

Additional Secretary to Government

Memo No. 53277 /R&DM dtd. 10.12.12

Copy forwarded to Forest & Environment Department/Steel & Mines Department for information and necessary action.

10.12.12

Additional Secretary to Government

Memo No. 53278 /R&DM dtd. 10.12.12

Copy forwarded to Secretary, BOR/ All RDCs for information and necessary action.

10.12.2012

Additional Secretary to Government

G.A&P.G

AA-2

BRIEF FOR THE PRESS

Sub:- Amendment of the Odisha Rules of Business of Revenue and Disaster Management Department in State Subject list at serial 30 by way of clarification of "Sairat".

1. As per the business allocated under State Subject in the first schedule of the Odisha Government Rules of Business, Steel and Mines Department of Government of Odisha looks after the development and administration of Minor Minerals, while Revenue and Disaster Management Department looks after the implementation of the scheme "Prevention of theft of Minor Minerals and eviction activities" by formulating policy to that effect.

2. For making administration of Minor Minerals much more effective and give more scope and effectiveness to the development and administration of Sairat sources other than Minor Minerals by the Revenue and Disaster management Department, **the Government has decided to make a single department responsible i.e. Steel and Mines Department for development and administration and implementation of the scheme with respect to Minor Minerals and to remove duplicity of administrative mechanism**. Accordingly, R & DM Department shall transfer the Directorate of Minor Minerals, all relevant files communications, case records including court cases, if any, pertaining to Minor Minerals, to Steel and Mines Department along with the services of all posts created specifically for management of minor Minerals in their Department

3. With this Objective, it is proposed to include a clarification by suffixing the words "except minor minerals as defined under the Mines and Minerals (Development and Regulation) Act 1957." after the word "Sairat" in the serial number 30 of the State Subject of Rules of Business pertaining to Revenue and Disaster Management Department by way of amendment of the Odisha Government Rules of Business.

******

ଜ.ଏ.ଏପ.ଡ

AA-2

ପ୍ରେସ୍ ଇସ୍ତାହାର

ବିଷୟ- ଓଡିଶା ସରକାରୀ କାର୍ଯ୍ୟ ନିୟମାବଳୀର ସଂଶୋଧନ।

୧. ଓଡ଼ିଶା ସରକାରୀ କାର୍ଯ୍ୟ ନିୟମାବଳୀର ପ୍ରଥମ ପରିଶିଷ୍ଟରେ ଥିବା ରାଜ୍ୟ ବିଷୟ ଅଧୀନରେ ଆବଣ୍ଟିତ କାର୍ଯ୍ୟ ଅନୁଯାୟୀ, ଇସ୍ପାତ ଏବଂ ଖଣି ବିଭାଗ କ୍ଷୁଦ୍ର ଖଣିଜ ପଦାର୍ଥର ବିକାଶ ତଥା ସୁପ୍ରଶାସନ ପ୍ରତି କାର୍ଯ୍ୟ କରୁଥିବା ବେଳେ ରାଜସ୍ୱ ଏବଂ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଏହାର କାର୍ଯ୍ୟକାରିତା ନିମନ୍ତେ ବିଭିନ୍ନ ପ୍ରକାର ନୀତି ଯଥା "କ୍ଷୁଦ୍ର ଖଣିଜ ଚୋରି ରୋକିବା ଏବଂ ବହିଷ୍କାର କାର୍ଯ୍ୟକଳାପ" ଭଳି ଯୋଜନା ପ୍ରସ୍ତୁତ କରି ଥାଏ ।

୨. କ୍ଷୁଦ୍ର ଖଣିଜ ପଦାର୍ଥର ସୁପରିଚାଳନା ନିମନ୍ତେ ଏବଂ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଦ୍ୱାରା କ୍ଷୁଦ୍ର ଖଣିଜ ବ୍ୟତୀତ Sairat ଉତ୍ସଗୁଡିକର ବିକାଶ ତଥା ପ୍ରଶାସନକୁ ଅଧିକ ପରିସର ଏବଂ କାର୍ଯ୍ୟକାରିତା ପ୍ରଦାନ ପାଇଁ ସରକାର ଇସ୍ପାତ ଏବଂ ଖଣି ବିଭାଗକୁ ଏକକ ବିଭାଗ ରୂପେ ଦାୟିତ୍ୱ ପ୍ରଦାନ କରିବା ଏବଂ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଅଧୀନରେ ଥିବା କ୍ଷୁଦ୍ର ଖଣିଜ ନିର୍ଦ୍ଦେଶାଳୟ (Directorate of Minor Minerals) କୁ ଇସ୍ପାତ ଏବଂ ଖଣି ବିଭାଗକୁ ସ୍ଥାନାନ୍ତରିତ କରିବାକୁ ନିଷ୍ପତ୍ତି ନେଇଛନ୍ତି।

୩. ଏହି ଉଦ୍ଦେଶ୍ୟରେ, ରାଜସ୍ୱ ଏବଂ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ସମ୍ବନ୍ଧୀୟ କାର୍ଯ୍ୟ ନିଯମାବଳୀର ରାଜ୍ୟ ବିଷୟର କ୍ରମିକ ସଂଖ୍ୟା ୩୦ ରେ ଥିବା "**Sairat**" ଶବ୍ଦ ପରେ **(except minor minerals as defined under the Mines and Minerals (Development and Regulation) Act 1957)**" ଶବ୍ଦକୁ ସଂଲଗ୍ନ କରି ଏକ ସ୍ପଷ୍ଟୀକରଣ ଓଡିଶା ସରକାରୀ କାର୍ଯ୍ୟ ନିୟମାବଳୀର ସଂଶୋଧନ ମାଧ୍ୟମରେ ଅନ୍ତର୍ଭୁକ୍ତ କରିବା ନିମନ୍ତେ ପ୍ରସ୍ତାବ ଦିଆଯାଇଛି ।

*****

GOVERNMENT OF ODISHA

REVENUE & DISASTER MANAGEMENT DEPARTMENT

***

RESOLUTION

No. 17297 /R&DM, Bhubaneswar dated the 15 MAY 2023

RDM-LRGEA-POLICY-0003-2023

Sub- Creation of Land Bank for compensatory afforestation purpose

Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non- forest uses under the provisions of the Forest (Conservation) Act, 1980.

2. In order to provide non- forest land for compensatory afforestation purposes, the State Government have taken several proactive steps in the past. During the year 1995, the Government vide erstwhile Revenue and Excise Department Notification No. 34161 dated 04.08.1995 published in the Extra- ordinary issue of the Odisha Gazette bearing No. 956 dated 21.08.1995 had delegated the power to Collectors to settle Abad Ajogya Anabadi land irrespective of extent in favour of the Forest Department for compensatory afforestation purpose. Similarly, the Government vide Revenue and Disaster Management Department Notification No. 42899 dated 07.11.2009 published in the Extra-ordinary issue of the Odisha Gazette bearing No. 1677 dated 19.11.2009 have delegated the power to Collectors to settle any category of government land irrespective of extent in favour of the Forest and Environment Department for compensatory afforestation purpose.

3. Similarly, in order to provide land in an expeditious manner for compensatory afforestation purpose in lieu of the forest land being

diverted for various developmental projects, the State Government during the year 1998 had decided to constitute Land Bank in each district consisting of non- forest lands and degraded forest lands borne in Abad Ajogya Anabadi Khata and accordingly, Task Force in each district was constituted comprising of the Collector and the territorial D.F.O for expediting the work of identification of such land for formation of Land Bank. Instruction was issued to all Collectors by erstwhile Revenue and Excise Department in letter No. 41629/R dated 18.08.1998 to the effect that while identifying Abad Ajogya Anabadi non- forest government land, due care should be taken so that lands which are capable of being converted for use for agricultural and allied purposes as also for other developmental purposes, are spared for such use.

4. The Forest, Environment & Climate Change Department, Government of Odisha in letter No. 19462/FE dated 06.11.2021 issued under the joint signature of the Additional Chief Secretary to Govt., FE&CC Department and Principal Secretary to Govt., Revenue & DM Department has also laid down detailed guidelines for identification of 10,000 ha. of Compensatory Afforestation Land Bank by Revenue & DM Department.

5. Recently, the Central Government, in supersession of the Forest (Conservation) Rules, 2003, have made the Forest (Conservation) Rules, 2022 which have been issued under Gazette of India Notification No. G.S.R 480 dated 28.06.2022.

6. Rule 11 (2) (a) of the aforesaid Rules prescribes that a State Government or Union territory Administration as the case may be, may for the purpose of Compensatory Afforestation create a Land bank under the administrative control of the Department of Forest. Clause (b) of the said sub- rule stipulates that the minimum size of the Land Bank shall be a single block of twenty five hectares provided that in case a Land bank is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 or under any other law for time being in force, Protected Area, Tiger Reserve or within a designated or identified tiger or

wildlife corridor, there shall be no restriction on size of the land. Further, as per rule 11 (1) (a) of the said Rules, the land to be provided by the user agency for compensatory afforestation purpose should neither have been notified as forest under the Indian Forest Act, 1972 or any other law nor being managed as forest by the Forest Department. So, if the provisions of only rule 11 (1) (a) are to be followed for creation of Compensatory Afforestation Land Bank, the Government have to include in the Land Bank only those land parcels which are neither notified as forest under the Indian Forest Act, 1972 or any other law nor managed as forest by the Forest Department.

7. However, the situation with regard to availability of land is getting worsened with passage of time. It has become difficult to find Government land for implementation of projects even for development purposes funded from the State Exchequer. In many occasions, land reserved for specific purposes in RoR are now required to be de-reserved for other public purposes. So, due to paucity, making available only the above categories of land for creation of Compensatory Afforestation Land Bank has become a difficult task for the State Government.

8. On the other hand, as per Sl. No. 2 of the Schedule I annexed to the Forest (Conservation) Rules, 2022, land recorded as 'forest' in Government record but not notified as forest under any other law for the time being in force and land recorded as 'forest' in Government record but not being managed as forest by Forest Department can be provided by the user agency for compensatory afforestation purpose. This dispensation is allowed to proposals of Central Government and State Government only.

9. In the above case, the user agency shall be required to provide land for compensatory afforestation which is twice in extent to the forest land proposed to be diverted for non- forest purpose.

10. Taking all aspects in view, the Government, after careful consideration, have been pleased to decide as follows,-

(i) 'Compensatory Afforestation Land Bank' shall be created in each district of the State by including degraded revenue forest lands only. The lands to be included in the Land Bank should not have been notified as forest under the Indian Forest Act, 1927 or any other law nor managed as forest by the Forest Department.

(ii) The lands included in the said Land Bank shall be provided only for projects undertaken by Central Government Ministries/ Departments and State Government Departments requiring land for compensatory afforestation.

(iii) While lands included in the said Land Bank will be provided to State Government Departments on free of all charges basis, the Central Government Ministries/ Departments shall be required to pay the cost of the land as would be fixed by the Collector of the concerned district.

11. The Government have further been pleased to lay down the following guidelines for identification of degraded revenue forest land for Compensatory Afforestation Land Bank, creation of such Land Bank and handing over land from such Land Bank to State Forest Department,-

(A) Guidelines to be followed for identification of land

(i) The District Level Committee report on forest land in connection with Writ Petition (Civil) No. 202/ 1995 (T.N Godavarman Thirumulkpad vrs Union of India and others) available in the District Collectorate may be referred to for getting first- hand information on revenue forest land.

(ii) Identified land should be a compact patch of minimum extent of twenty five hectares. However, if the land is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 or under any other law for time being in force, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land.

(iii) It is preferable if the land parcel identified for Land Bank is contiguous to RF/ PRF/ PF as it will help in scientific management of the forest land.

(iv) The Forest Canopy Density (FCD) of the degraded forest land should be less than or equal to 0.4 as per Decision Support System (DSS) of the Forest Survey of India to be verified by the concerned DFO.

(v) The land should be free from encroachment and encumbrances. Non- encroachment and non- encumbrance certificates are required to be furnished by the concerned Tahasildar.

(vi) As far as possible, the land should be suitable for carrying out Compensatory Afforestation and suitability certificate is to be furnished by the concerned DFO.

(B) Guidelines to be followed for creation of Compensatory Afforestation Land Bank

(i) Land for Compensatory Afforestation Land Bank shall be jointly identified and verified by the officials of State Forest Department and Revenue & DM Department, not below the rank of Range Officer and Revenue Inspector respectively. A joint verification report to that effect shall be signed by the Range Officer and Revenue Inspector certifying that the land parcel meets the criteria stipulated at sub- Para (A) above and the joint verification report shall be submitted by the concerned Revenue Inspector to the Tahasildar.

(ii) The Tahasidar shall, on receipt of the joint verification report, cause verification with reference to the existing Record- of- Rights and maps, ascertain if the land is free from encroachment and encumbrance or not and if after verification, he is of the opinion that the identified land is suitable for compensatory afforestation, he shall recommend the joint survey report to the DFO concerned along with a non- encroachment and non- encumbrance certificate.

(iii) The DFO shall record his remarks for CA suitability certificate and forward the report to the Collector.

(iv) The Collector after verifying all the records and after being satisfied, shall recommend the proposal with detailed land particulars to Revenue & DM Department for inclusion of the land parcel in Compensatory Afforestation Land Bank of the district.

(v) Revenue & DM Department after obtaining Government approval shall notify the recommended land parcel as Compensatory Afforestation Land Bank. A copy of such notification shall also be furnished to State Forest Department. The notification issued by Revenue & DM Department along with detailed land schedule of the Land Bank shall be uploaded by the Collector in the district website.

(C) Guidelines to be followed for handing over land from Compensatory Afforestation Land Bank to State Forest Department

(i) An user agency like State Government Department or Central Government Ministry/ Department requiring land from Compensatory Afforestation Land Bank may apply before the District Collector along with justification for locating the project in forest land and the Collector, after being satisfied with the justification, may give permission in writing to such user agency to take land from Compensatory Afforestation Land Bank. A copy of such permission letter shall also be submitted by the Collector to Revenue & DM Department as well as to State Forest Department and the concerned DFO. The user agency may include the details of that land parcel allowed by the Collector in its 'Compensatory Afforestation Plan' while submitting application under rule 9 (2) of the Forest (Conservation) Rules, 2022 for approval of the Central Government for use of forest land for non- forest purpose.

(ii) After receipt of 'In- principle' approval of the Central Government to the proposal of the user agency from the Nodal Officer as defined under rule 2 (1) (r) of the Forest (Conservation) Rules, 2022, the Collector shall prepare a demand note containing the cost of the land and communicate the same to the user agency if such user agency is a Central Government Ministry/ Department.

(iii) The user agency shall, after receipt of the communication, make payment of the cost of the land in the appropriate Head of Account of Revenue & DM Department and submit a copy of the documentary evidence of such payment to the Collector.

(iv) The Collector, after having received the documentary evidence of payment of cost of the land from the user agency, shall order for handing over the required land from Compensatory Afforestation Land Bank and on receipt of the order from the Collector, the concerned Tahasildar/s shall mutate the land in the name of the State Forest Department.

(v) On the other hand, if the user agency is a Department of the State Government, after receipt of 'In- principle' approval of the Central Government to the proposal of the user agency from the Nodal Officer, the Collector shall order for handing over the required land from Compensatory Afforestation Land Bank and on receipt of the order from the Collector, the concerned Tahasildar/s shall mutate the land in the name of the State Forest Department.

(vi) After mutation in its name, the State Forest Department shall notify the land as Reserve Forest (RF)/ Protected Forest (PF) under the relevant provisions of the Odisha Forest Act, 1972 prior to submitting the proposal of user agency to the Central Government seeking final approval.

12. All previous decisions taken by the State Government in the matter of creation of Compensatory Afforestation Land Bank are hereby superseded.

13. This has been concurred in by Forest, Environment & Climate Change Department, Government of Odisha.

ORDER- Ordered that the Resolution be published in an extraordinary issue of the Odisha Gazette and copies thereof be forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

By order of the Governor

15/5/2023

Additional Chief Secretary to Government

Memo. No. 17298 /R&DM, Dated 15 MAY 2023

Copy along with soft copy of the Resolution (CD enclosed) forwarded to Deputy Director, Odisha Secretariat Branch Press, At-Kharavela Nagar, Bhubaneswar for information and necessary action. He is requested to publish the Resolution in an Extra - ordinary issue of the Odisha Gazette and supply 10 (Ten) copies to this Department for reference.

15/5/23

Special Secretary to Government

Memo. No. 17299 /R&DM, Dated 15 MAY 2023

Copy forwarded to all Departments of Government (Except FE&CC Deptt.)/ Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ Land Reforms Commissioner, Odisha, Cuttack/ Director, Land Records, Surveys and Consolidation, Odisha Cuttack / Commissioner, Land Records and Settlement, Odisha, Cuttack/ Inspector General of Registration, Odisha, Cuttack/ all Collectors for information and necessary action.

15/5/23

Special Secretary to Government

Memo. No. 17300 /R&DM, Dated 15 MAY 2023

Copy forwarded to the Forest, Environment and Climate Change Department for information and necessary action.

15/5/23

Special Secretary to Government

Memo. No. 17301 /R&DM, Dated 15 MAY 2023

Copy forwarded to Special Secretary to Chief Minister, Odisha / P.S to Minister, Revenue & DM for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue & DM respectively.

15/5/23

Special Secretary to Government

Memo. No. 17302 /R&DM, Dated 15 MAY 2023

Copy forwarded to O.S.D to Chief Secretary, Odisha / P.S to Development Commissioner-cum-Addl. Chief Secretary to Government for kind information of Chief Secretary and Development Commissioner respectively.

15/5/23

Special Secretary to Government

Memo. No. 17303 /R&DM, Dated 15 MAY 2023

Copy forwarded to Deputy Secretary, R&DM (in charge of e-Governance Branch) with a request to upload the Resolution in the Department website / all seats of LR & GE (A) / (B) / (C) Branch of Revenue & DM Department for information and necessary action.

15/5/23

Special Secretary to Government

By Fax/ e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

No. GE (GL) –S- 10/2017- 10894 **/ R&D.M Dated** 31.3.2017

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors

Sub- Clarification regarding realization of premium from the user agencies for use of forest land for mining, industrial and other purposes

Madam/ Sir,

I am directed to say that the erstwhile Revenue & Excise Department vide G.O No. 18758/R dated 07.04.1998 had communicated the decision of Government that the user agencies have to pay the premium for the forest land used for mining, industries or other purposes. The principle regarding determination of quantum of premium for different purposes was also laid down in the aforesaid G.O.

2. Subsequently, this Department vide G.O No. 34969/R&DM dated 31.08.2007, while reiterating the same position, further communicated the decision of Government that the premium shall be collected by the Collector of the concerned district irrespective of the category of the forest land, whether it is of revenue forest, reserved forest, protected forest etc. The said G.O also specified that in all such cases, the user agency need not pay any premium for the non-forest lands alienated in favour of Forest & Environment Department for compensatory afforestation.

3. However, the aforesaid two G.Os of this Department have been quashed by Hon'ble High Court of Orissa in separate judgments passed in different writ petitions and also by the Hon'ble Supreme Court in SLP filed by the State Government against the judgments of Hon'ble High Court in the meantime. Now, the State Government is contemplating to file a fresh Inter Locutory Application before the Hon'ble Apex Court praying for allowing the Government to collect the premium/ user charges of the forest land used by user agencies.

4. Under these circumstances, doubts are being raised in several quarters as to whether the user agencies are liable to pay the premium of the forest land being

1

diverted for non-forest use or not. It has also come to the notice of Government that handing over the forest land to user agencies, for which final approval of Central Government have already been accorded, are getting delayed due to absence of clear-cut guidelines issued from Government.

5. Keeping the above position in view, the Government, after careful consideration, have been pleased to decide that the forest land in respect of which Central Government has accorded final approval for diversion under section 2 of the Forest (Conservation) Act, 1980 may be handed over to the user agency following due procedure of law subject to the condition that the user agency shall furnish an undertaking through an affidavit to the effect that the agency shall pay such amount to the State Government as would be decided in accordance with the final judgment of the Hon'ble Supreme Court in respect of the forest land diverted for non-forest use.

6. Government have further been pleased to decide that in respect of the non-forest government land being alienated in favour of State Forest & Environment Department for compensatory afforestation purpose, the project proponents/ user agencies other than Government projects shall have to pay the cost of such land as per the principles laid down in this Department G.O No. 22958/R&DM dated 04.08.2014 read with G.O No. 31312/R&DM dated 24.10.2014.

Appropriate action may be taken in the matter accordingly.

Yours faithfully,

31/3

Principal Secretary to Government

Memo No. 10895 / RDM Dated 31.3.2017

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

31/3/17

Joint Secretary to Government

Memo No. 10896 / RDM Dated 31.3.2017

Copy forwarded to Forest & Environment Department/ Industries Department/ Steel & Mines Department for information and necessary action.

31/3/17

Joint Secretary to Government

Memo No. 10897 / RDM Dated 31.3.2017

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.

31/3/17

Joint Secretary to Government

Government of Odisha

Board of Revenue, Odisha, Cuttack

(Rajaswa Bhawan, Chandini Chowk, Cuttack-2 : email: igrodisha2012@yahoo.com / for OeSL: IGR PMO)

ରାଜସ୍ୱ ବୋର୍ଡ, ଓଡ଼ିଶା, କଟକ

(Registration Wing)

No. 2915 /Regn. Date 02.08.2017
VIII-4/13

From

Shri U. N. Mallick, IAS
Inspector General of Registration, Odisha

To

All ADM-cum-District Registrars
All Registering Officers

Subject : General Guidelines for registration of documents on the same day and return of the registered document within 03 days of presentation.

Madam/Sir,

On receipt of grievances received in the directorate and from the reports generated in the E-Registration process and feedback received & observation of the Senior Officers of the department during their field visits, it has been noticed that the documents presented for registration are not completed within 03 days of presentation in most of the registration offices causing serious dislocation and failure of delivery of the public service as per the provisions of the ORTPS Act, 2012.

The Principal Secretary to Government, Revenue & D.M. Department during his recent field visit to the Office of the District Sub-Registrar, Bhubaneswar has expressed his displeasure regarding the failure on the part of the Registering Officers to complete the registration of the Documents within 03 days of presentation of the documents. The reasons cited for their failure to do so have not been justified, or appropriate. In most of the cases the documents are kept pending for signature of Registering officers or for scanning and uploading after days of electronic approval in the e-Registration process.

Since the public has a right to public service under ORTPS Act, 2012 to get back their registered documents within a period of 03 working days, failure to do so by the designated officers (District Sub-Registrar/Sub-Registrar) makes them susceptible to the penal provisions of the said Act.

In order to avoid such undesirable and unpleasant situation, all the Registering officers are hereby directed to follow the following guidelines for completion of the documents within one day of presentation and delivery the document within three days when the presentant or his/her authorized person comes to office to receive the documents.

Yours faithfully

02/08/17

Inspector General of Registration
Odisha

Memo No. 2916 Date. 02.08.2017

Copy forwarded to the Principal Secretary to Government, Revenue & D.M. Department, Bhubaneswar for information.

02/08/17

Inspector General of Registration

Memo No. 2917 Date. 02.08.2017

Copy forwarded to all Deputy IGRs for information and they are requested to monitor the completion of registration of documents on the same day and return of the registered documents within 03 days in the sub-ordinate registration offices under their control.

They are also requested to suggest any additional measures/ support services to ensure the return of registered documents within 03 days to the registrant public

02/08/17

Inspector General of Registration

Memo No. 2919 Date. 02.08.2017

Copy forwarded to the Chief Executive Officer, IL&FS Technologies Ltd, Bhubaneswar, for information & necessary action.

02/08/17

Inspector General of Registration

GUIDELINES FOR REGISTRATION OF DOCUMENTS ONE THE SAME DAY FOR RETURN OF THE REGISTERED DOCUMENT WITHIN 03 DAYS OF PRESENTATION

****

1. Notwithstanding the conditions of admissibility as per Rule No. 25 of Odisha Registration Rules, 1988 the documents along with all statutory forms, papers & other documents as applicable shall be received by the Office within the presentation hours i.e. till 2.30 p.m. only. No document shall be accepted for registration if not complete in all respect. (Use the enclosed Checklist Format to ensure that the Document presented is complete in all respect)
2. After necessary checking and assessment of market value of the transacted property in case of documents of Gifts/Sale/Exchange/Partition/Settlement, the Document Application Id shall be created till 3.30 P.M. for the timely completion of the registration process of the documents by 4.30 p.m. at the Operator Level.
3. The biometrics of the parties and generation of fees receipts shall be made on first come first served basis and all the documents after generation of fees receipt & capture of biometrics shall proceed for approval by the Registering office before the close of the Office on the same day.
4. A transit register shall be maintained by the Registering Officer for movement of every document between the Data Entry Operator & Office for tracking of the registration process & time taken for each process.
5. The documents so processed shall be approved by the Registering Officers on the same day positively. The Registering officer may Reject/ keep it pending only for the reasons laid down in the Act and Rules framed there under. The documents cannot be rejected and kept pending for any flimsy reasons.
6. Printing of endorsements shall be made immediately after approval of the document on the same day of approval and shall be signed by the Registering Officer with Seal of the Office on the same day.
7. Scanning & uploading of the signed documents shall be done immediately after seal & signature of Registering Officer. The Data Entry Operators shall be suitably directed by the professional agency for scanning & uploading of the documents promptly without any delay.

8. The Registering Officer shall be ensure that the registration of documents are completed on the same day of presentation and shall be kept ready for return of the registered document within the three days for necessary compliance of the delivery of public service regarding registration of documents under ORTPS Act, 2012.
9. The registering Officers shall immediately report regarding the service deficiency of Data Entry Operators, or regarding any misconduct and undisciplined behaviour of the data entry operator engaged in his office, to the Professional Agency of the E-Registration Process for resolution of the issue within 24 hours of receipt of the complaint.
10. The professional agency is directed to resolve all the issues of malfunctioning of any computer hardware system or the peripheral devices within 24 hours of receipt of the report/complain of malfunctioning of any device by the Registering Officer.
11. The professional agency for operation of E-Registration process is directed to sensitize the data entry operators to strictly follow the workflow and shall resolve the issues of misconduct and undisciplined conduct of the data entry operators by transfer/ substitution/ removal/ deployment of the reported data entry operator within 24 hours of the receipt of the report by the Registering officers.
12. The District Registrars shall strictly monitor and ensure that the documents presented for registration are completed on the same day and are made ready for return to the party within 03 days positively in all possible cases. They are requested to report regarding deficiency of service by the Registering officers to this directorate for necessary action against the defaulting Officers.

Inspector General of Registration

CHECKLIST FOR DOCUMENTS

DETAILS OF THE EXECUTANT/CLAIMANT/ IDENTIFIER/ CONSENTATNT OF A DOCUMENT.

- ◊ Whether Name & Additions such as Age, Father/Mother/Husband's name, caste (General/ Schedule Caste/ Schedule Tribe), profession, Permanent address & Present address complete with Post office, P.S. & Pin code has been mentioned or not
- ◊ Mobile Number of all the parties
- ◊ Id Proof - Any acceptable ID Card has been enclosed or not
- ◊ Aaadhar No. (if available)

REQUIEMENT OF DOCUMENTS/ FORMS/ PAPERS/ DECLARTIONS

- ◊ Properly Executed Document along with its True Copy
- ◊ Maps/ trace maps/ plans etc. in duplicate
- ◊ Passport size photograph with LTI, & Signature on the Document & on its True Copy
- ◊ Copy of R.O.R. and all other supporting documents in proof of title of the immovable property transacted.
- ◊ Copy of Encumbrance certificate from the date of publication of R.O.R. by Settlement/ Consolidation authority till the date of presentation of the Document.
- ◊ Id Proof all the parties (Executants, Claimants, Identifiers, & consentants)
- ◊ I.T. Form No. 60 duly filled in the absence of PAN
- ◊ Caste Certificate if belongs to Schedule Caste/ Schedule Tribe
- ◊ Copy of permission from the competent authority where such permission is required for the transaction of property.
- ◊ Declarations in Form No. A if no structure exists on the transacted plot, & Form No. B (if any structure exists on the transacted land)
- ◊ All other documents like, Aadhaar, PAN required under Rule-9 of the Prevention of Money-laundering (Maintenance of Records) Second Amendment Rules, 2017 where the cash transaction are above Rs 50,000/-

CHECKING OF THE DOCUMENT: Preparation of Checklist Part-I

- ◊ **Date of Execution**
- ◊ **Date of Purchase of Stamp on which the Document has been scribed and it should not be post dated to the date of execution.**
- ◊ **Nature/Classification of Document for chargeability of proper Stamp Duty and Fees (in the Checklist Form Part-I)**
- ◊ **Amount of Stamp Duty, payable and amount of Stamp Duty paid.**
- ◊ **Whether the Document is to be impounded if deficiently stamped.**
- ◊ **Whether the Document is under-valued or not (from Checklist Part-II)**
- ◊ **Whether land transacted, belongs to class of lands prohibited for transaction under Section -22-A of the Registration Act.**
- ◊ **Whether the land has been fully described for proper identification with Jurisdictional R.I. office, Tahasil Office, Registration Office, District, Village, Thana No., Plot No., P.S., Khata No., Plot No., Area Transferred with Total Plot Area, Classification of Land/Kissam of Land, Four boundaries of the Plot if the transacted plot is part plot, Annual Rent Reserved, & market value of the land,**
- ◊ **The Details of the Structure as per Form No. B if existing over the transacted land with cost of ancillary structures, cost of Electric connection/sanitary & water supply facility.**
- ◊ **Details of recitals evidencing the flow of title of the Seller and authority of the Executant to execute the document in case he is not the Recorded tenant of the transacted property.**
- ◊ **Mandatory declarations on the documents as required by Other Acts and Rules**
- ◊ **Living certificate of the Principal on the document where the document is executed by a Power of Attorney Holder.**

When the document is complete in all respect and is admissible for registration the Document Application id shall be generated and the registration process shall be initiated.

02/08/17

Inspector General of Registration

CHECK LIST OF DOCUMENTS
PART – I

1. Name of the Office :

2. Date of Execution :

3. Date on which 04 Months Expires :

4. Date of Presentation :

5. Date of Admission :

6. Document Application Id No. :

7. Nature of Document :

   a. According to the Checking Clerk :

   b. According to the Registering Officer :

8. Consideration Money/
   Valuation Set Forth :

9. Stamp Duty Payable :

10. Stamp Duty Paid :

11. Fees Payable :

12. Fees Paid :

13. Name & Dated Signature of
    the Checking Clerk :

14. Name & Signature of the Registering Officer

    a. Who admitted the Document :

    b. Who registered the Document :

Date .....

Registering Officer

PART –II
(For SLAE/ GIFT/ PARTITION/ EXCHANGE/ SETTLEMENT DEEDS)

Document Id No. ……..…… / 2014 Total Value. ……..……

1. Description of Property

Village/ Thana No.	Plot No.	Area	Value Stated	Categeory/ Kissam

2. BENCHMARK GUIDELINE VALUATION FOR THE CATEGORY OF THE PLOT

Category of the Plot	Plot No.	Value/ Acre

2.A. Volume No. & Page No. of Bench Mark Valuation Register :

2.B Value/Acre of the plot if transacted earlier (From E.C.) :

3. Market Value of Land: Category Area X Value Per Acre = Bench Mark Value Value as stated

Market value of the land (Higher of the two)

4. Market value of the Structure (if any) :

5. Market Value of the Land & Structure :

Total Value of the Property :

6. Whether the document is suspected to be undervalued. :

Date on which referred to Stamp Collector :

7. Name & Signature of the Clerk who worked out the Market Value. :

8. Name & Signature of the Head Clerk supervising the referability. :

Date…….. Name & Signature of the Registering Officer

By FAX
Speed Post

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT
******

No. Stamp- 09/2014- 5569 /R&DM, dated. 20.2.15

From

Dr. Taradatt,
Additional Chief Secretary.

To

The Inspector General of Registration, Odisha, Cuttack

Sub: Amendment of the Indian Stamp (Odisha Amendment) Act, 2014

Sir,

I am to say that the Indian Stamp (Odisha Amendment) Act, 2014 has been made to check the loss of Revenue in the form of stamp duty on power of attorney as some unscrupulous elements are taking advantage of second proviso of the explanation of Article-23 of Schedule-1A. Now, the amended provisions will enable to charge stamp duty on the Power of Attorney (PoA) of immovable property at par with conveyance by relaxing the family members like father, mother, wife, husband, son, daughter, brother or sister in relation to the executant in the State of Odisha.

In the case of "agreement to sell", the stamp duty will be adjusted towards the total amount of duty chargeable on the conveyance at the time of execution of the sale deed by the same person in pursuance of such agreement.

Further to say that the rate of Stamp Duty on execution of deed of Power of Attorney for various items as mentioned in the Article 48 of Schedule 1-A of the Indian Stamp Act, 1899 has also been amended in view of the changing scenario of the market rate of properties, as it was last amended in the year 2003.

The amended Act, 2014 in Schedule 1-A reads as under:-

(a) in article 23, for the explanation including the provisos thereto appearing in column(1), the following Explanation shall be substituted, namely:-

"Explanation,- for the purpose of this article, an agreement to sell involving delivery of possession of any immovable property or a power of attorney, authorizing the person other than those mentioned in clause (g) of article 48, to sell such immovable property, shall be deemed to be a conveyance and accordingly, the stamp duty shall be payable on the instrument on the basis of the market value of the property which is the subject matter of such instrument:

Provided that the stamp duty already paid on such agreement to sell shall at the time of execution of the sale deed by the same person in pursuance of such agreement, be adjusted towards the total amount of duty chargeable on the conveyance."

(b) in article 48,-

(i) for the words "Fifty rupees", "Five rupees", "Twenty rupees", "One hundred rupees" and "Two hundred rupees", appearing in column (2) against clauses (a),(b), (c), (d) and (e), the words "One hundred rupees", "Ten rupees", "Fifty rupees", " Five hundred rupees" and "One thousand rupees" shall, respectively, be substituted; and

(ii) for clause (g), the following clauses shall be substituted, namely:-

"(g) When given to father, mother, wife, husband, son, daughter, brother or sister in relation to the executant authorizing such person to sell immovable property situated in the State of Odisha;	One thousand rupees
(h) in any other case	Twenty rupees for each person so authorized."

Therefore, you are requested to follow the instructions scrupulously by circulating to all concerned. The Indian Stamp (Odisha Amendment) Act, 2014 is enclosed for reference.

Yours faithfully,

20.2.15

Additional Chief Secretary

Speed Post

Memo No 5570 R&DM Dated 20.2.15

Copy forwarded to the all ADM-cum- District Registrars / All District Sub- Registrars/All Sub-Registrars for information and necessary action.

20.2.15
Additional Chief Secretary

Memo No. 5571 /R&DM., Dated. 20.2.15

Copy forwarded Deputy Secretary, IMU Cell for information and necessary action.

20.2.15
Additional Chief Secretary

10 copies to Registration Branch for Guard file.

THE INDIAN STAMP (ODISHA AMENDMENT) ACT, 2014

TABLE OF CONTENTS

PREAMBLE :

SECTIONS :

1. Short title.
2. Amendment of Schedule 1-A.

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 135, CUTTACK, THURSDAY, JANUARY 22, 2015 / MAGHA 2, 1936

LAW DEPARTMENT

NOTIFICATION

The 22nd January, 2015

No. 697-I-Legis-29/2014/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 19th January, 2015 is hereby published for general information.

ODISHA ACT 1 OF 2015

THE INDIAN STAMP (ODISHA AMENDMENT) ACT, 2014

AN ACT FURTHER TO AMEND THE INDIAN STAMP ACT, 1899 IN ITS APPLICATION TO THE STATE OF ODISHA.

BE it enacted by the Legislature of the State of Odisha in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Stamp (Odisha Amendment) Act, 2014.

Amendment of Schedule 1-A.

2. In the Indian Stamp Act, 1899, in Schedule 1-A,— 2 of 1899.

(*a*) in Article 23, for the *Explanation* including the provisos thereto appearing in column (1), the following *explanation* shall be substituted, namely:—

"*Explanation*.—for the purposes of this Article, an agreement to sell involving delivery of possession of any immovable property or a power of attorney, authorizing the person other than those mentioned in clause (g) of Article 48, to sell such immovable

property, shall be deemed to be a conveyance and accordingly, the stamp duty shall be payable on the instrument on the basis of the market value of the property which is the subject matter of such instrument:

Provided that the stamp duty already paid on such agreement to sell shall, at the time of execution of the sale deed by the same person in pursuance of such agreement, be adjusted towards the total amount of duty chargeable on the conveyance."

(b) in Article 48,—

(i) for the words "Fifty rupees", "Five rupees", "Twenty rupees", "One hundred rupees" and "Two hundred rupees", appearing in column (2) under the heading "proper stamp duty against clauses (a), (b), (c), (d) and (e), the words "One hundred rupees", "Ten rupees", "Fifty rupees", "Five hundred rupees" and "One thousand rupees" shall, respectively, be substituted; and

(ii) for clause (g), including the entires, the following clauses shall be substituted, under the appropriate column, namely:—

"(g) When power given to father, mother, wife, husband, son, daughter, brother or sister in relation to the executant authorizing such person to sell immovable property situated in the State of Odisha.	One thousand rupees.
(h) in any other case.	Twenty rupees for each person, so authorized.".

By Order of the Governor

MIHIR RANJAN PARIDA
Principal Secretary to Government (I/c)

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex. Gaz. 1799-173+580

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-Reg-CASEHC-0058-2023/ 45316 /R&DM.,dated 28 DEC 2023

From

Sri Diganta Routroy, OAS (SAG)
Additional Secretary to Government

To

The Inspector General of Registration, Odisha, Cuttack
All Revenue Divisional Commissioners/All Collectors

Sub: Clarification on registration of Sale Certificate.

Sir,

I am directed to invite a reference to this Department letter No. 32814/R&DM., dated 24.10.2016 where in it was clarified that sale certificate issued in favour of auction purchaser by the authorized Officer–cum- Chief Manager under SARFAESI Act requires compulsory registration with payment of stamp duty and registration fees for effecting changes in revenue records as he is neither a Civil nor a Revenue officer.

2. In the case of Esjaypee Impex Pvt. Ltd vrs. -The Assistant General Manager and the Authorised officer Canara Bank (2021) 11SCC, 357, the Hon'ble Supreme Court has upheld that sale certificate issued in favour of the appellant does not require any registration in view of section 17(2) (xii) of the Registration Act,1908 as the same has been granted pursuant to the sale held in public auction by the authorized officer under the provision of SARFAESI Act. Further, the authorized officer under SARFAESI Act is to hand over the duly validated sale certificate to the auction purchaser with a copy to the registering authorities to file in Book-1 as per section 89 (4) of the Registration Act, 1908.

3. The Hob'ble High Court in WP (C) 9307 of 2022- Sebati Tudu vrs. Authorised Officer, Indian Overseas Bank, Bhubaneswar and in WP (C) 13376 of 2023- M/s Padmaprabhu Commodity Trading Private Limited vrs. State and others has passed orders in the aforesaid ratio .

4. The Law Department has been consulted in the matter. The Law Department has advised that the Registering authority is to make necessary entries in Book-1 on production of sale certificate issued by the authorurised officer without registration and payment of stamp duty and registration fees thereof.

This supersedes this Department letter No. letter No. 32814/R&DM dated 24.10.2016 and letter No. 29204/R&DM dated 04.09.2017.

Yours faithfully,

28/12/23

Additional Secretary to Government

Memo No 45317 /RDM dated 28 DEC 2023

Copy enclosure forwarded to All ADM-cum-District Registrars/All Tahasildars/All District Sub-Registrars/All Sub-Registrars for information and necessary action.

Additional Secretary to Government
28/12/23

Memo No 45318 /RDM dated 28 DEC 2023

Copy forwarded to Private Secretary to Hon'ble Minister, R&DM for kind information of Hon'ble Minister, R&DM .

Additional Secretary to Government
28/12/23

Memo No 45319 /RDM dated 28 DEC 2023

Copy forwarded to Private Secretary to Additional Chief Secretary, R&DM Department for kind information of Additional Chief Secretary .

Additional Secretary to Government
28/12/23

by e-mail

15/12/2020

Board of Revenue, Odisha, Cuttack

(Rajaswa Bhawan, Chandini Chowk, Cuttack-2 : email:igrodisha2012@yahoo.com)

(Registration Wing)

NoIX-100/2020 9598 /Regn., dated 14.12.2020

From

Shri Anjan Kumar Manik, IAS
Inspector General of Registration, Odisha, Cuttack

To

All Registering Officers of the State.

Sub: Acceptance of Legal Heir Certificate issued under Rule-5 (2) (iv) of Odisha Miscellaneous Certificates Rules, 2019, for Registration of document relating to transfer of land and buildings.

Madam/Sir,

It has come to the notice of the undersigned from the allegation petitions received from the public, that where the owner of any immovable property is deceased, many Registering Officers of the State are allowing Genealogy Reports, Lineage Reports, Heredity Reports, Survivor in interest Reports, or Old Legal Heir Certificates issued for other purposes and other various reports from the Concerned Tahasildars, which lacks legal sanctity for satisfying themselves regarding the right, title and interest of the transferer(s) for transfer of any immovable property as required Section- 22-A-(2) of The Registration (Odisha Amendment) Act, 2013, **instead of insisting upon the Legal Heir Certificate issued under Rule-5 (2) (iv) of Odisha Miscellaneous Certificates Rules, 2019, for Registration of document relating to transfer of land and buildings,** which is not only a legal blunder, but also a grave irregularity which may warrant disciplinary proceedings.

Therefore, all the Registering Officers are hereby directed to register documents only on the basis of legal Heir Certificates issued by the concerned Tahasildars under Rule-5 (2) (iv) of Odisha Miscellaneous Certificates Rules, 2019, for Registration of registration of document relating to transfer of land and buildings.

They are further directed to verify the genuineness of these certificates from the website https://edistrict.odisha.gov.in/ following the instructions contained under the Note of the Certificate, or by scanning the QR-Code/ Barcode printed on the certificate, before accepting the same for Registration of any Document where the executants of any documents execute the document in the capacity of being the Legal heir(s) of a deceased person.

These instructions should be followed scrupulously and any deviation in this respect shall be viewed very seriously.

Yours faithfully,

14/12/2020

Inspector General of Registration,
Odisha, Cuttack

Memo No. 9599 /Regn. Dated 14.12.2020

Copy forwarded to the Principal Secretary to Govt. Revenue and Disaster Management Deptt., Odisha, Bhubaneswar for information and necessary action.

14/12/2020

Inspector General of Registration,
Odisha, Cuttack

OFFICE OF THE Dist. SUB-REGISTRAR KALAHANDI, BHAWANIPATNA

Memo No. 601 Dt. 15.12.2020

Copy forwarded to the All Sub-Registrar of Kalahandi District for kind information and necessary action.

15/12/2020

SUB-REGISTRAR
BHAWANIPATNA

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2099 CUTTACK, MONDAY, NOVEMBER 18, 2019 / KARTIKA 27, 1941

[No. 35072-RDM-CHS-MISC-0123/2019/R&DM.]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 13th November, 2019

Government have been pleased to abolish the collection of application fee and user fee for issue of Resident, Income, Income & Asset, Legal Heir, Guardianship, ST, SC, SEBC and OBC Certificates to make the service delivery system simple, transparent and citizen friendly. The entire amount of user fee collected for issue of Solvency Certificate, new RoR and Certified copies of RoR shall be retained in the Tahasil Office.

This shall come into force from the date of publication in the *Odisha Gazette*.

ORDER

Ordered that this Resolution be published in the next issue of the *Odisha Gazette* and copies be supplied to all Departments / all Heads of Departments / Board of Revenue/ all RDCs / all Collectors / all Sub-Collectors / all Tahasildars.

By Order of the Governor

NIKUNJA B. DHAL
Principal Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
Ex. Gaz. 1430-173+100

By e-Mail/FAX

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

"""""""""

No. RDM-GOEB-MISC-0018-2019 17141 /R&DM dated 20 JUN 2019

From

Panduram Singh,
Under Secretary to Govt.

To

All RDCs
All Collectors.

Sub: Supply of Odisha Gazette No. 938 Dated 30.05.2019 regarding Amendment of Odisha Miscellaneous Certificates (Amendment) Rules, 2019.

Sir / Madam,

In inviting a reference on the subject noted above, I am directed to send herewith a copy of the Odisha Gazette bearing No. 938 Dated 30.05.2019 regarding Amendment of Odisha Miscellaneous Certificates (Amendment) Rules, 2019 for your information and necessary action.

Yours faithfully,

19.06.2019

Under Secretary to Government

By e-Mail/FAX

Memo No. 17142 /RDM dtd. 20 JUN 2019

Copy with a copy of the enclosure forwarded to all ADM/ all Sub-Collectors/ all Tahasildars for information and necessary action.

19.06.2019

Under Secretary to Government.

By e-Mail/FAX

Memo No. 17143 /RDM dtd. 20 JUN 2019

Copy with a copy of the enclosure forwarded to the e-Governance Branch, R&DM Department for uploading the same in the Department website.

19.06.2019

Under Secretary to Government

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 938 CUTTACK, THURSDAY, MAY 30, 2019 / JAISTHA 9, 1941

[No. 15147–RDM-GOEB-MISC-0018/2019/R&DM.]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 27th May, 2019

After careful consideration, the State Government have been pleased to make the following rules further to amend the Odisha Miscellaneous Certificates Rules, 2017, namely:–

1. Short title, extent and commencement.– (1)These rules may be called the Odisha Miscellaneous Certificates (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

AMENDMENTS

2.In the Odisha Miscellaneous Certificates Rules, 2017 (hereinafter called the said rules), in rule 3, after item (v) of sub-rule (1), the following item shall be inserted, namely :–

"(V-1) Income and Asset Certificate (Form No. VI)";

3. In the said rules, in the "Note" to rule 3, after clause (g), the following clause shall be inserted, namely:–

"(h) The criteria for issue of Income and Asset Certificate to a person belonging to Economically Weaker Section shall be as mentioned below:-

(i) Income and Asset Certificate shall be granted to a person belonging to Economically Weaker Sections (EWSs) who is not covered under the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only) for the benefit of reservation in direct recruitment in civil post and services under the Government of India.

(ii)Income for issue of such Certificate shall include income from all sources, i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

(iii)Persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS irrespective of family income, namely:—

(A)Ac. 5. 00 dec. of agriculture land and above;

(B)Residential flat of 1000 sq. ft. and above;

(C)Residential plot of 100 sq. yards or 900 sq. ft. and above in NACs, Municipalities and Municipal Corporations;

(D)Residential plot of 200 sq. yards or 1800 sq. ft. and above in the areas other than the urban areas mentioned in item (C).

(iv) The term 'Family' for this purpose will include the person who seeks benefit of reservation, his or her parents and siblings below the age of 18 years as also his or her spouse and children below the age of 18 years.

(v) The property held by a 'Family' in different locations or different places or cities would be clubbed while applying the land or property holding test to determine EWS status".

4. In the said rules, in rule 4, in sub-rule (1), after item (v), the following item shall be inserted, namely:–

"(vi) for issuance of Income and Asset Certificate, to a person belonging to Economically Weaker Sections, in Form No.6".

5. In the said rules, in rule 6,-

(a) in sub-rule (4), after item (v), following item shall be inserted, namely:–

"(vi) Income and Asset Certificate --- fifteen days".

(b) in sub-rule (5), after the word "income" and before the word "and" appearing in the first line, the comma and words ", income and assets" shall be inserted; and

(c) the following note may be inserted at the end, namely :-

"Note – In order to be eligible to belong to EWS category, the provisions of the Office Memorandum No. 36039/1/2019-Estt(Res), dated the 31st January, 2019 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, as amended from time to time, shall be applicable.".

Form No. 6

[See Rule 4 (1)(vi)]

APPLICATION FORM FOR ISSUANCE OF INCOME & ASSET CERTIFICATE

1. Personal Details:

Paste Applicant's Photo (Passport size)

Name of the Applicant_____

Father's / Husband's Name_____

Gender _____Marital Status_____

Age _____ Religion _____

Mobile No. _____Aadhaar No._____

e-Mail ID: _____

2. Family Details:

Father's Name:_____

Mother's Name: _____

Spouse Name: _____

Sibling Details:_____
(Below the age of 18 years)

Children Details: _____
(Below the age of 18 years)

3. Permanent Address:

Village / Town _____, Police Station_____

Post Office _____, Tahasil _____

R.I. Circle _____, District _____

Pin _____, State_____

4. Present Address:

Village / Town _____, Police Station_____

Post Office _____,Tahasil _____

R.I. Circle _____, District _____

Pin Code _____, State_____

5. Submitter's Details:

Submitter's Name (*in case the submitter is not the applicant*) _____

Relation with Applicant: _____

6. Purpose: _____

7. Gross annual income of the family (during preceding financial year)

Sl. No.	Source	Income (in Rs.)
1.	Salary	
2.	Business	
3.	Agriculture	
4.	Profession	
5.	Other sources (Please specify)	
Total:		

8. Asset Details

Sl. No.	Asset	Area	Location
1.	Agricultural land (in Acre)		
2.	Residential Flat (in sq.yd /sq.ft)		
3.	Residential Plot in urban area (Municipal Corporation/Municipality/NAC) (in sq.yd /sq.ft)		
4.	Residential Plot in areas other than the urban areas mentioned above at point no. 3 (in sq. yd /sq. ft)		

N.B: 1 sq. yd = 9 sq. ft

9. List of Documents attached

i. Copies of RoR / documents in support of all asset

ii. Voter ID / Aadhaar Card

iii. Copy of Salary Certificate, if any

iv. Income Tax return of last financial year, if any

10. Declaration:

I, Shri/Miss/Mrs. _____ son of / daughter of / wife of _____ age_____, presently residing at village/town_____, Post _____ PS_____ District _____of the State, Odisha, do hereby declare that the information given by me in this application form and its self-attached enclosures are true to the best of my knowledge and that the information furnished is exhaustive and I have not suppressed any fact. That, I am solely responsible for the accuracy of the declaration and information furnished and liable for action under section 199 and 200 of the Indian Penal Code in case of wrong declaration and information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of wrong declaration and information.

Place:
Date:

Signature of the Applicant/
Authorized Representative

* *Strike out which is not applicable*

FORM NO. VI

[See Rule 3 (1) (v-1)]

Government of Odisha

Office of the Tahasildar .....

Miscellaneous Certificate Case No.....of 20.....

INCOME & ASSET CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

Certificate No. .....Date.....

VALID FOR THE YEAR.....

This is to certify that Shri/Smt./Kumari _____son/daughter/wife of _____ permanent resident of _____ Village / Street _____, Post Office_____, District _____ in the State/Union Territory _____, Pin Code _____ whose photograph is attested below belongs to Economic Weaker Sections, since the gross annual income* of his/her "family"** is below Rs.8.00 lakh (Rupees Eight Lakh only) for the financial year_____. His/her family does not own or possess any of the following assets***:

I. Ac. 5.00 dec. of agricultural land and above;

II. Residential flat of 1000 sq. ft. and above;

III. Residential plot of 100 sq. yards and above in notified municipalities

IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities

2. Shri/Smt./Kumari _____ belongs to the _____ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List)

Recent Passport size attested photograph of the applicant

Signature of the Tahasildar

Date.....

Designation (with seal of office)

***Note 1:** *Income covered all sources i.e. salary, agriculture, business, profession, etc.*

****Note 2:** *The term "Family" for this purpose include the person, who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.*

*****Note3:** *The property held by a "Family" in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.*

ORDER

Ordered that this Resolution be published in an Extraordinary issue of the *Odisha Gazette* and copies should be supplied to all Departments / all Heads of Department / all RDCs / all Collectors / all Sub-Collectors / all Tahasildars.

By Order of the Governor

NIKUNJA B. DHAL
Principal Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
Ex. Gaz. 269-173+150

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

***

RESOLUTION

No- RDM-GOEB-MISC-0039-2015- 37203 / R&DM, Dated 27 NOV 2019

1. Short title and Commencement.—(1) These rules may be called the Odisha Miscellaneous Certificate (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Miscellaneous Certificate Rules, 2019, hereinafter referred to as the said rules, in rule 6, after sub-rule (3), the following sub-rule shall be inserted, namely:-

"(3a) The Revenue Officer while issuing certificate in Form No. I, III, IV, V, VI & VII, shall affix the photograph of the applicant in such certificate."

3. In the said rules, in Form No. 1, in serial No. 3, under the heading of Present address, after the expression "State", the following shall be inserted, namely:-

"Residing For : _____ year(s) & _____ month(s)"

4. (a) In the said rules, in Form No. 3, in serial No. 1, under the heading of Personal detail, after the expression "Age", the following shall be inserted, namely:-

"Mother's Name _____" ; and

(b) under the heading " Declaration" for the word "suppressed", the words and symbol "suppressed / misrepresented" shall be substituted.

ORDER

Ordered that this Resolution be published in the next issue of the Odisha Gazette and copies should supplied to All Departments / All Heads of Departments / All R.D.Cs / All Collectors / All Sub-Collectors / All Tahasildars.

By Order of the Governor

27/11/2019

(Nikunja B. Dhal, IAS)

Principal Secretary to Government

Memo No. 37204 R&DM Dated 27 NOV 2019

Copy along with soft copy forwarded to Gazette Cell, Commerce & Transport (Commerce) Deptt. with a request to publish this Resolution in an Extra Ordinary issue of Odisha Gazette immediately and supply 100 (One hundred) copies to this Department.

Additional Secretary to Government

Memo No. 37205 R&DM Dated 27 NOV 2019

Copy forwarded to All Departments/All Heads of Departments/ Secretary, Board of Revenue / All R.D.Cs / All Collectors / All Sub-Collectors / All Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 37206 /R&DM Dated 27 NOV 2019

Copy forwarded to e-Governance branch for uploading the Resolution in the website of this Department.

Additional Secretary to Government

GOVERNMENT OF ODISHA
ELECTRONICS & INFORMATION TECHNOLOGY DEPARTMENT

***

No. 4045 /E&IT
EIT-I-8/2016 (Pt.- II)
EIT-SCH-II-SCHMIT -0003-2019

Bhubaneswar
Dated 27-12-19

NOTIFICATION

In pursuance of R&DM Department Resolution No - 35072/R&DM dtd 13.11.19, the Government in E&IT Department have been pleased to modify this Department Notification No. 2889 Dtd 09.10.13 issued earlier notifying service charges of the Common Service Centres (CSC) operators and District e-Governance Society (DeGS) share for electronic filling, receipt, processing and delivery of certificates/ services under eDistrict Project being implemented in all the 30 districts of Odisha, under the Section 6A of the "The information Technology Amendment Act 2008" in the manner laid down as under:

i. Under eDistrict Project, the list of Services and service specific statutory Government fees shall be notified by Electronics and Information Technology Department/ Other State Government Departments from time to time.

ii. In addition to service delivery through CSCs, citizens may also avail online services under eDistrict Project, as to be specified by the respective Departments.

iii. Apart from statutory Government fees, the DeGS Share wherever applicable shall be paid electronically by the citizens applying directly to avail services at their own convenience, without visiting CSC centers as indicated for services mentioned below, which can be revised from time to time:

Sl#	Services / Certificates	DeGS Share to be Paid by Citizen Electronically
1	Resident Certificate, Income Certificate, Legal Heir Certificate, ST Certificate, SC Certificate, SEBC Certificate, OBC Certificate, Income & Asset Certificate, Guardianship Certificate, Issue of Animal Health Certificate	Rs. 0
2	Solvency Certificate, Disposal of case u/s OLR 8(A), Partition of Land u/s OLR 19(1) (c) , Disbursement of Ex-Gratia	Rs. 2
3	Certified Copy of RoR	Rs. 10

P.T.O

iv. Apart from statutory Government fees, CSC operators shall also collect their Service Charges from the Citizens who wish to avail the below mentioned services by visiting CSC centers as indicated below, which can be revised from time to time.

Sl#	Services / Certificates	Service Charges of CSC Operator	DeGS Share out of Service Charge of CSC Operator
1	Resident Certificate, Income Certificate, Income & Asset Certificate, Legal Heir Certificate, Guardianship Certificate, ST Certificate, SC Certificate, SEBC Certificate, OBC Certificate, Issue of Animal Health Certificate	Rs.18/-	Rs. 0/-
2	Solvency Certificate, Disposal of case u/s OLR 8(A), Partition of Land u/s OLR 19(1) (c) , Disbursement of Ex-Gratia,	Rs.20/-	Rs. 2/-
3	Issuance of Certified Copy of RoR	Rs.20/-	Rs. 10/-

NB :-

i. The CSC operator has to collect Rs. 10/- from the applicant during the filling of Application and collect the balance Rs.8/- for services stated at Sl. No. 1 above and balance Rs 10/- for services stated at Sl. No. 2 & 3 above at the time of Delivery of Certificate/ document.

ii. The Acknowledgement of receipt of Application/ Delivery of Certificate and Payment Received from the Citizen shall be issued free of cost by the CSC Operators to the Citizen.

iii. Scanning Fee per page = Rs.3/- at CSC

iv. Printing Fee per page = Rs. 5/- at CSC

v. No Fees has to be paid by Citizen for filling Grievance (maximum 2 times per service for the service availed through the same (CSC), but for printing acknowledgement if required by citizen for this purpose usual printing charges mentioned at point (iv) will be applicable.

vi. The Scanning and Printing charges for attachments shall be collected extra from the Citizen by the CSC operator as mentioned at Point (iii) & point (iv).

CSC – Common Service Centre (Jana Seva Kendra)

DeGS – District eGovernance Society

- The Scanning and Printing charges for attachments shall be collected extra from the applicant by the CSC Operator / VLE as indicated above.

P.T.O

- The CSC Operator/ VLE will deposit the Statutory Government Fees in the respective Tahasils / Concerned Offices and DeGS share at respective Collectorates as may be communicated by Electronics & Information Technology Department/ Other State Government Departments from time to time.

By order of the Governor

(M. K. Mishra)
Secretary, E&IT

Memo No. 4046 /E&IT Dated 27-12-19

Copy forwarded to the Private Secretary to the Hon'ble Chief Minister, Odisha / Hon'ble Minister, E&IT for kind information of Chief Minister / Minister, E&IT respectively.

Deputy Secretary to Government

Memo No. 4047 /E&IT Dated 27-12-19

Copy forwarded to the Private Secretary to the Chief Secretary, Odisha / Secretary to Government, Electronics & Information Technology Department for information of the Chief Secretary / Secretary, E&IT respectively.

Deputy Secretary to Government

Memo No. 4048 /E&IT Dated 27-12-19

Copy forwarded to all Departments of Government / All Heads of the Department / All RDC / All Collectors / Odisha Computer Application Centre, Bhubaneswar for information and necessary action.

Deputy Secretary to Government

Memo No. 4049 /E&IT Dated 27-12-19

Copy forwarded to the Director, Printing, Stationery and Publication, Odisha, Cuttack for information and publication in the next issue of the Odisha Gazette. He is requested to kindly supply (50) printed copies of this Notification to this Department for record and official use.

Deputy Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-GRC-PGOT-0002-2024- 35086 /R&DM Dated 09 OCT 2024

From

Shri Deoranjan Kumar Singh, I.A.S.
Additional Chief Secretary to Government

To

All Collectors

Sub: Prompt, proper and effective redressal of grievances.

Madam/Sir,

I am to say that prompt, proper and effective resolution of public grievance is the prime duty and most important attribute of an accountable, responsive and citizen centric Government. During my review of pending grievances, it has come to notice that a large number of grievances in Janasunani portal and other forums also remain unaddressed for many days and even months without being properly addressed and resolved in time at the field level. Those grievances are mostly filed for non-availing of various public deliverables arising out of delay caused in disposal of mutation, conversions, Misc. Certificates, demarcation and encroachments, though there has been prescribed timeline for such disposal under Odisha Right to Public service Act, 2012 with daily fine of Rs.250/- Rupees in case of violation. This is also leading to large number of people coming to the state capital to meet higher authorities for their grievance redressal enduring extreme hardships and financial burden.

With a view to ensure time bound, proper, and effective redressal of public grievances, the following instructions are hereby issued which should be strictly adhered to;

1. Each district shall have a designated nodal officer not below the rank of ADM who will be accountable for timely collection of ATR from ground offices. Likewise, all sub-ordinate offices shall have a dedicated grievance cell manned by a suitable official to handle the grievance petitions. Upon receipt of any grievance, an acknowledgement should be given to the petitioner. A Help desk functioning in the office may be used for this purpose.
2. The matter coming under the fold of ORTPS Act, 2012 should be examined and disposed of on merit in accordance with the relevant Rules within prescribed period. The outcome of such disposal shall be intimated to the petitioner immediately.
3. Areas/services of very high public interface which is susceptible to grievance generation should be studied by the senior most officers to find out the attributing factors and simultaneously to bring out remedial measures for improving the processes and systems.

(Contd..2)

4. The nature and cause of grievance where maximum number of petitions are being filed, should be analyzed to find out the root cause and systemic deficiency in laws / Rules and the same may be intimated to the department for bringing out suitable changes with a view to improve processes and delivery.
5. Review of grievance disposal should be taken up in the monthly district revenue meeting where the responsibility in each delayed case should be fixed upon defaulting officer for the dereliction of Govt. duties and failure in delivery of public service to avoid reoccurrence.
6. Assessment of grievance disposal as generated from Janasunani portal and other forums shall be taken up in monthly meeting of all Revenue Officers at the Department level to be chaired by me.

You are, therefore, requested to undertake weekly review of public grievance redressal and to impress upon all the field level functionaries to attach high priority to timely disposal of grievance petitions. Any laxity noticed at any level will be viewed very seriously and exemplary disciplinary action will be taken against officer concerned.

Yours faithfully,

09/10/2024

Additional Chief Secretary to Govt.

Memo No. 35087 /R&DM Dated 09 OCT 2024

Copy forwarded to P.S to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister, Revenue & DM.

9-10-2024

Joint Secretary to Govt.

Memo No. 35088 /R&DM Dated 09 OCT 2024

Copy forwarded to OSD to Chief Secretary for kind information of Chief Secretary.

9-10-2024

Joint Secretary to Govt.

Memo No. 35089 /R&DM Dated 09 OCT 2024

Copy forwarded to All RDCs for information. They are requested to review and monitor redressal of public grievances in every monthly review meeting and to ensure maximum resolution at District level without causing the petitioner to move higher forums. An assessment index of all offices under the division should be drawn up and the officers below the benchmark of 80% of disposal be taken to task.

9-10-2024

Joint Secretary to Govt.

*The Orissa Public Demands Recovery Rules, 1963

(23rd December 1963)

No. 766-1-Spl-53/63-M.R. In exercise of the powers conferred by Section 47 of the Orissa Public Demands Recovery Act, 1962 (Orissa Act 1 of 1963), the Board of Revenue, with the previous sanction of the State Government, do hereby make the following Rules, the same having been previously published as required under sub-section (1) of the said section of the said Act :-

PART 1

PRELIMINARY

1. Short title and Commencement -(1) These Rules may be called the Orissa Public Demands Recovery Rules, 1963.

(2) They shall come into force on the date on which the provisions of the Act come into force.

2. Definition -In these rules, unless the context otherwise requires,

(1) "Act" means the Public Demands Recovery Act, 1962 (Orissa Act 1 of 1963);

(2) "Execution" in relation to as certificate means recovery in pursuance of the public demands which is due;

(3) "Principal Rules" means the rules contained in Schedule II to the Act; and

(4) "Section" and "Schedule" means respectively section of, and Schedule to the Act.

PART II

REQUISITIONS FOR CERTIFICATE

A. Certificate Officers to whom requisitions should be addressed:

3. Jurisdiction of Certificate Officers appointed by the Collector -(1) The Officers appointed by a Collector under clause (d) of section 2 to perform the functions of the Certificate Officer shall exercise jurisdiction in respect of such areas and for such class of cases as the Collector may at the time of appointment direct in such case with the sanction of the Revenue Divisional Commissioner.

** O.G.No, 52-Part III -dated 27-12-1963.*

(2) While appointing an officer as Certificate Officer with the sanction of the Revenue Divisional Commissioner and in the case of Sub divisional Officers who are Certificate Officers in pursuance of clause (b) of section 2, the Collector may specify the class of cases, namely, requisitions from the Department or Departments, the Local Body or Bodies or class or classes of Local Body or Bodies and persons, if any, in respect of which or whom each such Officer will be competent to receive requisitions.

(3) Requisition of a particular Department or of a particular Local Body or person shall be addressed to the Certificate Officer appointed for the Department or Local Body or person concerned, having jurisdiction upon the place where the public demand, for the recovery of which requisition is sent, is payable.

4. Draft certificate to accompany the requisition -The Requisitioning Officer shall prepare draft certificate in Form No.1 given in the Appendix to the Principal Rules and send the same to the Certificate Officer having jurisdiction along with the requisition in Form No.2 given in the Appendix to the said rules.

5. Details of properties to be furnished along with the requisition -(1) The Requisitioning Officer shall furnish along with the requisition a statement giving the detailed specification of landed properties, if any, proposed to be attached and sold, in execution of the certificate, including information relating to the extent of land, survey or holding and plot numbers, etc. In the event of any landed property having been given a security for the public demand, for the recovery of which requisition is filed, there shall be specific mention of the details of such properties in the statement to accompany the requisition.

(2) Where the property proposed to be attached in any business or partnership property, the details shall be furnished in the statement to accompany the requisition. Where names of firms have been given, the names and addresses of partners concerned in case of registered firms or the names and addresses of the persons having interest in the firms in case of non-registered firms shall be furnished in the statement aforementioned.

B. Cases in which requisitions shall not be chargeable with fees

6. Exemption of certain kinds of requisitions from payment of Court fees- Requisitions of the kind specified hereunder are exempted from payment of Court-fees to the extent mentioned against each-

(a) Requisitions made in respect of public demands payable to Government Officers are not chargeable with any Court-fee.

(b) Wards estates in the State of Orissa which have difficulty in finding the money for purchase of stamps in advance are exempt from pre-payment of *ad valorem* and process fees in certificate cases, subject to the condition that no question of remission of the fees will be considered, however insolvent the estate may be. The Board of Revenue shall be the authority to decide whether or not an estate should be exempted from pre-payment of fees above-mentioned for a given period.

(c) Sarbarakars, Gountias or similar revenue collecting agents, who, under the terms of settlement made with them, have previously paid to Government the rent, cess, water rate, irrigation cess or similar other dues are exempt from pre-payment of *ad valorem* and process fees in certificate cases for recovery of such dues payable to them,

subject to the conditions that the concession aforesaid may be withdrawn by the Collector with the approval of the Revenue Divisional Commissioner from any Sarbarakar or Gountia or similar revenue collecting agent, who may be found to be abusing it and that in all cases in which the certificate is struck off or the dues are not realised, the Sarbarakar, Gountia or similar revenue collecting agent shall pay the fees immediately he is called upon to do so.

(d) Other special cases where the State Government or Board of Revenue may from time to time, for reasons to be recorded in writing, grant exemption from payment of Court-fee subject to such conditions as may be imposed in each individual case.

PART -III

EXECUTION OF CERTIFICATE

A. Attachment of movable property

7. Application for attachment of movable properties in the possession of the certificate-debtor -When an application is made for the attachment of movable property in the possession of certificate-debtor, the certificate-holder shall declare whether the value of the property is above Rs. 20 or below. If the property is declared to be above Rs. 20 in value, the certificate-holder shall pay the costs of issuing the proclamation of sale. Should the value of property having been declared to be Rs.20 or under be found to exceed Rs. 20, the certificate-holder shall pay the costs of issuing proclamation of sale immediately on receipt of the notice of attachment:

Provided that the requirements of this rule shall not apply to the public demand payable to any Government.

8. Warrant of attachment -Except as otherwise provided in the Act, in the Principal Rules and in these rules, when any movable property is to be attached, the Certificate Officer shall issue in writing and signed by him a warrant in Form No.A given in Appendix A of these rules to the Officer ordered to execute the attachment, specifying the names of the certificate-debtor and the amount to be realised from him.

9. Service of copy of warrant -The Officer executing the warrant shall cause a copy of the same to be served on the certificate-debtor.

10. Attachment -If, after service of the copy of warrant, the amount is not paid forthwith, the Officer executing warrant shall proceed to attach the movable property of the certificate-debtor.

11. Attachment of partnership of property -(1) Where the property to be attached consists of an interest of the certificate-debtor, being a partner, in the partnership property, the Certificate Officer may make an order in Form No. J given in Appendix A to the rules charging the share of such partner in the partnership property and profits with payment of the amount due under the certificate, and may, by the same or subsequent order, appoint a receiver of the share of such partner in the profits, whether already declared or accruing and of any other money which may become due to him in respect of the partnership, and direct accounts and enquiries and make an order for the sale of such interest or such other order as the circumstances of the case may be.

(2) The other partner or partners shall be at liberty at any time to redeem the interest charged, or in the case of a sale being directed, to purchase the same.

12. Inventory -In the case of attachment of movable property by actual seizure, the Officer attaching shall, after attachment of the property prepare an inventory in Form K given in Appendix A to these rules of all the property attached, specifying in it the place where it is longed or kept and shall forward the same to the Certificate Officer. A copy of the inventory shall be delivered by the Attaching Officer to the certificate-debtor.

13. Attachment not to be excessive -The attachment of movable property by seizure shall be as nearly as possible proportionate to the amount specified in the warrant of attachment.

14. Procedure for the attachment of movable property when its value up to Rs. 20 or above -When the Attaching Officer believes that the property attached does not exceed Rs. 20 in value, he shall inform the certificate-debtor or, in his absence, any adult member of his family that it will be sold by public auction at once without the issue of any proclamation. In case the certificate-holder, or certificate-debtor, or any person on his behalf objects to this, the Attaching Officer shall convene a Panchayat of not less than three respectable adult inhabitants of the neighbourhood, of whom the ward member of the Grama Panchayat of the village shall be one, and shall require them to assess the value of the property. If they determine that it exceeds Rs. 20 in value, the Attaching Officer shall deal with it according to the Rule for, sale of movable property exceeding Rs. 20 in value; otherwise, he shall proceed forthwith to sell it by auction, after giving such reasonable notice as the circumstances of the case admit of to intending purchasers.

15. Order for payment of coin or currency notes to the certificate holder -(1) Where the property attached is current coin or currency notes, the Certificate Officer may, at any time during the continuance of the attachment, direct that such coin or notes or part thereof sufficient to satisfy the certificate be paid over to the certificate-holder.

16. Fees to be charged where attachment of movable property is by actual seizure- (1) Where warrant of attachment of movable property by actual seizure is issued, fees at the following rates shall be charged, and the Officer deputed to attach such property shall be furnished with a certificate setting the period for which the fees in accordance with this rule have been paid.

(i) When the amount under the certificate exceed	Rs.	1000-00
(a) for the seizure under the order of attachment	Rs.	3-00
(b) for each man necessary to ensure safe custody of property so attached when such man is actually in possession per diem.	Rs.	0-75
(ii) When the amount under certificate is Rs. 1000 or under, but above Rs. 50-00.		
(a) for the seizure under order of attachment	Rs.	2-00
(b) for each man necessary to ensure the safe custody of property so attached, when such man is actually in possession per diem	Rs.	0-50

(iii) When the amount under certificate is

Rs. 50-00 or under -

(a) for the seizure under order of attachment	Rs.	1-00
(b) for each man necessary to ensure the safe custody of property so attached, when such man is actually in possession per diem	Rs.	0-50

(2) Where process of attachment is issued in a number of cases relating to the same or neighbouring village, the fee (a) referred to above shall be paid in each case, and the daily fee, (b) only for the men actually employed. The daily fee (b) shall be paid at the time of obtaining the process for so many days as the Certificate Officer shall order, not being ordinarily less than fifteen days, and the number of days required for the coming and going of the Attaching Officer; but where the Officer is not to be left in possession, then the daily fee shall be paid only for the time to be occupied by the Officer going, effecting the attachment and returning. Where the inventory filed by the certificate-holder shows the property to be of such small value the expense of keeping it in custody may probably exceed the value, the Certificate Officer shall fix the daily fee with reference to the provisions of rule 13 of the principal rules:

Provided that, if it appears that for any reason the number of days fixed by the Certificate Officer under this rule and in respect of which fees have been paid is likely to be exceeded and the certificate holder desires to maintain the attachment, the Certificate holder shall apply to the Certificate Officer to fix such further number of days as may be necessary, and the additional fees in respect thereof shall be paid in the manner provided in sub-rule (3). If such additional fees be not paid within the period originally fixed and in respect of which fees have been paid, the attachment shall cease on the expiry of that period.

(3) The fees prescribed by this rule shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of court-fee stamps affixed to the petition in addition to the stamps necessary for its own validity.

B. Maintenance and custody, while under attachment of live-stock and other movable property

17. Custody of attached live-stock with the certificate-debtor- Notwithstanding anything contained in rule 13 of the principal rules the Attaching Officer may, with the approval of Certificate Officer entrust, subject to his right of supervision, any live-stock seizure in the custody of the certificate-debtor on his giving a receipt and executing a bond in Form No. M given in Appendix A of these rules, subject to the conditions specified hereunder-

(i) He shall not sell, give away, transfer, mortgage or otherwise alliance or encumber the attached live-stocks;

(ii) He shall take the responsibility of feeding and tending the attached live-stock in his custody;

(iii) He shall intimate forthwith to the Certificate Officer concerned any permanent injury, casualty or loss in respect of any live-stock kept in his custody, specifying the cause thereof. If the Certificate Officer is satisfied on enquiry that the permanent injury, casualty or loss was on account of negligence or carelessness of the certificate-debtor, the latter shall be liable to indemnify the damage or loss as the case may be;

(iv) He shall, on receipt of intimation from the Certificate Officer produce before the latter or any other Officer entrusted with the sale, at his own cost on the date and place fixed for the sale, the attached live-stock kept in his custody.

18. Custody of attached live-stock with a person other than the Attaching Officer- In the event of the certificate-debtor expressing his unwillingness or inability to keep the attached live-stock in his custody, the Attaching Officer, with the approval of the Certificate Officer may entrust the attached live-stock to any other fit person in the locality under his own supervision. The Certificate Officer may fix the remuneration to be allowed to such person, after taking into account the local circumstances and charges which such person may have to incur for the maintenance and the custody of such live-stock.

19. Cost for feeding live-stock and expenses attending its removal to Certificate Office- If no fit person in the locality is available for keeping custody of the attached live-stock, the Attaching Officer shall call upon the certificate-holder either to pay for feeding it on the spot, or for the expenses attending its removal to the office of the Certificate Officer. If the certificate-holder fails to provide for either, the officer shall report the matter without delay to the Certificate Officer, who may thereupon withdraw the attachment.

20. Responsibility of Nazir or other officer for safe custody and proper feeding- When attached live-stock is brought to the office of the Certificate Officer the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said live-stock, shall be responsible for the safe custody and proper feeding of it so long as the attachment continues.

21. Custody of live-stock in pounds- If there is a legally constituted pound in or near the office of the Certificate Officer, the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said live-stock shall be at liberty to place in it such attached live-stock, as can properly be kept there, in which case the pound-keeper shall be responsible for the property to the Nazir or any other Officer ordered by the Certificate Officer to keep custody of the said live-stock and shall receive the same rates for the accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

22. Custody of live-stock otherwise than in pound -If there be no pound available, or if, in the opinion of the Certificate Officer it be inconvenient to lodge the attached live-stock in the pound, the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said live-stock may keep it in his own premises, or he may entrust it to any person selected by himself and approved by the Certificate Officer.

The Certificate Officer shall, from time to time, fit the rates to be allowed for the custody and maintenance of the various description of live-stock with reference to seasons and local circumstances. The Collector may make any alternations he deems fit in the rates to be prescribed.

23. Removal of attached property other than live-stock to the Certificate Officer -If no suitable place can be found in the village for the safe custody of the attached property other than live-stock, the Attaching Officer shall remove the property to the office of the Certificate Officer at the certificate holder's expense. In the event of the certificate-holder failing to provide the necessary funds the attachment shall be withdrawn.

24. Debtor's consent to sale of property under attachment-If the debtor gives his consent in writing to the sale of the property without awaiting the expiry of the prescribed term, the officers shall receive and forward the writing without delay to the Certificate Officer for orders.

25. Custody of property under attachment at the Certificate Office or under the supervision of the Nazir or any other officer as directed by the Certificate Officer -When the property is removed to the office of the Certificate Officer, it shall be kept by the Nazir or any other Officer as directed by the Certificate Officer on the sole responsibility of the former in such place as may be approved by the Certificate Officer. If the property cannot, from its nature or bulk, be conveniently kept in the office premises, or in the personal custody of the Nazir or any other officer directed by the Certificate Officer to keep custody of the attached property, he may subject to approval by the Certificate Officer, make such arrangement for the safe custody under his own supervision as may be most convenient and economical and the Certificate Officer may fix the remuneration to be allowed to any person not being an officer subordinate to the Certificate Officer, in whose custody property is kept.

26. Custody of attached cash securities, etc.- Notwithstanding anything contained in rules 23 to 25 in the event of attachment of cash, Government or other securities, bullion, jewellery or other valuables, the Certificate Officer may send them for safe custody to the nearest Government Treasury.

27. Claim of any person other than the certificate-debtor to property under attachment -When property remains at the place where it is attached in the custody of the Attaching Officer, and any person other than the certificate-debtor claims the same, or any part of it, the officer shall nevertheless, unless the certificate-holder desires to withdraw the attachment of the property so claimed, remain in possession and shall direct the claimant to prefer his claim to the Certificate Officer.

28. Withdrawal of attachment -If the certificate holder withdraws an attachment or if it be withdrawn under rule 19 or rule 23 of these rules, the Attaching Officer shall inform the debtor or in his absence, an adult member, of his family, that the property is at his disposal.

In the absence of any person to take charge of it, or in the case the officer shall have had notice of claim by a person other than the certificate-debtor, the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

***[28-A. Expenses of custody, maintenance, etc. of live-stock**- The expenses of maintenance and custody of live-stock as provided in rules 18, 21 and 22 and the remuneration payable to the person entrusted with the custody of the attached live-stock

---

*Inserted by Notification No. 269, dated 7-3-1964.

under rule 18 shall on being called upon by the Certificate Officer, be paid by the certificate-holder. If the certificate-holder fails to deposit the same, the Certificate Officer may withdraw the attachment.]

C. Attachment of immovable property

29. Service of notice of attachment -A copy of the order of attachment shall be served on the certificate-debtor.

30. Proclamation of attachment -The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode. A copy of the order shall be affixed on a conspicuous part of the property and on the Notice Board of the Certificate Officer. Where the property is land paying revenue to Government, a copy of order shall be similarly affixed in the office of the Tahasildar of the Tahasil in which the land is situated or where there is no Tahasildar in the office of the Sub-divisional Officer of the subdivision in which the land is situated. Where the property is situated within the cantonment limits, the order shall be similarly affixed in the office of the Local Cantonment Board and the Military Estates Officer concerned, and where the property is situated within the limits of a Municipality or Notified Area Council, in the office of the Municipality or Notified Area Council within the limits of which the property is situated.

31. Effect of attachment -The order of attachment shall be deemed to have been made as against transferees without consideration from the certificate-debtor, from the date of the order of attachment and as against all other persons from the date on which they respectively had knowledge of the order of attachment or the date on which the order was duly proclaimed under Rule 30, whichever is earlier.

32. Date from which the attachment shall take effect –Where any immovable property is attached, the attachment shall relate back to and take effect from the date on which the notice under Section 6 of the Act or the notice of attachment under Rule 29 was served on the certificate-debtor, whichever is earlier.

D. Sale Generally

33. Prohibition against sale on holidays -No sale under the Act and the rules framed thereunder shall take place on a Sunday or other general holiday recognised by the State Government or any other date which has been notified by the State Government or any other competent authority to be a local holiday for the area in which the sale is to take place.

34. Sale by public auction -Sale shall be by public auction to the highest bidder and shall be subject to the confirmation by the Certificate Officer.

35. Authority to bid -All persons bidding at the sale shall be required to declare if they arc bidding on their own behalf or on behalf of their principals. In the latter case, they shall be required to deposit their authority and on default they shall be debarred from participation in the bid. .

36. Sale to be held by whom and his remuneration -If the Certificate Officer is of the opinion that it will be more advantageous to entrust the sale of property to any person other than an official subordinate, he may appoint a fit person for the purpose and may fix the remuneration to be allowed to him for rendering such services. The remuneration payable to such person shall be deemed to be the costs of the sale.

37. Reserve price -It shall be competent for the Certificate Officer to fix a reserve price in respect of any property, other than agricultural produce, to be sold and order that any bid shall be accepted only on condition that it is not less than the said reserve price.

38. Deposit of the sale money with the Certificate Officer –In the event of any person other than the Certificate Officer conducting the sale, he shall forthwith deposit the entire amount received by him from the purchaser of the property with the Certificate Officer and shall submit a report of the sale to the Certificate Officer.

39. Sale of properties of value exceeding Rs.20 -Sale of property under the proviso to rule 13 of the principal rules and of movable property not exceeding Rs.20 in value, shall be held on the spot or at the nearest market place or at the headquarters of the Certificate Officer. Sales of movable property of value exceeding Rs.20 shall take place only after the issue of proclamation as required under Rule 55 of the Principal Rules. Such sales may be held on the spot or at the nearest market place or at the headquarters of the Certificate Officer, as may deem convenient and conducive to the securing of goods prices; provided that the place and time of sale are notified in the proclamation.

E. Sale of movable property

40. Sale to be by auction -The property shall be sold by public auction in one or more lots, as the officer conducting the sale may consider advisable, and if the amount to be realised by sale is satisfied by the sale of a portion of the property, the sale shall be immediately stopped with respect to the remainder of the lots.

41. Sale of negotiable instruments and shares in a corporation through broker -Notwithstanding anything contained in the Principal Rules and in these rules, where the property to be sold is a negotiable instrument or a share in a corporation, the Certificate Officer may, instead of directing the sale to be made by public auction, authorise the sale of such instrument or share through a broker.

42. Purchase by the certificate-holder -(1) No holder of a certificate in execution of which movable property is sold except in the case covered by Sub-rule (2) of Rule 30 of the Principal Rules, shall, without the express permission of the Certificate Officer, bid for or purchase the property.

(2) Where a certificate-holder purchases with such permission, the purchase-money and the amount due on the certificate may be set off against one another, and the Certificate Officer executing the certificate shall enter up satisfaction of the certificate in whole or in part accordingly.

(3) Where a certificate-holder purchases by himself or through another person without such permission, the Certificate Officer may, if he thinks fit, on the application of the certificate-debtor or any other person whose interests are affected by the sale, by written order set aside the sale, and the costs of such application and orders, and any deficiency of price which may happen on the re-sale and all expenses attending it shall be paid by the certificate-holder.

F. Sale of immovable property

43. Registration of sale -Every Certificate Officer granting a certificate of sale to the purchaser of immovable property sold in execution of a certificate shall send a copy of such certificate to the Registering Officer concerned under the Indian Registration Act, 1908, within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in the certificate is situated.

G. Appointment, powers and duties of Receiver

44. Appointment of receiver for business -(1) Where the property of a certificate-debtor consists of a business, the Certificate Office may attach the business and appoint a person as receiver to manage the business.

(2) Attachment of a business under this rule shall be made by an order in Form No. V given in Appendix-A of these rules prohibiting the certificate-debtor from transferring or changing the business in any way and prohibiting all persons from taking any benefit under such transfer, changes and intimating that the business has been attached under this rule. A copy of the order of attachment shall be served on the certificate-debtor, and another copy shall be affixed on a conspicuous part of the premises in which the business is carried on and on the notice board of the Certificate Officer.

45. Appointment of receiver for immovable property –Where immovable property is attached, the Certificate Officer may, instead of directing a sale of the property, appoint a person as receiver to manage such property.

46. Powers of receiver -(1) Where any business or other property is attached and taken under management under Rules 44 and 45, the receiver shall, subject to the control of the Certificate Officer, have such powers as may be necessary for the proper management of the property and the realisation of the profits, or rents and profits thereof.

(2) The profits, or rents and profits of such business or other property, shall, after defraying the expenses of management, be adjusted towards discharge of the certificate dues, and the balance, if any, shall be paid to the certificate-debtor.

47. Withdrawal of management -The attachment and management under Rules 44 to 46 may be withdrawn at any time at the discretion of the Certificate Officer, or if the certificate is discharged by receipt of such profits and rent or the certificate-dues are otherwise paid.

48. Powers of a receiver -A receiver appointed under Rules 44 and 45 shall have all such powers, as to bringing in and defending suits and for the realisation, management, protection and preservation of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents, as the owner himself has, or such of those powers as the Certificate Officer thinks fit.

49. Remuneration of a receiver -The Certificate Officer may, by general or special order, fix the amount to be paid as remuneration for the services of the receiver.

50. Duties of a receiver -(1) Every receiver so appointed shall-

(a) furnish such security (if any) as the Certificate Officer thinks fit, duly to account for what he shall receive in respect of the property;

(b) submit his account at such periods and in such form as the Certificate Officer directs;

(c) pay the amount due from him as the Certificate Officer directs; and

(d) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

(2) The receiver shall maintain true and regular accounts of the receivership and shall in particular maintain a cash book in which shall be entered from day-to-day all receipts and payments and also a ledger. He shall also maintain a counterfoil receipt book

with the leaves numbered serially in print, from which shall be given as far as possible, all receipts for payments made to the receiver.

(3) Unless the Certificate Officer otherwise directs, the receiver shall, as soon as may be, after his appointment, open an account in the name of the receivership in such Bank or Treasury as the Certificate Officer may direct and shall deposit therein all moneys received in the course of the receivership immediately on receipt thereof save any minimum sums that may be required for meeting day-to-day current expenses. All payments by the receiver shall, as far as possible, be made by cheques drawn on the Bank/Treasury account.

(4) Unless otherwise ordered, a receiver shall submit his accounts once in every three months. The first of such accounts commencing from the date of his appointment and ending with the expiry of the said period of three months and the subsequent accounts brought down to the end of each succeeding period of three months, within fifteen days of the expiry of each such period of three months.

51. Enforcement of receiver's duties -(1) Where a receiver fails to submit his accounts at such periods and in such form as the Certificate Officer directs, the Certificate Officer may direct his property to be attached until such time as such accounts are submitted to him.

(2) The Certificate Officer may at any time make an inquiry as to the amount, if any, due from the receiver, as shown by his accounts or otherwise, or any enquiry as to any loss to the property occasioned by his wilful default or gross negligence and may order the amount found due, if not already paid by the receiver under Rule 50 or the amount of the loss so occasioned, to be paid by the receiver within a period to be fixed by the Certificate Officer.

(3) Where the receiver fails to pay any amount which he has been ordered to pay under Sub-rule (2) within the period specified, the Certificate Officer may direct such amount to be recovered from the security (if any) furnished by the receiver or by attachment and sale of his property or, if his property has been attached under Sub-rule (1), by the sale of such property, and may direct the sale-proceeds to be applied in making good any amount found due from the receiver or any such loss occasioned by him and the balance (if any) of the sale proceeds shall be paid to the receiver.

(4) If a receiver fails to submit his accounts at such periods and in such form as directed by the Certificate Officer without reasonable cause or improperly retains any cash in his hands, the Certificate Officer may disallow the whole or any portion of the remuneration due to him for the period of the accounts with reference to which the default is committed and may also charge interest at a rate not exceeding 12 per cent per annum on the moneys improperly retained by him for the period of such retention without prejudice to any other proceedings which might be taken against receiver.

52. Form of order of appointment of a receiver -An order of appointment of a receiver under Rule 44 or 45 of these rules shall be made in Form No. W given in Appendix- A of these rules, which may be so varied as the circumstances of each case may require.

H. Registration of interest in immovable property

52-A. Application for registration of the name etc., of the person interested –

(1) Any person whose interests in respect of any immovable property may be affected by the sale of the same may apply to such Certificate Officer as he considers

necessary for registration, on payment of a fee of Rs.5, of his name and address and the immovable property in which he is interested for the purposes of receiving intimation from the Certificate Officer about the intended sale of such property.

(2) Separate application shall be made and separate fee shall be payable for registration of immovable property lying in each Tahsil.

(3) Where the headquarters of the Certificate Officer to whom application is made under Sub-rule (1) is situated at a place having a treasury or sub-treasury, the fee shall be deposited in the treasury or sub-treasury, as the case may be, and the application for registration shall be accompanied with a copy of the chalan in which the fee has been deposited.

(4) In the event of Certificate Officer's headquarters being located at a place having no treasury or sub-treasury, the fee shall be deposited in the office of the Certificate Officer concerned at the time of filing the application.

(5) The application shall specify the name and full address of the person whose name is sought to be registered, the detailed particulars of the immovable property which he is interested, the amount of fees and penalty, if any, deposited for the purpose of registration and if the application is for renewal of registration, the registration number.

(6) If the Certificate Officer is satisfied on scrutiny of the application that it is complete in all respects, he shall order registration of the name and address of the applicant in a register in Form "AB' given in Appendix-A and keep a note in the register of detailed particulars of the immovable property in respect of which the registration is made.

(7) The applicant shall be intimated in writing his registration number.

(8) The registration shall take effect from the date of order under Sub-rule (6) and shall expire on the 31st day of March next following:

Provided that if an application is made at any time prior to the 1st day of March and the applicant requires the registration to be effective from the 1st day of April next following, the registration shall take effect accordingly:

Provided further that in case of an application filed in the month of March, if the applicant pays a penalty of Rs.3 along with the registration fee and requires the registration to be effective from the 1st day of April next following, it shall be permitted.

(9) Sub-rules (1) to (8) shall apply to applications for renewal of registration also.

52.B. Intimation of intended sale to the person interested - (1) If any of the registered immovable property is notified for sale by the Certificate Officer in whose office the property has been registered, he shall immediately on the making of proclamation for sale under Rule 26, give intimation in Form 'AC' given in Appendix-A to the person interested in the said property whose name appears in the register in Form 'AB'.

(2) The intimation shall be sent by registered post with acknowledgement due.

PART -IV

Scale of fees for process, charges for other proceedings and poundage fees

A. Process fees

53. Scale of process fees -Save as otherwise provided in the Principal Rules and in these rules the fees for service and execution of process issued under the Act and the rules shall be charged in accordance with the scale prescribed in Appendix-B of these rules. The fees shall be paid in Court-fees stamps.

B. Poundage fees

54. Levy of poundage fees -(1) Poundage fees shall be leviable in Court fee stamps in all cases of sale under the Orissa Public Demands Recovery Act, 1962, at the rate of five per cent, on the gross amount realised by the sale upto Rs.1,000 and at the rate of 3 per cent on all excess of gross proceeds beyond Rs.1,000 :

Provided that, where a sale of immovable property is set aside under Sub-section (2) of Section 30 of the Act, any poundage or other fee charged for selling the property shall, on application, be refunded.

(2) The percentage leviable shall be calculated on multiples of Rs.20, that is to say, a poundage fee of one rupee shall be levied for every Rs.20 or part of Rs.20, realised by the sale up to Rs.1,000 and in the case of the sale exceeding Rs.1 ,000 and additional fee of Rs.0.60 np. shall be levied for every Rs.20 or part thereof of the excess proceeds above Rs.1 ,000.

(3) In cases in which several properties are sold in satisfaction of one certificate, only one poundage fee, calculated on the gross sale-proceeds, shall be levied, Rupees 5 per cent being charged on the gross sale-proceeds up to Rs.1,000 and Rupees 3 per cent on such proceeds exceeding Rs.1 ,000.

(4) The proceeds of a sale effected in execution of any certificate may be paid out of Court only on an application made for that purpose in writing and the poundage fees for selling the property shall be paid by stamps affixed to the first of such applications, whether it be, or be not, made by the person who obtained an order for sale, or whether it does, or does not extend to the whole of the proceeds. No fee shall be chargeable upon any such application subsequent to the first.

(5) In cases in which the certificate-holder applies for leave to purchase under Rule 42 (1), no order to set off the purchase-money against the amount of certificate shall be made upon the application for leave to purchase. Such order shall be made upon a petition presented after the property has been knocked down to the certificate-holder at the auction sale such petition shall be stamped with stamps of the value of the poundage fee due for selling the property.

55. Addition of costs, etc. to certificate and payment by certificate holder of purchase money in excess of the amount of certificate - Upon hearing of the petition referred to in Rule 54 (5), the costs of execution, including the amount of the stamps attached to the petition, shall be ascertained and shall be added to the certificate; and in cases in which the amount of the purchase money exceeds the amount of the certificate and of such costs, the certificate-holder who has so purchased the property shall pay to the Certificate Officer the sum of 25 per cent upon the balance of the purchase-money after deducting the amount of the certificate and of such costs, and shall pay the balance

on or before the fifteenth day from the sale in accordance with Rule 45 of Schedule II of the Act.

C. Cost of Certificate Establishment

56. Cost of certificate establishment -The costs that shall be awarded on all certificates filed under Section 3 of the Act and those instituted on requisitions for recovery of public demands under Section 4 of the Act towards the recovery of cost of the certificate establishment, shall be subject to the following limitations, namely:

The said cost shall not exceed the ad *valorem* fee payable under the Court-fees Act, 1870, in respect of the amount claimed and shall not be less than the graded scale of amounts shown in the Schedule hereto annexed. This amount shall be added to the cost of the certificates and recovered in cash from the certificate-debtors.

Schedule of minimum cost

	Rs. nP.
Demands not exceeding Rs.10	0. 30
Demands exceeding Rs.10 but not exceeding Rs.50	1. 50
Demands exceeding Rs.50 but not exceeding Rs.250	3. 00
Demands exceeding Rs.250 but not exceeding Rs.500	10. 00
Demands above Rs.500	20.00

PART -V

Forms

57. Forms -In addition to the Forms prescribed in the Principal Rules, the following Forms, which may be so varied as the circumstances of each case may require, shall be used for the purpose mentioned against each, namely:

(i) **Form No. A** for issuing warrant of attachment of movable property under Rule 8 of these rules;

(ii) **Form No. B** for issuing prohibitory order where the property consists of debts not being negotiable instruments, or of movable property not in possession of the certificate-debtor under Rule 16(1)(a)and (c) of the Principal Rules;

(iii) **Farm No. C** for issue of prohibitory order where the property consists of shares in the capital of a Corporation under Rule 16(1)(b) of the Principal Rules;

(iv) **Form No. D** for issue of prohibitory order where the property to be attached consists of movable property to which the certificate- debtor is entitled subject to a lien or right of some other persons to the immediate possession thereof under Rule 16(1)(c) of the Principal Rules;

(v) **Form No. E** for issue of notice of attachment where the property consists of a share or interest in movable property under Rule 17 of the Principal Rules;

(vi) **Form No. F** for issue of order to attach salary of Public Officer or servant of Railway Company or Local Authority under Rule 18 of the Principal Rules;

(vii) **Form No. G** for issue of order of attachment of negotiable instrument under Rule 19 of the Principal Rules;

(viii) **Form No. H** for issue of prohibitory order where the property consists of money or of any security in the custody of a Court of Justice or Officer of Government under Rule 20 of the Principal Rules;

(ix) **Form No. I** for issue of notice of attachment of decree to the Court which passed it under Rule 21 (1) of the Principal Rules;

(x) **Form No. J** for issue of order of attachment of property consisting of an interest in partnership property under Rule 11 of these rules;

(xi) **Form No. K** for preparation of inventory of attached property under Rule 12 of these rules;

(xii) **Form No. L** for issue of order for payment to the certificate- holder of current coins and currency notes attached under Rule 15 of these rules;

(xiii) **Form No. M** bond to be executed under Rule 17 of these rules;

(xiv) **Form No. N** for grant of receipt for payment of purchase money in respect of sale of movable property under Rule 33(2) of the Principal Rules;

(xv) **Form No. 0** for issue of notice to person in possession of movable property sold in execution under Rule 35(2) of the Principal Rules;

(xvi) **Form No. P** for issue of prohibitory order against the transfer of shares sold in execution under Rule 35(3) of the Principal Rules;

(xvii) **Form No. Q** for issue of prohibitory order against payment of debts sold in execution to any person other than the purchaser under Rule 35(3) of the Principal Rules;

(xviii) **Form No. R** for grant of certificate to certificate-debtor authorizing him to mortgage, lease or sell property under Rule 42 of the Principal Rules;

(xix) **Form No. S** for issue of order of confirmation of sale of movable property under Section 30(1) of the Act;

(xx) **Form No. T** for issue of notice to interested persons to show cause why sale should not be set aside under Section 30(2) of the Act;

(xxi) **Form No. U** for issue of summons to appear and answer charge of obstructing execution of certificates under Section 32(2) of the Act;

(xxii) **Form No. V** for issue of order attaching a business under Rule 44 of these Rules;

(xxiii) **Form No. W** for appointment of receiver under Rule 52 of these rules;

(xxiv) **Form No. X** for issue of warrant of committal under Section 33(1) of the Act;

(xxv) **Form No. Y** for issue of the notice to show cause why a warrant of arrest should not issue under Section 37(1) of the Act;

(xxvi) **Form No. Z** for issue of order for the release of a person in prison in execution of certificate, under Sections 39 and 40 of the Act;

(xxvii) **Form No. AA** for issue of notice to surety under Rule 60 of these rules;

*[(xxviii) **Form No. AB** for maintaining the register prescribed under Rule 52-A ;

(xxix) **Form No. AC** for sending intimation under Rule 52-B to the person interested whose name appears in the register in Form AB];

---

* Inserted by Notification No. 269 dt. 7.3.1964

PART -VI

SUPPLEMENTAL

58. Payment of certificate amount in instalments -In the event of the Certificate Officer ordering payment of the amount due under any certificate by instalments, such instalments may not ordinarily, except for reasons to be recorded in writing, exceed 36 in number:

Provided that the Certificate Officer shall, before fixing the number of instalments in which the amount due is to be paid, give opportunity to the certificate-holder and the certificate-debtor of being heard.

59. Recovery from surety -Where any person has become surety for the amount due to the certificate-debtor, he may be proceeded against under the Act as if he were a certificate-debtor.

60. Form of notice to the surety -Notice to the surety for recovery of the public demand due by a certificate-debtor shall be issued in Form No. AA given in Appendix-A of these rules.

APPENDIX -A

FORM 'A'

Warrant of attachment of movable property

[See Board's Rule 8]

In the Court of ……at……..

Certificate Case No. ……of …….19……

To

Whereas Certificate No…….. dated……. has been filed in this Court against……, certificate-debtor and the sum of Rs……. as noted below, is due from him in respect of the said certificate; and whereas the said sum of Rs……. has not been paid;

	Rs.
Principal	…….
Interest	…….
Costs and charges	…….
Further interest	…….
	_____
Total	_____

These are to command you to attach the movable property of the said…….. as set forth in the Schedule hereunto annexed, or which shall be pointed out to you by the said …….. and unless the said …… shall pay to you the said sum of Rs……. together with Rs…….. the costs of this attachment, to hold the same until further orders from this Court;

You are further commanded to return this warrant on or before the ……. day of …… 19 …..... with an endorsement certifying the day on which and manner in which its has been executed, or why it has not been executed.

Given under my hand and the seal, of the Court, this day ……..of ……..19…….

Seal: Certificate Officer

FORM 'B'

Attachment in execution

Prohibitory order where the property consists of debts not being negotiable instruments or of movable property not in possession of the certificate-debtor

[See Rule 16(1)(a) and (c) of Schedule II of the Act]

In the Court of ……at……..

To

Whereas…….. has failed to satisfy certificate No…….. of 19……. for Rs…… it is ordered that the said certificate-debtor be, and is hereby, prohibited and restrained until the further order of this Court, from receiving from you* …… to the said certificate-debtor …… and that you, the said …….. be, and you are hereby prohibited and restrained until the further order of this Court from** …….. to any person whomsoever, or otherwise than into this Court.

Given under my hand and seal, this ……..day of …….19……

Seal: Certificate Officer of …….

---

* A certain debt alleged now to be due from you or certain movable property in your possession but alleged to belong.

** Making payment of the said debt, or any part thereof or giving delivery of the said movable property.

FORM 'C'

Attachment in execution

Prohibitory order where the property consists of shares in the capital of a Corporation

[See Rule 16(1) (b) of Schedule II of the Act]

In the Court of ……. at …… Certificate-debtor and to ……Secretary of Corporation.

Whereas ……. has failed to satisfy certificate No. ……. of 19 ……. for Rs. ……..; it is ordered that you, the certificate-debtor be, and you are hereby prohibited and restrained until further orders of this Court, from making any transfer of shares in the aforesaid Corporation, namely, …….. of from receiving payment of any dividends, thereon; and you …….. the Secretary of the said Corporation, are hereby prohibited and restrained until further orders of this Court, from permitting any such transfer or making any such payment.

Given under my hand and seal, this …….. day of ……. 19 ……..

Seal: Certificate Officer of …..……

FORM 'D'

Attachment in execution

Prohibitory order where the property to be attached consists of movable property, to which the certificate-debtor is entitled subject to a lien or right of some other person to the immediate possession thereof

[See Rule 16(1)(c) of Schedule II of the Act]

In the Court of …… at ……

To

Whereas …… has failed to satisfy certificate No …….. of 19 ……. for Rs…….. it is ordered that the said certificate-debtor be, and is hereby prohibited and restrained, until further orders of this Court, from receiving from …….. the following property in the possession of the said ……. that is to say ……. to which the certificate-debtor is entitled, subject to any claim of the said ……. and the said …… is hereby prohibited and restrained, until further orders of this Court, from delivering the said property to any person or persons whomsoever.

Given under my hand and seal, this…… day of……. 19……

Seal: Certificate Officer of …….

FORM 'E'

Notice of attachment where property consists of a share or interest in movable property

[See Rule 17 of Schedule II of the Act]

In the Court of ……..…… at ……..

To

……. Certificate-debtor

Whereas you have not paid the dues amounting to Rs…… payable by you in certificate case No……. year ……;

It is hereby ordered that you the said …….. be…….. and ……are hereby prohibited and restrained, until further orders of this Court, from transferring or changing in any way your share or interest in the movable property as set forth in the Schedule hereto annexed belonging to you ……and ……. and …….. as co-owners.

Given under my hand and seal of the Court, this …….day of …….. 19……...……

Seal: Certificate Officer

Schedule

FORM 'F'

Order to attach salary of Public Officer or servant of Railway Company or Local Authority

[See Rule 18 of Schedule II of the Act]

In the Court of …….. at …….

To

Whereas …… certificate-debtor in Certificate Case No……... of 19……. is a* …….. receiving his salary/allowances at your hands, and whereas …….. certificate-holder in the said case, has applied in this Court for the attachment of the salary/allowances of the said ……to the extent of …… due to him under the certificate, you are hereby required to withhold the said sum from the salary/allowances of the said …… in monthly instalments of …… and to remit the said sum/monthly instalments to this Court.

Given under my hand and seal, this ……. day of …….19……

Seal: Certificate Officer

---

* Describe office of certificate-debtor.

FORM 'G'

Order of attachment of negotiable instrument

[See Rule 19 of Schedule II of the Act]

In the Court of ……..at ……

To

……..
(Attaching Officer)

Whereas an order has been passed by this Court on the …….. day of 19……. for the attachment of …… you are hereby directed to seize the said ……. and bring the same into Court.

Given under my hand and seal, this ……day of ……19…….

Seal: Certificate Officer

FORM 'H'

Attachment

Prohibitory order, where the property consists of money or any security in the custody of a Court of Justice or Officer of Government

[See Rule 20 of Schedule II of the Act]

In the Court of …… at ……..
Certificate Case No…… of 19 ……..

To

Sir,

The certificate-holder having applied, under Rule 20 of Schedule II of the Orissa Public demands Recovery Act, 1962 for an attachment of certain money/property belonging to …… the certificate-debtor in the above-noted case now in your hands*;

I request that you will hold the said money/property subject to the further orders of this Court.

Yours faithfully

Certificate Officer of ……

Dated this …….. day of ……..…..19……..

*Here state how the money is supposed to be in the hands of the person addressed, on what account, and other available details.

FORM 'I'

Notice of attachment of a decree to the Court which passed it
[See Rule 21 (1) of Schedule II of the Act]

District……..
In the Court of …… at ……
Certificate Case No. ……of ……. Certificate-holder
Versus
……..Certificate-debtor

To

Sir,

This is to inform you that the decree obtain in your Court on the ……day of …….19 ……..., by…… in suit No. …… of 19……..…,in which he …….. was …….. and …… was …… …and which is pending execution in your Court, in the execution case No…….. of 19 ……. has been attached by this Court in the certificate case specified above. You are therefore requested to stay the execution of the decree of your Court until you receive an intimation from this Court that the present notice has been cancelled, or until execution of the said decree is applied for by the certificate-holder or the certificate-debtor above-named.

Yours faithfully

Seal: Certificate Officer

Dated this ……day of ……..19……...

FORM 'J'

Order of attachment of property consisting of an interest in partnership property
[See Board's Rule 11]

In the Court of …… at ……..

To

Whereas …….. Certificate-debtor …….. has not paid the dues amounting to Rs.…… in respect of Certificate Case No…… year …….. and whereas the said …… is a partner in the firm known as Messrs …..…….

It is hereby ordered -

(i) that the share of the said ……. in the partnership property and profits of the said firm be and is hereby charged with the payment of the amount aforesaid due under the said certificate; and

(ii) *that

Given under my hand and seal this day of ……. 19 …….

Seal: Certificate Officer

***Note** - Here incorporate any order that may be considered necessary in the circumstances.*

FORM 'K'
Inventory of attached property
[See Board's Rule 12]

Certificate Case No…….. year ……
List of the movable property of …….. certificate-debtor, in the village of ……. P.S. …… Taluk…… District……. attached by ……. for arrears of public demand due from the aforesaid certificate-debtor.

Serial No.	Description of properties attached	Estimated value	Amount of certificate due	Date of attachment and of giving a copy of the inventory to the certificate-debtor	Place where the attached property is lodged or kept	Remarks
1	*2*	*3*	*4*	*5*	*6*	*7*

Place ……..
Date ……

Signature and designation
of the Attaching Officer

Memo No……. Dated …….
Copy forwarded to the Certificate Officer for necessary action.

Signature and designation
of the Attaching Officer

FORM 'L'

Order for payment to the Certificate-holder of current coins and currency notes attached

[See Board's Rule 15]

In the Court of ……at…….
To
Whereas in execution of Certificate Case No…….. year…… the following property consisting of current coins/currency note has been attached:

(1) Current coins (2) Currency Notes

It is hereby ordered that out of the property so attached Rs……. in current coins and Rs……. in currency notes shall be paid over to the certificate-holder in satisfaction of the said certificate.

Given under my hand and seal at ……this……day of ……19……

Seal:

Certificate Officer

FORM 'M'

Bond

[See Board's Rule 17]

In the Court of …….at……..

Whereas live-stock as specified in the Schedule hereunto annexed has been attached in execution of Certificate No…….. year…… for Rs……;

And whereas the attached live-stock aforementioned has been entrusted to me, subject to the right of supervision of the Certificate Officer for safe custody;

I hereby agree and bind myself to abide by the conditions given hereunder for the due discharge of the entrustment.

Conditions

(i) I will not sell, give away, transfer, mortgage or otherwise alienate or encumber the attached live-stock.

(ii) I will take the responsibility of feeding and tending the attached live-stock kept in my custody.

(iii) I will intimate forthwith to the Certificate Officer concerned any permanent injury, casualty or loss in respect of any live-stock kept in my custody, specifying the cause thereof. If the Certificate Officer is satisfied on enquiry that the permanent injury, casualty or loss was on account of my negligence or carelessness I will be liable to indemnify the damage or loss, as the case may be.

(iv) I will, on receipt of intimation from the Certificate Officer, produce before the latter or any other officer entrusted with the sale, at my own cost, on the date and place fixed for the sale, the attached live-stock kept in my custody.

(v) Failure on my part to fulfil any of the conditions above mentioned shall expose me to the penalties provided under Section 67 of the Orissa Public Demands Recovery Act, 1962.

SCHEDULE

Signature of two witnesses -

(1) (Signature)
(Full name)
(Date)

(2) (Signature)
(Full name)
(Date)

(Signature)
(Full name)
(Date)

Before me

(Signature)
(Full name)
(Designation)

Date ……

Seal:

FORM 'N'

Receipt for payment of purchase money in respect of sale of movable property

[See Rule 33 (2) of Schedule II of the Act]

Received from Shri ……. a sum of Rs……... being the purchase money in respect of the under-mentioned movable property, purchased by him at sale by public auction on the ……day of ……. in execution of Certificate Case No……. year ……. for recovery of public demand due from …… certificate-debtor.

Specification of property

Given under my hand and seal at …….. this …….. day of 19…….

Officer holding the sale

FORM 'O'

Notice to person in possession of movable property sold in execution

[See Rule 35(2) of Schedule II of the Act]

In the Court of …….. at ……..

To

Whereas ……. has become the purchaser at a public sale in execution of Certificate No…….. dated ……of 19…… of belonging to the certificate-debtor now in your possession, you are hereby prohibited from delivering possession of the said …… to any person except the said …….

Given under my hand and seal, this …… day of …… 19…….

Seal: Certificate Officer

FORM 'P'
Prohibitory order against the transfer of shares sold in execution
[See Rule 35(3) of Schedule II of the Act]

In the Court of …….. at ……

To

……..……

and ……..…., Secretary of ……. Corporation

Whereas ……has become the purchaser at a public sale in execution of Certificate No……., dated ……19…….., of certain shares in the above corporation, that is to say, of …… standing in the name of your ……; it is ordered that you …… be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said ……., the purchaser aforesaid, or from receiving any dividends thereon; and you ……., Secretary of the said Corporation, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

Given under my hand and seal, this …… day of ……..19…….

Seal: Certificate Officer

FORM 'Q'
Prohibitory order against payment of debts sold in execution to Any person other than the purchaser
[See Rule 35 (3) of the Schedule II of the Act]

In the Court of ……. At ……

To

…….. and to ……..

Whereas ……. has become the purchaser at a public sale in execution of Certificate No…….. of 19 ……., being debts due from you ……to you…….. ; it is ordered that you…… be, and you are hereby prohibited from receiving, and you ……from making payment of the said debt to any person or persons except the said.

Given under my hand and seal, this …….. day of ……..,19……

Seal: Certificate Officer

FORM 'R'

Certificate to certificate-debtor authorising him to mortgage, lease or sell property
[See Rule 42 of Schedule II of the Act]

In the Court of …….. at……

Whereas in execution of Certificate No…….. of 19……., an order was made on the ……day of 19……, for the sale of the under-mentioned property of the certificate-debtor …….. and whereas the Court has, on the application of the said certificate-debtor, postponed the said sale to enable him to raise the amount of the certificate by mortgage, lease or private sale or the said property or of some part thereof.

This is to certify that the Court both hereby authorise the said certificate-debtor to make the proposed mortgage, lease or sale within a period of…… from the date of this certificate; provided that all moneys payable under such mortgage, lease or sale shall be paid into this Court and not to the said certificate-debtor.

Description of property

Given under my hand and seal, this day of …….19 ……..

Seal: Certificate Officer

FORM 'S'
Order of confirmation of sale of immovable property
[Section 30(i)]

In the Court of…… at……. purchased for Rs……. the immovable property specified below at a sale held by public auction on the ……day of…….. 19…… in execution of Certificate No…….. year……. . The full amount of the purchase money has been paid on……..

No application under Section 27/28/29 has been received for setting aside the sale.

Application under Section 27/28/29 made by…… for setting aside the sale has been disallowed by this Court.

Accordingly, the said sale is hereby confirmed.

Specification of property:

Given under my hand and seal at …….. this…… day of……19……..

Seal: Certificate Officer

FORM 'T'
Notice to interested parties to show cause why sale should not be set aside
[See Section 39(2)]

In the Court of ……..

To

Whereas the under-mentioned property was sold on the…… day of ….. in execution of …….. Certificate No……. year……; and whereas…….. has applied to the undersigned to set aside the sale under Section 27/28/29 of the Orissa Public Demands Recovery Act, 1962;

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs in this Court, on…… when the said application will be heard and determined.

Description of property

Given under my hand and seal at…….. this…….. day of ……..19……..

Seal: Certificate Officer

FORM 'U'
Summons to appear and answer charge of obstructing execution of certificate

[See Section 32(2) of the Act]

Certificate Case No..…….. of…….. 19……

To

Whereas …….. the certificate-holder in the above certificate has complained to this Court that you have resisted/obstructed the officer charged with the execution of the warrant for possession;

You are hereby summoned to appear in this Court on the day of ……19……. at…….. a.m., to answer the said complaint.

Given under my hand and seal this ……day of ……19……...

Seal: Certificate Officer

FORM 'V'

Order attaching a business

[See Board's Rule 44]

In the Court of …… at……..

To

(Name of certificate-debtor)

Whereas you have failed to satisfy Certificate No…… of……..… for Rs. …….

It is hereby ordered that the business carried on by you under the name and style of ……. at ……. be and is hereby attached and you are informed accordingly.

It is hereby further ordered that you…… the above said…….. be and are hereby prohibited and restrained from transferring or changing the said business in any way and that all persons whosoever are hereby prohibited and restrained from taking any benefit under such transfer or change.

Given under my hand and seal at…….. this…….. day of…….. 19…...

Seal: Certificate Officer

FORM 'W'

Appointment of a Receiver

[See Board's Rule 52]

In the court of ……. at ……

To

Whereas …… has been attached under an order passed by this Court under Rule……../ Rule ……. in the course of execution of Certificate No…… year……. for recovery of public demand from……...

You are hereby appointed receiver of the said business/property.

Subject to any orders which may be passed by this Court in this behalf, you shall have all the powers necessary for the management of the said business/property in accordance with the rules.

You are required to render due and proper account of your receipts and disbursement in respect of the said business/property in accordance with the Orissa Public Demands Rules.

You will be entitled to remuneration at the rate of……

Your appointment as receiver of the said business/property shall continue in force until further orders of this Court and may be cancelled or withdrawn at any time at the discretion of this Court.

Given under my hand and seal at ……this……day of…….19……

Seal: Certificate Officer

FORM 'X'
Warrant and committal
[See Section 33(1) of the Act]

To

The Officer-in-charge of the Civil Prison……. at ……

Whereas the under-mentioned property has been sold to……., the purchase at auction sale in execution of Certificate Case No…… dated 19…… and whereas the Court is satisfied that…….. without any just cause resisted/obstructed and is still resisting/obstructing the said……. in obtaining possession of the property and whereas the said…… has made application to this Court that the said…….. be committed to the civil prison;

You are hereby in the name of the Government commanded and required to take and receive the said …… into the civil prison and to keep him imprisoned therein for the period of …….. days. I hereby fix Rs…… nP…… per *diem* as the rate of subsistence allowance of the said…….. during his confinement under this warrant of committal.

Given under my hand and seal this……. day of……..19…….

Seal: Certificate Officer

FORM 'Y'
Notice to show cause why a warrant of arrest should not issue

[See Section 37(1)]

In the Court of ……at …….

To

Whereas you have failed to satisfy Certificate No……. of 19……. for Rs……..... and it is proposed to execute the above certificate by arrest and imprisonment of your person;

You are hereby required to appear before this Court on the…….. day of…… at…… a.m./p.m. and to show cause why you should not be committed to the civil prison in execution of the said certificate.

Given under my hand and seal at……this…… day of 19……

Seal: Certificate Officer

FORM 'Z'
Order of the release of a person imprisoned in execution of a certificate

[See Sections 39 and 40 of the Act]

District……..
Certificate Case No…… of 19……

To
The Officer-in-charge of the Civil Prison, at…….

Under orders passed this day, you are hereby directed to set free…… certificate-debtor, now in your custody.

Dated …… Certificate Officer

FORM 'AA'

Notice to surety

[See Board's Rule 60]

In the Court of…… at…….

To

Whereas you are a surety for the public demand amounting to Rs……. due from…….. in respect of Certificate No…….. dated…….. and whereas it has become necessary to recover the said public demand from you, you are hereby given notice that steps will be taken under all or any of the provisions of the Orissa Public Demands Recovery Act, 1962 to recover the said amount from you together with the interest payable under Section 14 of that Act for the period commencing immediately after the said date of issue of the certificate and the costs, charges and expenses incurred in respect of warrants and other processes issued and all other proceedings taken for realising the public demand unless the outstanding amount of Rs…… in respect of the certificate together with costs, charges and expenses incurred so far amounting to Rs……. and the interest aforesaid is paid by you within fifteen days from the date of service of this notice.

Seal: Certificate Officer

FORM 'AB'

Register for recording the names and addresses of persons and the immovable properties in which they are interested

[See Board's Rule 52-A]

Serial No.	Name of the applicant	Full Address	Detailed particulars of immovable property in which he is interested	Date of filing application for registration	Amount of fee deposited with chalan/ receipt No. and date	Penalty paid, if any with chalan/ receipt No. and date	Authority for registration	Period for which registration is allowed	Signature of the Certificate Officer	Remarks
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*

FORM 'AC'

Intimation about the intended sale of immovable property to the person interested who has registered his name

[See Board's Rule 52-B]

In the Court of……

To

……

Take notice that in execution of Certificate No…….. of 19…….. being the claim of…… (Certificate-holder) amounting with costs and interest upto the date of sale to the sum of Rs……. due from……. (certificate-debtor) proclamation has been made for the sale at…… a.m./p.m. on the…… at……. of the under-mentioned immovable property in respect of which you have registered your name.

Description of property

Given under my hand and seal at……. this…….. day of……..… 19…….

Seal: Certificate Officer

APPENDIX -B

[See Board's Rule 53]

Table of Court-fees and process fees

	Description of documents, etc.		Proper fee
	1	2	3
1.	Requisition for certificate [Section 4(2) of the Act].	Except when made for demands payable to Government Officer, or in cases where payment of Court-fees has been exempted under Section 4(2) of the Act, Court- fee of the same amount as payable in respect of a plaint, i.e., according to No.1 Schedule I of the Court-fees Act VII of 1870, as follows: When the amount or value of the subject- matter in dispute does not exceed five rupees.	Re. 0.35 nP. + surcharge of Re.0.25 nP. = Re.0.60 nP.
		When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred.	Re. 0.35 nP. + surcharge of Re.0.25 nP. = Re.0.60 nP.
		When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees, up to five hundred rupees.	Re. 1.00 + surcharge of Re.0.50 nP. = Re 1.50 nP.
		When such amount or value exceeds five hundred rupees, for every ten rupees or part thereof, in excess of five hundred rupees, up to one thousand rupees.	Re. 1.10 nP. plus surcharge of Re.0.60 nP. = Re. 1.70 nP.
		When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to seven thousand and five hundred rupees.	Rs.7.50 nP. plus surcharge of Rs.3.75 nP. = Rs.11.25 nP.
		When such amount or value exceeds seven thousand and five	

		hundred rupees, for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees.	Rs.15 plus surcharge of Rs. 7 .50 nP. = Rs.22.50 nP.
		When such amount or value exceeds ten thousand rupees for every five hundred rupees or part thereof, in excess of ten thousand rupees, upto twenty thousand rupees.	Twenty-two rupees and fifty naye paise plus surcharge of Rs.11.25 nP. = Rs.33.75 nP.
		When such amount or value exceeds twenty thousand rupees, for everyone thousand rupees, or part thereof, in excess of twenty thousand rupees up to thirty thousand rupees.	Rs.30 plus surcharge of Rs.15.00 = Rs.45.00
		When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, upto fifty thousand rupees.	Rs.30 plus surcharge of Rs.15 = Rs.45.00
		When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof in excess of fifty thousand rupees.	Rs.37.50 nP. plus surcharge of Rs.18.75 nP. = 56.25 nP.
2.	Petition of objection under Section 8 of the Act or any other petition presented in course of the trial of a case, and reports to Certificate Officer by Requiring Officers (Other than Government Officers) of payment made of money due under a certificate.	According to No. (1)(a) and (b) noted below of Schedule II of the court- fees Act VII of 1870 :	
		(1)(a) When presented to Collector or other Officer of Revenue in relation to any case in which the amount or value of the subject-matter is less than fifty rupees, or when presented to any Revenue	Re.0.10 nP. plus surcharge of Re.0.10 nP. = Re.0.20 nP.

		Court for the purpose of obtaining a copy of translation of any judgement, decree or order passed by such Court, or of any other document on record in such Court or office.	
		(b) When presented to a Revenue Court, or to a Collector, or any Revenue Officer having jurisdiction equal or subordinate to a Collector and not otherwise provided for by the Public Demands Recovery Act, 1962.	Re.0.75 nP. plus surcharge of Re.0.35 nP. = Re.1.10 nP
3.	Processes issued under the Act.	Fees for serving and executing processes should be levied according to Rule 1 at pages 112-114 of the Orissa High Court General Rules and Circular Orders, Volume I (Civil) as amended.	
4.	Memorandum of appeal from the orders of a Certificate Officer or Collector [Section 60(1) of the Act].	Under No. 11 (a) Schedule II of the Court- fees Act VII of 1870.	Re.1 plus surcharge of Re.0.50 nP. = Re.1.50nP.
5.	Attachment of movable property	Amount of fees prescribed by Rule 16 of these rules.	
6.	Certificate of sale (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court or Collector or other Revenue Officer.	Article 18, Schedule 1- A, Act II of 1899 (The Indian Stamp Act, 1899), as amended by Orissa Act 35 of 1962 [The Indian Stamp (Orissa Amendment) Act, 1962].	
	(a) Where the purchase- money does not exceed Rs.10.00		Re.0.38 nP.
	(b)Where the purchase-money exceeds Rs10.00 but does not exceed Rs.25.00.		Re.0.75 nP.

	(c) In any other case.		The same duty as Conveyance (Article 23) of Schedule I-A of the Indian Stamp Act,1899, as amended by the Indian Stamp (Orissa Amendment) Act, 1962, for consideration equal to the amount of the purchase-money only.

Requisition of Certificate under the Orissa Public Demands Recovery Act, 1962

REGISTER-9

(See Paragraph 75 of Board's Executive Instructions under Orissa Public Demands Recovery Act, 1962)

1. Serial Number
2. Nature of claim
3. Name and address of the certificate-debtor
4. Amount due
5. Date on which requisition is made to the Certificate Officer (Initial of the Certificate Officer).
6. Date on which petition of objection, if any, is received by the Requisitioning Officer from the Certificate Officer for disposal (initial of the Requisitioning Officer)
7. Date of disposal of petition
8. Date of return of petition with connected file to the Certificate Officer.
9. Date of final disposal of certificate, with note of the manner in which disposed of (whether on payment, or item struck off as irrecoverable).
10. Realisations-

(a) Amount

(b) Number of challan

(c) Date

11. Remarks-

NOTE- (1) The Certificate Officer's initial in column 5 is not required when one of the duplicate lists sent has been signed by him and returned to the Requiring Officer as receipt.

(2) For Wards and Encumbered, etc., estates, the following additional column should be inserted before the column for "REMARKS", namely:

12. Costs-

(a) Number and date of voucher

(b) Nature of charge*

(c) Amount

In such a case the remarks column should be renumbered as '12' With a foot-note-

* Court fee, process fee, pleaders fee etc.

Return showing progress of disposal of Certificate case in the

MONTH

District of ……..for the …….ending

QUARTER

(See Paragraph 84 of Board's Executive Instructions under the Orissa Public Demands Recovery Act, 1962).

1. Serial Number
2. Name and designation of the Certificate Officer
3. Number of cases pending at the commencement of the month.
4. Number of cases instituted during the month

5. Total

6. Amount covered by cases mentioned in column 5

7. Number of cases disposed during the month

8. Amount covered by the cases mentioned in column7

9. Number of cases pending at the close of the month

10. Amount covered by cases mentioned in column 9

11. Number of cases pending for more than a year.

12. Number of cases pending for less than a year but for more than Six months.

13. Reasons for the pendency and other remarks.

Register of processes for realisation of money

*****(See Paragraph 98 of Board's Executive Instructions under the Orissa Public Demands Recovery Act, 1962.

Name of the Revenue Inspector's Circle……

1. Serial number of process

2. Court from which process issued

3. Number and year of the certificate case

4. Amount to be realised

5. Name of the person on whom to be executed.

6. Date of receipt of process by the Revenue Inspector

7. Date by which process is to be returned to the Issuing Court.

8. Date of actual execution

9. Amount realised and credited

10. Date of return to the Issuing Court

11. Remarks.

GOVERNMENT OF ORISSA
REVENUE & D.M. DEPARTMENT
45157
***
NOTIFICATION

No. NGE-A-II-E (G) 52/2011/RDM Bhubaneswar dated the 1/11/2011

In exercise of the powers conferred by the proviso to article 309 of the constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983, namely:-

1. (1) These rules may be called the Orissa District Revenue Service (Method of Recruitment and Conditions of services) Amendment Rules, 2011.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983 (hereinafter referred to as the said rules), in rule 4, in sub-rule (1), following proviso shall be inserted thereto, namely:-

"Provided that if adequate numbers of eligible Job Contract Employees are not available in a particular year, the remaining vacancies shall also be filled up by promotion from amongst the eligible Revenue Inspectors".

3. In the said rules, in rule-5, :-

(i) in sub-rule (1), for clause(c), the following clause shall be substituted, namely:-

"(c) He must have passed a Bachelors degree examination in Arts Science or Commerce including Bachelor in Business Administration or Bachelor in Computer Application or equivalent thereto from a recognised University and must possess knowledge in computer operation in case of Revenue Inspector and must have passed a Higher Secondary Examination (10+2) conducted by the Council of

Higher Secondary Education, Orissa or equivalent thereto from a recognised Board and must possess knowledge in Computer Operation in case of Amin and Assistant Revenue Inspector."

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

"(2) (a) The candidate shall furnish application with self attested copies of all relevant certificates and mark sheets including those relating to minimum educational qualifications, Caste Certificate in case of SC, ST and OBC, residence certificate, certificate of work experience in settlement or Consolidation Organisation granted by Settlement Officer or Deputy Director, Consolidation and All India Trade Test in Surveyor Trade conducted by the National Council for Vocational Training, if any.

(b) The candidate shall furnish original certificate at the time of tests failing which he shall be liable to be disqualified."

4. In the said rule, in rule-6,

`(i) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) candidates applying for the posts of Amin and Assistant Revenue Inspector will also indicate their first and second preference for these posts in the application failing which it will be deemed that their first preference is for the post of Amin" and

(ii) sub-rule (3), the words "on the basis of percentage of marks obtained in the High School Certificate Examination" shall be substituted by the words "on the basis of percentage of marks obtained in High School Examination (Class ten) and percentage of marks obtained in Higher Secondary Examination (Plus two), giving equal weightage" and the words "number of the vacancies" appearing therein, shall be substituted by the words "combined number of vacancies of Revenue Inspector, Assistant Revenue Inspector and Amin";

5. In the said rule, in rule 7 in sub-rule (3), for the existing items" (a)" and " (b)",

"(3) the following items shall be substituted, namely:- candidates who qualify in the test of physical fitness shall be eligible to appear in tests comprising the following papers namely:-

"(a) General Awareness (for Revenue Inspector only)	-	100 marks
(b) Arithmetic	-	100 marks
(c) Computer (written test)	-	50 marks
(d) Computer (practical test)	-	50 marks
(e) Handwriting in Oriya	-	50 marks" and

(ii) in sub-rule (4), the words "shall not ordinarily exceed double the number of vacancies", shall be substituted by the words "shall be equal to the number of vacancies advertised".

6. In the said rules, in rule 8, for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) Two separate merit lists shall be drawn up, one for the post of Revenue Inspector and another for the posts of Amins and Revenue Inspectors".

7. In the said rules, in rule-10, clause (a) shall be substituted by the following clause, namely:-

"(a) have passed at least High School Examination (Class ten) or an equivalent examination".

8. In the said rule, rule 20 shall be deleted.

9. In the said rules, rule 20 A shall be re-numbered as rule 20 thereof and the words "rule 20 of" in the first sentence thereof shall be deleted.

By order of the Governor

25/10/11

Commissioner-cum-Secretary to Government

Memo No. 45158 /RDM., Dated, 1/11/2011

Copy forwarded to the Director, Printing, Stationery & Publication, Orissa, Cuttack with a request to publish the notification in the next extra-ordinary issue of the Orissa Gazette and to supply 800 copies to this Department.

Deputy Secretary to Government.

Memo No. 45159 /RDM., Dated, 1/11/2011

Copy forwarded to All Departments of Government/ Commissioner-cum-Secretary, Board of Revenue, Orissa, Cuttack/ Secretary to All R.D.Cs/ L.R.C., Orissa, Cuttack/ Director, Land Records & Surveys, Orissa, Cuttack/ Director, Consolidation, Orissa, Cuttack/ All Collectors for information and necessary action.

Deputy Secretary to Government.

Memo No. 45160 /RDM., Dated, 1/11/2011

Copy forwarded to the I.M.U. Cell, Revenue & D.M. Department for information and necessary action.

Deputy Secretary to Government.

GOVERNMENT OF ODISHA
REVENUE & D.M. DEPARTMENT
***

No.NGE-A-IIE (G)-16/2012 9762 /RDM Dated. 7/3/2012

CORRIGENDUM

The following correction may be made in the Revenue & D.M. Department Notification No. 45157 dt. 1.11.2011 regarding the Odisha District Revenue Service (Method of Recruitment and Conditions of Service) Amendment Rules, 2011.

In Para-6 "(2) of the said Notification, The last word Revenue Inspectors" occurring after the word "Amins and" may be read as Assistant Revenue Inspectors" instead of "Revenue Inspectors"

3/3/2011
Special Secretary to Govt.

Memo No. 9763 /RDM Dated. 7/3/2012

Copy forwarded to the Director, Stationery & Publication, Odisha, Cuttack with a request to publish the correct Notification in the next extra-ordinary issue of the Odisha Gazette and to supply 800 copies to this Department with reference to this Deptt. Memo No. 45158 dt. 1.11.2011.

3/3/2011
Special Secretary to Govt.

Memo No. 9764 /RDM Dated. 7/3/2012

Copy forwarded to All Departments of Government/Commissioner-cum-Secretary, Board of Revenue, Odisha, Cuttack/Secretary to All RDCs/LRC, Odisha, Cuttack/Director, Land Records & Surveys, Odisha, Cuttack/Director, Consolidation, Odisha, Cuttack/All Collectors for information and necessary action with reference to this Department Memo No. 45159 Dt. 1.11.2011.

3/3/2011
Special Secretary to Govt.

Memo No. 9765 /RDM Dated. 7/3/2012

Copy forwarded to the OIC, IMU Cell, Revenue & D.M. Department for information and necessary action.

3/3/2011
Special Secretary to Govt.

Memo No. 9766 /RDM Dated. 7/3/2012

Copy to file No. NGE-A-II-E (g)-16/2012/NGE (B)/NGE (C) Branch for information and necessary action.

3/3/2011
Special Secretary to Govt.