COLLECTOR & DISTRICT MAGISTRATE
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Government of Odisha

Revenue & Disaster Management Department

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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

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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

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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.

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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.

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9. 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

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