Mahanadi Coalfields Limited
(A subsidiary of Coal India Ltd.)
PO: Jagruti Vihar, Burla
Sambalpur, Odisha, 768020

COMBINED BOOKLET NO.2 OF ACQUISITION AND COMPENSATION GUIDELINES.

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Ext (2)

ESTATE OFFICER
LINGARAJ O.C.P.

TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3 S
SECTION (ii)

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
DEPARTMENT OF COAL

New Delhi, the 5th June, 1987.

NOTIFICATION

S.O. In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Officers equivalent to the rank of the Gazetted Officers of Government to be estate officers for the purposes of the said Act and the said officers shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in Column (2) of the said Table.

THE TABLE

Designation of the officer (1)	Categories of public premises (2)
1. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Jamuna-Kotma Group, Railway station Kotma, SE. Rly. PO. Jamuna Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Kotma (2) Govinda (3) Jamuna Coal mine consisting of Jamuna 1&2, Jamuna 3&4, Jamuna 7&8 and Jamuna 9&10 mine (4) Bhadra (5) Jamuna Opencast mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
2. Sub-Area Manager /Agent/ Project Officer, South Eastern Coalfields-Limited, Johilla Group, Railway Station Nowrozabad, SE. Rly. PC. Nowrozabad Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Nowrozabad (2) Umaria (3) Birsinghpur and (4) Pali underground Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

Contd.....2/-

(1)	(2)
3. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Burhar Group, Railway Station Amlai, SE.Rly. PO. Dhanpuri, District Shahdol, (Madhya Pradesh).	All premises of (1) Burhar No.1 mine (2) Orient paper mill incline of Burhar No.1 mine (3) Dhanpuri underground mine and (4) Burhar No.3 Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
4. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Dhanpuri-Amlai Group, Railway Station Amlai, SE.Rly. PO. Amlai Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Dhanpuri Opencast mine (2) Amlai (3) Amlai Opencast mine (4) Bangwar underground mine and (5) Bakho opencast Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
5. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Chachai Group, Railway Station Amlai, SE.Rly. PO. Amali, Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Chachai underground mine and (2) Rungta Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
6. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, South Jhagrakhand, Railway Station Manendragarh, PO. South Jhagrakhand Colliery, District Surguja, (Madhya Pradesh).	All premises of South Jhagrakhand Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
7. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, West Jhagrakhand group, Railway Station, Manendragarh, PO. West Jhagrakhand Colliery, District Surguja, (Madhya Pradesh).	All premises of West Jhagrakhand and Bisgom coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

Contd.....3/-

(9)

(1)	(2)
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields- Limited, Ramnagar group, Railway Station Bijuri, PO. Jhimar Colliery, Via: Bijuri, District Shahdol, (Madhya Pradesh).	All premises of Ramnagar (including Malga incline) and (2) old Jhimar Coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
9. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields- Limited, Rajnagar group, Railway Station Bijuri, PO. Rajnagar Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1)Rajnagar (2) New Rajnagar and (3)Rajnagar 7&8 Coal mine and other premises belonging to or under the control of the South Eastern Coalfields- Limited, Bilaspur.
10. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields- Limited, Rajnagar group, Railway Station Bijuri, PO. Rajnagar Colliery, District Shahdol, (Madhya Pradesh).	All premises of Rajnagar Opencast Coal mine and other premises belonging to or under the control of the South Eastern Coalfields- Limited, Bilaspur.
11. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields - Limited, Bijuri, PO. Bijuri, Railway Station Bijuri, District Shahdol, (Madhya Pradesh).	All premises of Bijuri Coal Mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
12. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields- Limited, Kurasia group, Railway Station Chirimiri, PO. Kurasia Colliery, District Surguja, (Madhya Pradesh).	All premises of (1)Kurasia under-ground (2)Kurasia Opencast and (3)Sonawani Coal mines and other premises belonging to or under th control of the South Eastern Coal fields Limited, Bilaspur.

Contd.....4/-

(1)	(2)
13. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Chirimiri group, Railway Station Chirimiri, PO. Chirimiri, District Surguja, (Madhya Pradesh).	All premises of (1) Chirimiri underground & (2) Chirimiri Opencast Coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
14. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Dumanhill group, Railway Station Chirimiri, PO. Sonawani, District Surguja, (Madhya Pradesh).	All premises of (1)Dumanhill underground (2)Dumanhill Opencast and (3)North Chirimiri coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
15. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, New Chirimiri ponri Hill, Railway Station Chirimiri, PO. Haldibadi, District Surguja, (Madhya Pradesh).	All premises of New Chirimiri ponri Hill coal mine and other premises belonging to or under the control ofthe South Eastern Coalfields Limited, Bilaspur.
16. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, West Chirimiri Korea group, Railway Station Chirimiri, PO. Korea Colliery, District Surguja, (Madhya Pradesh).	All premises of (1)Korea coad mine and (2)West Chirimiri coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
17. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Bisrampur group, Railway Station Bisrampur, SE. Rly, PO. Bisrampur Colliery, District Surguja, (Madhya Pradesh).	All premises of (1)Bisrampur opencast mine (2) Jainagar(old) underground mine (3) Kumda(old & new) underground coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

Contd.....5/-

1	2
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Bhatgaon, Railway Station-Kalonjee SE.Rly, PO. Bhatgaon Colliery, District Surguja, (Madhya Pradesh).	All premises of Bhatgaon Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
19. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Katkona, Railway Station-Katkona, SE.Rly. PO. Patna, District Surguja, (Madhya Pradesh).	All premises of Katkona coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
20. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Churcha, Railway Station Baikunthpur-Road, SE. Rly., PO. Churcha , District Surguja (Madhya Pradesh).	All premises of Churcha Coal mine and other premises belonging to or under the control of the So-uth Easterb Coalfields Limited, Bilaspur.
21. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Rajgamar, Railway Station Korba, PO; Ompur Colliery, District Bilaspur. (Madhya Pradesh).	All premises of (1)Korba(2)Rajgamar(3)Domnara and(4)Baroud and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
22. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields-Limited, Manikpur, Railway Station Korba, PO. Manikpur Colliery, District Bilaspur, (Madhya Pradesh).	All premises of Manikpur coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

Contd.....6/-

1	2
23. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Banki, Railway Station Gevera Road, PO. Banki Mogra, District Bilaspur, (Madhya Pradesh).	All premises of Banki coal mine and other premises belonging to under the control of the South Eastern Coalfields Limited, Bilaspur.
24. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Surakachar, Railway Station Gevra Road, PO. Banki Mogra, District Bilaspur, (Madhya Pradesh).	All premises of Surakachar coal mine and other premises belongi to or under the control of the South Eastern Coalfields Limit Bilaspur.
25. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Balgi, Railway Station Gevfa Road, PO. Banki Mogra, District Bilaspur, (Madhya Pradesh).	All premises of Balgi coal mi and other premises belonging under the control of the Sout Eastern Coalfields Limited, Bilaspur.
26. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Gevra, PO. Gevra Project, Railway Station Gera Road, District Bilaspur, (Madhya Pradesh).	All premises of Gevra coal m and other premises belonging under the control of the Sou Eastern Coalfields Limited, Bilaspur.
27. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Kusmunda, PO. Kusmunda, Railway Station Gevra Road, District Bilaspur, (Madhya Pradesh).	All premises of Kusmunda c and other premises belongi under the control of the S Eastern Coalfields Limited Bilaspur.

Contd.....7/-

1	2
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Dipka, PO. Gevra Project, Railway Station Gevra Road, District Bilaspur, (Madhya Pradesh).	All premises of Dipka Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Rampur group, Railway Station Brajrajnagar, PO. Rampur Colliery, Brajrajnagar, District Sambalpur, (Orissa).	All premises of (1)Hingir Rampur coal mine and (2)Hirakhand-Bundia Incline and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Orient group No.I, Railway Station Brajrajnagar, PO. Orient Colliery, Brajrajnagar, District Sambalpur, (Orissa).	All premises of Orient Sub-Area No.I Jeraimine mine No.I and II coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Orient group No.II, Railway Station Brajrajnagar, PO. Orient Colliery, Brajrajnagar, District Sambalpur, (Orissa),	All premises of Orient Sub-Area No.II, Ia No.III and NoIV coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Lajkura, Railway Station Brajrajnagar, PO. Brajrajnagar, District Sambalpur, (Orissa).	All premises of Lajkura and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

Contd.....8/-

33.	Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Belpahar Railway Station Belpahar, PO. Jurmuga, District Sambalpur, (Orissa)	All premises of Belpahar and premises belonging to or under control of the sSouth Eastern fields Limited, Bilaspur.
34.	Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Talcher Colliery, Railway Station Talcher, SE. Rly, PO. Deulbera Colliery, District Dhenkanal, (Orissa).	All premises of Talcher coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
35.	Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Deulbera Bhubhandichua, Railway Station Talcher, SE. Rly, PO. Deulbera, District Dhenkanal, (Orissa).	All premises of (1)Deulbera and (2) Handidhua coal mines and othe premises belonging to or under th control of the South Eastern Coal fields Limited, Bilaspur.
36.	Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, South Balanda Colliery, Railway Station Talcher, SE. Rly, POE-Balanda, District Dhenkanal, (Orissa).	All premises of South Balanda coa mine and other premises belonging to or under the control of the South Eastern Coalfields Limite Bilaspur.
37.	Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Bharatpur Opencast Project, Railway Station Talcher SE. Rly, PO. Balanda, Dist- District Dhenkanal, (Orissa).	All premises of Bharatpur Open-cast coal mine and other premises belonging to or under the contro of the South Eastern Coalfields Limited, Bilaspur.

Contd.....9/-

(12)

Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Jagannath Opencast Project, Railway Station Talcher, SE.Rly, PO. Balanda, District Dhenkanal, (Orissa).	All premises of Jagannath Opencast coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
39. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Ananta Opencast Project, Railway Station Talcher, SE.Rly, PO. Dera Colliery, District Dhenkanal, (Orissa)	All premises of Ananta Opencast coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
40. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Lingraj Opencast Project, Railway Station Talcher, SE.Rly. PO. Dera Colliery, District Dhenkanal, (Orissa).	All premises of Lingraj Opencast coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
41. Sub-Area Manager/Agent/ Project Officer, South Eastern Coalfields Limited, Nandira Colliery, Railway Station Talcher, SE.Rly, PO. Balanda, District Dhenkanal, (Orissa).	All premises of Nandira coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

(Samay Singh)
Under Secretary to the Government of India
F.No. 43022/3/87-CA

To,
The Manager (Technical),
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

Copy to CMD, SECL, Bilaspur with 100 copies.

(SAMAY SINGH)
Under Secretary to the Government of India
F.No. 43022/3/87-CA

(TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (ii) OF THE GAZETTE OF INDIA)

MINISTRY OF COAL.

New Delhi, the 9th September, 1993

N O T I F I C A T I O N

S.O. In exercise of the powers conferred by section 3, of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a gazetted officer of the Government, and to be estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of their respective jurisdication in respect of the public premises specified in the corresponding entry in column (3) of the said Table:-

TABLE

Serial number	Designation of the Officer	Categories of public premises and local limits of jurisdiction.
(1)	(2)	(3)
	(A) VALLEY AND ORIENT AREAS:	
1.	Sub-Area Manager/Agents Project Officers, Mahanadi Coalfields Ltd., Rampur Group/sub-Area, Railway Station Brajrajnagar, Post Office Rampur Colliery, Via-Brajrajnagar District Sambalpur (Orissa).	All premises of Hingir-Rampur Coal Mine Hirakhand-Bundi a Coal Mine, all premises of residential/non residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
2.	Sub-Area Manager/Agents Project Officer, Mahanadi Coalfields Limited, Orient Group-I/Sub-Area Railway Station Brajrajnagar, Post Office Orient Colliery- Via-Brajrajnagar, District Sambalpur (Orissa).	All Premises of Orient Mine number 1, Mine number 2, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadai Coal Fields Limited, Sambalpur.
3.	Sub-Area Manager/Agents Project officer, Mahanadi Coalfields Limited, Orient Group-II/Sub-Area, Railway Station Brajrajnagar, Post Office Orient District Sambalpur (Orissa)	All premises of Orient Mine number 3 Mine number 4, General Manager Complex, all premises of residential/non-residential buildings, and otherpremises belonging to or under the control of Mahanadi Coalfields Limited Sambalpur.

.....2

(1)	(2)	(3)
4.	Sub-Area Manager/Agent/ Project Officer, Mahanadi Coalfields Limited, Basundhara East OC Project, Railway Station Himgir, Post Office Copalpur, District Sundargarh (Orissa)	All premises of East and West Basundhara Opencast Project, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
5.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Lajkura Group/sub-Area Railway Station Brajrajnagar, Post Office Brajrajnagar, District Sambalpur, Orissa.	All premises of Lajkura Opencast Coal mine, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi coalfields Limited Sambalpur.
6.	Sub-Area Manager/Agent/ Project Officer, Mahanadi Coalfields Limited, Samleswari Opencast Project Group Railway Station Brajrajnagar Post Office Brajrajnagar District Sambalpur (Orissa)	All premises of Samleswari Opencast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited Sambalpur.
7.	Sub-Area Manager/Agent Project Officer, Mahanadi Coalfields Limited, Lilari Open Cast Project Group, Railway Station, Belpahar, Post office Belpahar, District Sambalpur(Orissa)	All premises of Lilari Opencast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
8.	Sub-Area Manager/Agent Project Officer, Mahanadi Coalfields Limited, Belpahar Opencast Project Group, Railway Station Belpahar, Post Office Belpahar, District Sambalpur. (Orissa)	All premises of Balpahar Open cast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
9.	Sub-Area Manager/Agent Project Officer, Mahanadi Coalfields Limited, Lakhanpur Open Cast Project Group, Railway Station, Belpahar, Post Office Lakhanpur, District-Sambalpur. (Orissa)	All premises of Lakhanpur open cast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
(8)	TALCHER AREA	
1.	Sub-Area Manager/Agent/ Project Officer, Mahanadi Coalfields Limited, Talcher Open Cast Project/Group Railway Station, Talcher, Post Office Dera Colliery, District Dheenkanal(Orissa)	All premises of Talcher open cast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.

.....3

(1)	(2)	(3)
2.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Deulbera Colliery Group, Railway Station, Talcher Post Office Deulbera, District Dhenkanal (Orissa)	All premises of Deulbera Coal Mine, Handidua Coal Mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
3.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Lingraj Open Cast Project/Group, Railway Station Talcher, Post Office Talcher, District Dhenkanal (Orissa).	All premises of Deulbera Opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
4.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields, Limited, Nandira Colliery/Group Railway Station, Talcher, Post Office Balanda, District Dhenkanal (Orissa)	All premises of Nandira Coal Mine, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
(C)	JAGANNATH AND KALINGA AREAS:	
1.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Bharatpur Coalfields Limited, Bharatpur Open Cast Project/Group, Railway Station Talcher, Post Office Balanda (Orissa).	All Premises of Bharatpur opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
2.	Sub-Area Manager/Agents/Project Officer, Mahanadi Coalfields Limited, Kalinga Open Cast Project/Group, Railway Station Talcher, Post Office Dera, District Dhenkanal (Orissa).	All Premises of Kalinga opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
3.	Sub-Area Manager/Agent/ Project Officer, Mahanadi Coalfields Limited, Jagannath Open Cast Project/Group, Railway Station, Talcher Post Office Balanda, District Dhenkanal, (Orissa)	All Premises of Jagannath opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.

.....4

(1)	(2)	(3)
4.	Sub-Area Manager/Agent/ Project Officer, Mahanadi Coalfields Limited, Ananta Open Cast Project/Group Railway Station, Talcher, Post Office Dera Colliery, District Dhenkanal (Orissa).	All Premises of Ananta opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
5.	Sub-Area Manager/Agent/ Project Officer, Mahanadi Coalfields Limited, South Balanda Open Cast Project/ Group Railway Station, Talcher, Post Office Balanda, District Dhankanal(Orissa).	All Premises of South Balanda opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
6.	General Superintendent, (Excavation), Mahanadi Coalfields Limited, Heavy Earth Moving Machinery workshop, Jagannath Area, Talcher, Railway Station, Talcher Post Office Balanda, District Dhenkanal, (Orissa).	All Premises of Central workshop (Excavation) all premises of residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
(D)	MCL, HEADQUARTER:	
1.	Estate Manager/Deputy Estate Manager, Mahanadi Coalfields Limited, Railway Station, Sambalpur, Post Office District Sambalpur(Orissa)	All premises of Mahanadi Coalfields Limited, residential/ non-residential buildings at Sambalpur and Burla under the control of the company.

F.No.43022/1/93-LSW

(B.B. PAU)
UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

To

The Manager (Tech).
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

Copy to: Chairman/Managing Director, Mahanadi Coalfields Ltd, Bishop House, Ainthapali, Sambalpur.(Orissa).

(B.B. PAU)
UNER SECRETARY TO THE GOVT. OF INDIA.
F.No. 43022/1/93-LSW

The Orissa Prevention of Land Encroachment Act, 1972

Act 6 of 1972

Keyword(s):
Tahasildar, Encroachment, Land Encroachment

Amendment appended: 25 of 1979

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[1] THE ORISSA PREVENTION OF LAND ENCROACHMENT ACT, 1972]

[Received the assent of the President on the 12th February 1972, first published in an extraordinary issue of the Orissa Gazette, *dated the 16th February 1972]*

AN ACT TO PROVIDE FOR PREVENTION OF UNAUTHORISED OCCUPATION OF LANDS WHICH ARE THE PROPERTY OF GOVERNMENT

BE it enacted by the Legislature of the State of Orissa in the Twenty-second Year of the Republic of India, as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Orissa Prevention of Land Encroachment Act, 1972.

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

(*3*) It shall be deemed to have come into force with effect from the 29th day of October 1954.

Property of Government.

2. Subject to the provision of any law for the time being in force, the following classes of lands are hereby declared to be the property of Government for the purposes of this Act, namely :—

(*a*) all public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nalas, lakes and tanks and all canals and water courses and all standing and flowing water and all lands including temple sites, house sites or backyards wherever situated, save in so far as the same are the property—

(*i*) of any Ruler of an Indian State merged with the State of Orissa, Zamindar, Proprietor, Sub-Proprietor, Landlord, [2][* *] Jagirdar, [3][* *] Inamdar, [4][* *] Khorposhdar or

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1. For statement of Objects and Reasons see *Orissa Gazette*, Extra ordinary, dated the 4th January 1972 (No. 15).

2. The words and commas "Malguzar, Poligar, Mittadar," omitted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 2 (i) (a).

3. The word and comma "Shrotriemadar," omitted by *ibid.*

4. The word and comma "Ilaquedar," omitted by *ibid.*

(*Sec. 2 contd.*)

any other tenure holder or any person claiming through or holding under any of them ; or

(*ii*) of any person paying shist, kattubadi, jodi poruppu or quit-rent to any of the aforesaid persons ; or

(*iii*) of any person holding under raiyatwari tenure or in any way subject to the payment of cess or any other dues direct to Government ; or

(*iv*) of any other registered holder of land having proprietory right ; or

(*v*) of any other person holding land under grant from Government otherwise than by way of licence ;[1][*]

[2]* * * *

(*b*) land belonging to or vesting in any Local Authority which is used or intended to be used for any public purpose such as a road, canal, embankment, tank or ghat or for the repair or maintenance of such road, canal, embankment, tank or ghat ;

(*c*) land acquired under the provisions of the Land Acquisition Act, 1894 or under similar Acts for the purposes of any Local Authority, [3][*] Company owned or controlled by the State Government, Statutory Body or Corporation while such land remains as the property of the Local Authority [3][*], Company owned or controlled by the State Government, Statutory Body or Corporation ; 1 of 1894

(*d*) immovable property claimed by the Rulers of the merged territories but not conceded in their favour ; and

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1. The word " or " omitted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 2 (i) (b).

2. Omitted by *ibid.*, s. 2 (i) (c)

3. The words and Comma "Railway Company, omitted by *ibid.*, s. 2 (ii)

(*e*) lands belonging to an establishment or undertaking owned, controlled or managed by—

(*i*) any State Government or a Department of such Government ;

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

(*iii*) a corporation established by law which is owned, controlled or managed by any State Government.

Explanation.—In this section "high water mark" means the highest point reached by ordinary spring-tides at any season of the year.

Definitions

[1][3. In this Act, unless the context otherwise requires :—

(*a*) "Collector" means the Chief Officer in charge of the revenue administration of a district and shall include an Additional District Magistrate ;

[2][(*a*-1) "landless person" means a person who has no profitable means of livelihood other than agriculture, provided that—

(*i*) he owns no land excluding his homestead, or

[3][(*ii*) the total extent of the land (excluding his homestead) owned by him along with the lands owned by all the members of his family who are living with him in common mess, is less than one standard acre;]]

(*b*) "Prescribed" means prescribed by rules made by the State Government under this Act ; and

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1. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), 1 s. 3.

2. Inserted by the Orissa Prevention of Land Encroachment (Amendment Act, 1976 (Or. Act 25 of 1976), s. 2.

3. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1979 (Or. Act 25 of 1979) s. 2 (a).

[1][(*b*-1) "standard acre" means a standard acre as defined in the Orissa Land Reforms Act, 1960;]

(*c*) "Tahasildar" means the Chief Officer in charge of the revenue administration of a tahasil and shall include an Additional Tahasildar.]

Levy of assessment on land unauthorised by occupied.

4. Any person unauthorisedly occupying any land which is the property to Government shall be liable to pay by way of assessment—

(*i*) if the land so occupied was at any time assessed to rent, the full assessment for the whole period of occupation or a part thereof propertionate to the area occupied, as the case may be, provided that for special reasons [2][the Tahasildar] may impose the full assessment of rent or any lesser sum irrespective of the area occupied; or

(*ii*) if the land so occupied was not at any time assessed to rent, an assessment on the area occupied calculated for the same period at the rate imposed on lands of a similar description and with similar advantages in the vicinity or when no such prevailing rate exists, in such manner as may be prescribed [3][* * *]:

[4][Provided that where the person unauthorisedly occupying such land is a landless person, the amount payable by him by ways of assessment shall in no case exceed an amount equal to five times the annual assessment:

Provided further that notwithstanding anything in the Tenancy Law for the time being inforce, payment of assessment under this section shall not confer any right to occupancy.]

Explanation—For the purpose of this section occupation for an incomlete portion of an agricultural year may be deemed to be occupation for the whole of such year.

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1. Inserted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1979 (Or. Act 25 of 1979), s. 2 (b).

2. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or Act 4 of 1975), s. 4 (a).

3. Ommitted by idid, s. 4 (b).

4. Substituted by the Orissa Prevention of Land Encroachment Amendment) Act, 1976 (Or. Act 25 of 1976), s. 3.

(*Secs. 5—7*)

5. The decision as to the rate or amount of rent assessed under section 4 shall be recorded in writing and shall not be called in question in any Civil Court. Decision as to the amount of assessment shall not be challenged in any Civil Court.

6. Subject to the provisions of section 9, any person liable to pay assessment under section 4 shall, at the discretion the [1][the Tahasildar], be liable to pay in addition to the assessment by way of penalty a sum calculated at a rate [2][not exceeding one hundred rupees] per acre of land for each year of unauthorised occupation. Liability of person unauthorisedly occupying lands to penalty.

[3][Provided that where the person liable to pay assessment is a landless person, he shall not be liable to pay any penalty under this section].

[4][* * *]

7. (1) Any person unauthorisedly occupying land for which he is liable to pay assessment under section 4 shall be summarily evicted by the [5][Tahasildar] and any crop or other product raised on the land, any encroachments such as a building, other construction or anything deposited thereon shall be liable to forfeiture: Summary eviction, forfeiture and fine.

Provided that in the case of said encroachments, the [6][Tahasildar] shall give reasonable notice to remove the same.

[6][[7][(2) Notwithstanding anything contained in sub-section (1), where any land is in the unauthorised occupation of a landless person, the Tahsildar may, instead of of evicting such person from the land in his unauthorised occupation, settle the same with him, so, however, that the land so settled with him together with the land (excluding homestead), if any,

1. Sustituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 5.

2. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1976 (Or. Act 25 of 1976), s. 4 (a).

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

4. Ommitted by *ibid.*, s. 5.

5. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 7 (a).

6. Substituted by the Orissa Prevention of Land Encroachment (Amendment) (Act, 1974 (Or. Act 4 of 1975), s. 7 (b).

7. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1976 (Or. Act 25 of 1976), s. 6 (a).

(*Sec. 7—contd.*)

owned by him and the lands owned by all the members of his family who are living with him in common mess, shall on no account exceed [1][one standard acre]:

Provided that no such settlement shall be made if the land belongs to any of the following categories namely:-

(a) lands recorded as Gochar, Rakhshit or Sarbasadharan in any record-of-rights prepared under any law;

(*b*) lands which are—

(*i*) set apart for the common use of villages;

(*ii*) used as house-site, back-yard or temple-site whether or not recorded as such in the record-of-rights;

(*iii*) likely to be required for any development scheme and are declared as such by the State Government by a notification; and

(c) lands belonging to an establishment or undertaking owned, controlled or managed by—

(*i*) any State Government or a Department of such Government;

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

(*iii*) a corporation established by law which is owned, controlled or managed by any State Government:

Provided further that where the land in the unauthorised occupation of a person is situate within a Municipality or a Notified area constituted under the Orissa Muncipal Act, 1950, not more than

Orissa Act XXIII of 1950.

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[1] Substituted by The Orissa Prevention of Land Encroachment (Amendment) Act, 1979 (Or. Act 25 of 1979), s. 3(a)(*i*).

(*Sec. 7-contd.*)

one twentieth of an acre shall be settled with such person and that such settlement shall be made only where :—

(*a*) neither the person nor any member of his family living with him in common mess owns a house or house-site in that Municipality or Notified Area; or

(*b*) the land, being adjacent to the holding owned by the person, is necessary for the beneficial enjoyment of such holding or for the residential purposes of the person and is not reserved for the purposes of any Government or for any developmental purpose.]

[1][* * *]

(3) If such person fails to remove the encroachment within the time specified in the notice, the [2][Tahasildar] may, in his discretion, in addition to the order of forfeiture, impose a fine which may extend to fifty rupees and a daily fiine of rupees ten until the encroachment has been removed :

[3] [Provided that the aggregate of the fines payable under this sub-section shall in no event exceed an amount equal to twice the market value of the encroached land:

Provided further that subject to such conditions as may be prescribed, the Collector may, in suitable cases, either reduce or remit the amount payable by way of fine under this sub-section.]

(*4*) Forfeitures under this section shall be adjudged by the [2][Tahasildar] and any property so forfeited shall be disposed of as the [2][Tahasildar] may direct.

(*5*) An eviction under this section shall be made by serving a notice in the manner provided in section 9 on the person reported to be in occupation or his agent requiring him within such time as the

1. Deleted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1979 (Or. Act 25 of 1979), s.3 (a) (ii).

2. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s.7 (a).

3. Inserted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1979 (Or. Act 25 of 1979), s.3 (b).

[80—73 (a) Law]

[Tahasildar] may deem reasonable after receipt of the said notice, to vacate the land and if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same.

(*6*) If the officer removing any such person shall be resisted or obstructed by any person, the [1][Tahasildar] shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to Schedule I for imprisonment in the Civil Jail of the District for a period not exceeding thirty days as may be necessary to prevent the continuance of such resistance or obstruction.

Stay of construction.

8. The [2][Tahsildar] may, if he has reasons to believe that any person unauthorisedly occupying any land is constructing or is about to construct any building or other structure thereon, by order, prohibit such person from proceeding with the construction or, as the case may be, from constructing such building or structure during the pendency of any proceeding under this Act and if such person fails to comply with the said order, the [2][Tahsildar] may impose a fine which may extend to fifty rupees and a daily fine of rupees ten for every day during which such non-compliance continues.

Prior notice to person in unauthorised occupasion.

9. Before taking proceedings under section 6 or section 7, [3][the Tahsildar] shall cause to be served on the person reported to be in unauthorised occupation of the property of Government, a notice specifying the land so occupied and calling upon him to show cause before a certain date as to why he should not be proceeded against under section 6 or section 7. Such notice shall be served in such manner as the State Government may, by rules or orders under section 10, direct.

Power to make rules.

10. (*1*) The State Government may, subject to the condition of previous publication, make rules

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1. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 7 (a).

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

3. Substituted by *ibid.*, s.9.

or orders either generally or in any particular instance—

(*a*) regulating the rates of assessment leviable under section 4;

(*b*) regulating the imposition of penalties under section 6 ; and

(*c*) regulating the service of notice under this Act.

(*2*) All rules made under this section shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one session or two or more successive sessions and if during the said period the State Legislature makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form ; so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

Recovery of assessment and penalty as a public demand.

11. The amount of fine, assessment or penalty, imposed under this Act on any person unauthorisedly occupying any land shall be recoverable from him as arrears of public demand.

Appeal and revision.

[1][**12.** (*1*) An appeal from any decision or order made under this Act by the Tahsildar shall lie to the Subdivisional Officer.

(*2*) The Collector may revise a decision or order made by a Subdivisional Officer under sub-section (1).

(3) The Board of Revenue may call for and examine the records of any proceedings under this Act before any officer in which no appeal or revision lies and if such officer appears—

(*a*) to have exercised a jurisdiction not vested in him by law; or

(*b*) to have failed to exercise a jurisdiction so vested ; or

(*c*) while acting in the exercise of his jurisdiction, to have contravened some express provision of law affecting the decision on the merits, where such contravention has resulted in serious miscarriage of

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1. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 10.

justice, it may, after giving the parties concerned a reasonable opportunity of being heard, pass such order as it deems fit.

(*4*) Pending the disposal of any appeal or revision, the Subdivisional Officer, the Collector or the Board of Revenue, as the case may be, may stay the execution of the decision or order appealed against or sought to be revised.]

Limitation

13. (*1*) No proceeding under sections 4, 6, 7 or 8 shall be instituted against any person after expiry of thirty years from the date of commencement of the unauthorised occupation to which the proceeding relates.

(*2*) No appeal shall be brought after the expiry of thirty days from the date of the decision or order complained of and in computing the said period of thirty days, the time required to obtain a copy of the decision or order appealed against shall be excluded :

Provided that an appeal may be admitted after the aforesaid period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

Document accompanying memorandum of appeal.

14. Every memorandum of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Delegation of power and duties of Collector, Subdivisional officer, Deputy Collector and Sub-Deputy Collector.

15. The State Government may, by order, direct that any power, duties or functions conferred or imposed on a [1][Collector or Subdivisional Officer] shall in such circumstances and under such conditions, if any, as may be specified in that order, be exercised or discharged by such other officer or authority as may be specified in that order.

Bar of suits and proceedings.

16. No suit or other legal proceeding in respect of the matters or disputes for determining or deciding which provision is made in this Act shall be instituted in any Court of law except under and in conformity with the provisions of this Act.

Protection of action to be taken under this Act.

17. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

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1. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 11.

18. (*1*) The enactments mentioned in Schedule II are repealed to the extent specified in column 4 thereof. Repeal and savings.

(*2*) All things done, liabilities incurred, amounts assessed or penalty or fine imposed, enquiries held, notices served, warrants issued, eviction ordered, forfeiture adjudged under any of the enactments hereby repealed shall, so far as may be, be deemed to have been respectively done, incurred, assessed, imposed, held, served, issued, ordered, adjudged and made under this Act.

(*3*) All rules made under the Orissa Prevention of Land Encroachment Act, 1954 shall be deemed to have been made under this Act. Orissa Act 15 of 1954.

(*4*) Notwithstanding any judgment or order of any Court, all proceedings, whether original, appellate or by way of revision, started under the Orissa Prevention of Land Encroachment Act, 1954 which have been dismissed on or after the 12th November 1969 merely on the ground that provisions contained in that Act were void, shall be restored to the file of the respective authorities who had dismissed the proceedings and shall be proceeded with and disposed of in accordance with the provisions contained in this Act as if they had never been so dismissed. Orissa Act 15 of 1954.

19. (*1*) The Orissa Prevention of Land Encroachment Ordinance, 1971, is hereby repealed. Repeal of Orissa Ordinance No. 7 of 1971.

(*2*) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

SCHEDULE I

Section 7 (6)

Form of warrant to be issued by the [1][Tahsildar] under section 7.

Seal

To

The Officer-in-charge of the Civil Jail at ....

Whereas A, B of ..... has resisted or obstructed C, D in removing E, F (or himself, that is, the said A, B,) from certain land in the village of ..... in the ..... mouza and whereas it is necessary in order to prevent the continuance of such resistance or obstruction to commit the said A, B to close custody ; you are hereby required under the provisions of section 7 of the Orissa Prevention of Land Encroachment Act, 1972 to receive the said A, B into the Jail under your charge and there to keep him in safe custody for ..... days.

Dated this.....day of (Signature of [1][Tahsildar])

SCHEDULE II

Section 18

Year	Number	Short-title	Extent of repeal
(1)	(2)	(3)	(4)
1905 (Madras) ..	III	The Madras Land Encroachment Act.	Whole
1907 (C. P.) ..	II	The Central Provinces Land Revenue Act.	Sections 217 and 219
1936 ..	V	The Angul Laws Regulation.	The entry "1947 XXXIII. The Orissa Land Encroachment Act, 1947" in Part VI of the Schedule.
1947 ..	XXXIII	The Orissa Land Encroachment Act.	Whole
1950 ..	IV	The Orissa Marged States (Laws) Act.	The entry "1947 XXXIII The Orissa Land Encroachment Act, 1947" in the Schedule.
1954 ..	XV	The Orissa Prevention of Land Encroachment Act.	Whole

1. Substituted by the Orissa Prevention of Land Encroachment (Amendment) Act, 1974 (Or. Act 4 of 1975), s. 12.

ANNEXURE

[PROVISION OF THE ORISSA PREVENTION OF LAND ENCROACHMENT (AMENDMENT) ACT, 1976 (OR. ACT 25 OF 1976) NOT INCORPORATED IN THE ORIGINAL ACT.]

* * *

Savings

7. The omission of section 6-A of the principal Act by this Act shall in no way affect any reduction or remission of any assessment or penalty made under the said section prior to the date of commencement of this Act nor shall it in any way affect the proceedings pending under that section on the said date.

ORISSA ACT 25 OF 1979

*THE ORISSA PREVENTION OF LAND ENCROACHMENT (AMENDMENT) ACT, 1979

[Received the assent of the Governor on the 13th October 1979, first published in an extraordinary issue of the Orissa Gazette, dated the 17th October 1979]

AN ACT TO AMEND THE ORISSA PREVENTION OF LAND ENCROACHMENT ACT, 1972

BE it enacted by the Legislature of the State of Orissa in the Thirtieth Year of the Republic of India, a follows:-

Short title

1. This Act may be called the Orissa Prevention of Land Encroachment (Amendment) Act, 1979.

Amendment of section 3.

2. In section 3 of the Orissa Prevention of Land Encroachment Act, 1972 (hereinafter referred to as the principal Act), Orissa Act o6 f 1972-

(a) in clause (a-1), for sub-clause (*ii*), the following sub-clause shall be substituted, namely:-

"(*ii*) the total extent of the land (excluding his homestead) owned by him along with the lands owned by all the members of his family who are living with him in common mess, is less than one standard ace,";

(b) after clause (*b),* the following new clause shall be inserted, namely:-

"(b-1) "standard acre" means a standard ace as defined in the Orissa Land Reforms Act, 196;".

Amendment of section 7.

3. In section 7 f the principal Act,-

(a) in sub-section 2,-

(i) for the words "two aces", the words "one standard acre" shall be substituted;

(ii) the Explanation shall be deleted;

(b) after sub-section (3), the following provisos shall be inserted, namely:-

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* For the Bill See Orissa Gazette, Extraordinary, dated the 12th September 1979 (No. 1733)
** Came into force, with effect from the 17th October 1979

"Provided that the aggregate of the fines payable under the sub-section shall in no event exceed an amount equal to twice the market value of the encroached land:

Provided further that subject to such conditions as may be prescribed, the Collector may, in suitable cases, either reduce or remit the amount payable by way of fine under the-sub-section.".

The Orissa Prevention of Land Encroachment Rules, 1985

Notification No. 59406-GE-(GL)-E-31/85-R. E., dated 9th October, 1985-Whereas the draft of the Orissa Prevention of Land Encroachment Rules, 1983 was published as required by Sub-section (1) of Section 10 of the Orissa Prevention of Land Encroachment Act, 1972 (Orissa Act 6 of 1972), in the Extraordinary issue No. 1590 of the Orissa Gazette, dated the 2nd December, 1983 as SRO No. 515/83 under the Notification of the Government of Orissa in the Revenue Department No. 54986-GE-(GL)-R-2-83 R., dated the 24th August, 1983 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the objections and suggestions received in respect of the said draft before the expiry of the said period have been considered by the State Government;
Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 10 of the said Act, the State Government do hereby make the following rules, namely:

1. Short title and commencement-
(1) These rules may be called the Orissa Prevention of the Land Encroachment Rules, 1985.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions-
In these rules unless the context otherwise requires-
(a) "Act" means the Orissa Prevention of Land Encroachment Act, 1972;

(b) "encroacher" means a person who unauthorisedly-
(i) occupies any land as defined under Clause (d) ; or
(Ii) obstructs by dumping earth or any other materials, rubbish or filth on it ; or
(iii) puts any fence around it ; or
(iv) takes up any construction or cultivation on it ;

(c) "Form" means a Form appended to these rules;

(d) "land" means any land declared to be the property of Government under Section 2 :

(e) "Revenue Inspector" means the Officer-in-charge of a Revenue Circle under a Tahasil ;

(f) "section" means a section of the Act ;

(g) "Urban Area" means the area constituted into a Municipality or Notified Area under the Orissa Municipal Act,1950 ;

(h) words and expressions used in these rules and not specifically defined therein shall have the same meaning as are respectively assigned to them in the Act.

3. Detection of encroachments and initiation of proceeding -

(1) The Revenue Inspector shall report the cases of unauthorized occupation of land to the Tahasildar and the details of such occupation shall be reduced to writing in Form 'G'. Within fifteen days of the close of each financial year the Revenue Inspector shall send a certificate to the Tahasildar that except the encroachment already reported there is no further encroachment in his area :

Provided that nothing herein shall prohibit the Tahasildar to start a proceeding on his own motion or on an information received from any other source.

(2) On receipt of such report from the Revenue Inspector or on information received otherwise the Tahasildar shall cause to enter the details chronologically in the register in Form 'H' and initiate proceeding under the provisions of the Act.

4. Assessment under Section 4-

When land unauthorisedly occupied by any person is required to be assessed to rent under the provisions of Clause (ii) of Section 4 and if no such prevailing rate exists as referred to in the said clause, it shall be assessed as nearly, as possible in accordance with the provisions of Section 4 of Orissa Survey and Settlement Act, 1958 (Orissa Act 3 of 1959) for fixation of fair and equitable rent.

5. Conditions for reduction or remission of the amount of assessment, penalty or fine-

Passing an order of remission or reduction of the amount payable by way of assessment or penalty, under Section 6-A, or of fine under Sub-section (3) of Section 7, by the Collector shall be subject to the following conditions, namely:

(i) the Tahasildar shall enquiry in detail regarding the movable and immovable properties of the encroacher and submit details thereof to the Sub-Divisional Officer along with the case records. If the encroacher is a landless person no penalty shall be levied on him. If the extent of land owned by any landless person does not exceed 0.25 standard acre, the Collector may either reduce or remit the amount of assessment payable under Section 4, or fine under Sub-section (3) of Section 7 to such an extent as he considers necessary:

Provided that in other cases if the encroacher is a member of the Scheduled Caste or Scheduled Tribe, the Collector may in suitable cases reduce or remit the penalty or fine such extent as he considers necessary;

(ii) if encroachment has been made by the same person in more than one place, the encroacher may be allowed remission or reduction of assessment, penalty or fine only in respect of such land as would be legitimately settled in his favour under Section 7 ;

(iii) in the order sheet of the case record in which assessment, penalty or fine, as the case may be, has been proposed to be reduced or remitted, the Tahasildar shall record a clear report as to whether the encroacher is-landless. The extent of land, if any, possessed by him, if he belongs to Scheduled Caste /Scheduled Tribe and whether he has means to pay

him, if he belongs to Scheduled Caste /Scheduled Tribe and whether he has means to pay the assessment, penalty or fine, any certificate in the case was filed and why the same is not recoverable. The said case record shall be submitted through the Sub-divisional Officer to the Collector who shall pass appropriate order to remit or reduce the assessment, penalty or fine, as the case may be, in the said case record;

(iv) if the encroacher has re-encroached after eviction, no such reduction or remission shall be allowed.

6. Forms and manner of service of notice/order under Sections 4, 6, 7 and 8-

(1) Notice shall be issued in Form 'A' before taking any action under Sections 4 and 6 and in From 'B' before taking any action under the proviso to Sub-section (1) of Section 7. They shall be served in the same manner as revenue processes are served and a copy shall be delivered to the occupier of the land or to any adult male member or his family at his usual place of residence or to his authorised agent or by affixing a copy thereof to some conspicuous part of his last known residence and of the land in unauthorised occupation, in the presence of two persons when the notice could not be served on the encroacher, his agent or any adult member of his family.

(2) An order under Section 8 shall be in Form 'C' and shall be served in the same manner as laid down in Sub-rule (1) and shall also be proclaimed by beat of drum in the locality in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the order shall be published by affixing it in the notice board of the Tahasil office and another copy sent to the Grama Panchayat, Notified Area Council, Municipality, Special Planning Authority or Development Authority, as the case may be, under which the land situates.

7. Objections as to liability for proceedings under the Act and the manner of their disposal -

If on receipt of notice in Form 'A' any person pleads that he is not liable for being proceeded under the Act, the officer conducting the proceeding shall make a summary enquiry and determine the liability of the person for the whole or any part of the land unauthorisedly occupied for which notice was issued to him and may confirm, modify or drop the proceedings, as may be necessary:

Provided that he shall not modify or drop any proceeding in case where he is required to refer the case to the Sub-divisional Officer under the second proviso to Sub-section (2) of Section 7 or Section 8- A.

8. When eviction to be effected -

No eviction shall be effected after sunset and before sunrise. The officer to be deputed under Sub-section (5) of Section 7 to effect eviction shall not be a person below the rank of a Revenue Inspector.

9. Warrant for the arrest -

A warrant for the arrest of a person under Sub-section (6) of Section 7 or Section 8 shall be issued by the Tahasildar in Form 'D'

issued by the Tahasildar in Form 'D'.

10. Manner of execution of warrants of arrest-

A warrant of arrest under Sub-section (6) of Section 7 or Section 8 shall be I executed by the Officer-in-charge of the police-station within whose jurisdiction the person to be arrested ordinarily resides.

11. Order of forfeiture and its execution-

(1) When an order of forfeiture is passed by the Tahasildar under Sub-section (1) of Section 7, he shall -

(a) if the property is movable, make arrangement for taking immediate possession thereof ; or

(b) if the property is immovable, issue an order of attachment; or

(c) if the property is perishab1e in nature order immediate sale thereof and order the sale proceeds to be credited into the treasury.

(2) The order of attachment shall be served on the encroacher in the same manner as the notice under Sub-rule (1) of Rule 6 and copies of the order shall be affixed at a conspicuous place in the village or ward of the urban area, as the case may be, and on the land which is the subject-matter of the proceeding.

12. Third party claims to properties seized or attached -

If any person other than the encroacher puts forward claims to the property within one month from the date of its seizure or attachment, the Tahasildar shall make a summary enquiry and may confirm, modify or cancel his order, if necessary.

13. Final disposal of property forfeited-

When an order of forfeiture is confirmed after making enquiry under Rule 12, the Tahasildar shall sell the property in public auction and credit the sale proceeds into the treasury:

Provided that no order for final disposal of the property or its sale proceeds shall be passed until the period of appeal or revision as provided under Section 12 expires or if an appeal or revision is preferred within the said period until the appeal or revision is disposed of.

14. Declaration of land likely to be required for any development scheme under Section 7 -

(1) Whenever it appears to the State Government that any land is likely to be required for any development scheme they may publish a notification in the Official Gazette declaring the area as required for such purpose.

(2) Such publication shall be conclusive evidence of the fact that the land is likely to be required for a development scheme for the purpose of Sub-clause (iii) of Clause (b) of the first proviso to Sub- section (2) of Section 7.

(3) On issue of such a notification, the Tahasildar shall record the lands mentioned in the said notification in a register prescribed in Form 'I' and also in the remarks column of the copy of the record-of- rights of the concerned village against the plot so required.

15. Manner of settlement of encroached land under Section 7-

(1) Before the Tahasildar proceeds with the settlement of unauthorisedly occupied land under Sub-section (2) of Section 7 for agricultural or for home-stead purposes, he shall publish a proclamation in Form 'J' inviting objections, if any, fixing a date for hearing of objections.

(2) Such proclamation shall be published by beat of drum and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the proclamation shall be published by affixing in the Notice Board Tahasil office and a copy thereof shall also be sent to the Grama Panchayat, Notified Area Council/Municipality/Special Planning Authority, or the Development Authority, as the case may be, under which the land is situated.

(3) On expiry of a period or fifteen days from the date of publication of the proclamation In the village and after hearing the objection, if any, and after conducting such enquiry as he may consider necessary the Tahasildar shall record a finding stating whether the land can be settled in favour of the encroacher under the Act. If the Tahasildar comes to a finding that the land cannot be settled or the encroacher is not entitled to settlement he shall proceed to evict the encroacher as prescribed under the Act.

(4) If the Tahasildar comes to a finding that the land can be settled or the encroacher is entitled to settlement under the Act, he shall make an order granting such settlement and issue an intimation slip in Form 'F' in the name of the person concerned and shall cause correction of the record- of-rights in his office and in the office of the Revenue Inspector as well.

(5) If the encroached land is situated within an urban area the Tahasildar shall record his finding in the case record and on being satisfied that there is no prima facie objection, he shall direct the encroacher to file an affidavit in Form 'E' if not already filed, to the effect that neither he nor any member of his/her family living with him in common mess owns a house or house-site anywhere in the State except in respect of the land required for beneficial enjoyment of a holding as mentioned under Sub-clause (ii) of Clause (b) of the second proviso to Sub-section (2) of Section 7. Thereafter he shall send the case record to the concerned Sub-divisional Officer, who shall on receipt of the same, order the encroacher to pay the assessment/penalty and fine, if any, already levied or imposed by the Tahasildar and shall determine the market value which shall be the same as has been fixed for the urban area under Rule 8 of the Orissa Government Land Settlement Rules, 1983 :
Provided that Government may direct a lower market value to be paid by a specified class of persons.

(6) Thereafter, the Sub-divisional Officer shall order settlement of the land and send the case record to the Collector of the district for confirmation.

(7) If the Collector is satisfied on scrutiny of the case record that the procedure prescribed

under the Act and these rules has been observed he shall confirm the order of the settlement passed by the Sub-divisional Officer in the same case record. If he is not satisfied about the procedure followed or he considers that the land cannot be settled or the encroacher is not entitled to settlement under the Act, he shall send back the case record to the Tahasildar through the Sub- divisional officer, for effecting eviction of the encroacher.

(8) In all cases where settlement is granted, the Sub-divisional Officer shall direct the encroacher to pay the market value so determined by a date not later than ninety days from the date of order in one or more installments to be fixed by him. If the market value is not paid within the period fixed by the Sub-divisional Officer he shall send back the case record to the record to the Tahasildar for effecting eviction of the encroachment. After the market value is paid an intimation slip in Form 'F' shall be issued by the Tahasildar in the name of the person with whom the land is settled and ensure demarcation of land and correction of the record-of-rights in his office and in the office of Revenue Inspector as well. The land ordered for settlement under Sub-rules (4) and (7) shall be recorded in such status as are applicable to the tenure of similar land in the vicinity for similar purposes under the same terms and conditions which are applicable to such tenures.
If use of the land is non-agricultural and it is to be recorded under pattadari or similar other status, the encroacher shall be required to execute an agreement containing such terms and conditions as are fixed by the Government for similar lands in the locality to which the land belongs.

16. Manner of settlement of land encroached for more than thirty years-
For settlement of land under Section 8-A the onus of proof that the encroacher has been in actual, continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding shall be on the encroacher. If the Sub- divisional Officer orders settlement of the land under Sub-section (3) of Section 8-A, he shall fix rent of the land in the manner prescribed under Rule 4 and shall direct the person to pay rent for the entire period of occupation subject to the provisions of limitation prescribed under the Orissa limitation (Recovery of Revenue) Act, 1964 (Orissa Act 14 of 1964). In case no payment is made within the time fixed by the Sub- divisional Officer, the order of settlement shall not be effected.

17. Powers of Board of Revenue to regulate the administrative procedure -
The Board of Revenue may issue such further instructions which are not inconsistent with the provisions of the Act and these rules as it may consider necessary for-
(a) effective implementation of the Act and these rules;
(b) maintenance of all registers and returns essential to carry out
the purposes of the Act, their preservation and final disposal;and
(c) the budget heads to which the receipts and charges under

the Act shall be credited and debited.

18. Repeal and savings -
The Orissa Prevention of Land Encroachment Rules, 1977 is hereby repealed:
Provided that anything done or any action taken under the rules so repealed shall be deemed

to have been done or taken under the provisions of these rules, and those pending on the date of commencement of rules, shall be done or taken under the provisions of these rules.

FORM 'A'

Notice under Section 9 of the O. P. L. E. Act, 1972

[(See Rule 6 (1)]

To

Shri ..... s/o .....

Address:

Whereas it appears that you are in unauthorised occupation of land as specified in the Schedule below which is the property of Government, you are hereby given notice to appear before the undersigned personally or through authorised agent on .....at .....and show cause why you should not be proceeded against under Sections 4 and 6 of the Orissa Prevention of Land Encroachment Act, 1972 (Orissa Act 6 of 1972).

SCHEDULE

Name of the village, Police Station or Thana and District	Plot No.	Description	Entire extent of the plot as recorded in record-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5	6
Date:					Tahasildar

FORM 'B'

Notice under Section 9/7 (1) of the O. P.L E. Act, 1972

[See Rule 6 (1)']

To

Shri... .....son of.....

Address:

Whereas after due enquiry the undersigned is satisfied that you are in unauthorised occupation of the land specified in the Schedule below, which is the property of Government, you are hereby given notice to remove the encroachment within thirty days from the date of

receipt of this notice failing which you will be summarily evicted from the land and any crop or other product raised on the land or any encroachment such as a building erected or a thing deposited thereon shall be liable to forfeiture.

SCHEDULE

Name of the village, Police Station or Thana and District	Plot No.	Entire extent of the plot as recorded in record-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5
Date:				Tahasildar

FORM 'C'

Order under Section 8 of the O. P. L. E. Act, 1972

[See Rule 6 (2)]

Prohibitory order against construction or continuance of any building or structure on any unauthorisedly occupied land

To

Shri..... S/o.....

Address:

Whereas the undersigned has reason to believe that you are unauthorisedly

constructing/about to construct a building or other structure on the land which is the property of Government as defined under Section 2 of the O. P. L. E. Act, 1972, it is hereby ordered that you be and you are hereby prohibited from continuing the said construc- tion/ structure further:

SCHEDULE

Name of the					

village, Police Station or Thana and District	Plot No.	Description	Entire extent of the plot as recorded in record-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5	6

Date:	Tahasildar

FORM 'D'

[See Rule 9)

Form of warrant of arrest to be issued by the Tahasildar

To
The Officer-in-Charge,
Police Station

Seal

Whereas Shri .....s/o of .....village/police-station .....has resisted/obstructed the officer deputed to remove him from unauthorized occupation of Government land in plot..... of holding No..... has failed to comply with my order prohibiting him from constructing the buildings/structure on the said land and it is necessary to send him for imprisonment in the Civil Jail under Sections 7 (6) and 8 of the O. P. L. E. Act, 1972 you are hereby directed to arrest the said .....and produce him before me.

Datedthis .....day of 20..... (Strike out which is not applicable)

Seal:

Signature of Tahasildar

FORM 'E'

(See Rule 15 (5)]

In the Court of Shri..... Magistrate .....

I, Shri .....aged .....years, son/daughter/wife of .....resident of Ward No..... Municipality/Notified Area, P. O .....P.S..... in the district of..... at present..... by profession..... do hereby....., solemnly affirm as follows:

1. That I or any of my family members living with me in common mess do not own or possess any residential house/building or housesite anywhere in the State of Orissa.

2. That the land measuring acres pertaining to Plot No .....Khata No .....in the Municipality/Notified Area/Urban Area now under my unauthorised occupation is adjacent to my holding.

3. That the encroached land shown under item 2 above is necessary for beneficial enjoyment of my holding/for my residential, purpose.

4. That I have not been considered for any home-stead/plot in .any Municipality/Notified Area/Urban Area.

5. That I solemnly swear and affirm that the above statement are true to my knowledge and belief and I also swear that I have not concealed anything regarding existing house or house site owned either by me or by any of my family members. I swear the affidavit this the day of.....

Identified by me Signature of the Deponent Advocate

Shri..... aged..... years, son/daughter/wife of..... resident of village/town/Municipality/Notified Area/Urban Area..... P. O. ...../P.S ....., in the district of..... at present by profession .....who is identified by Shri .....Advocate, appears before me and states on oath that contents of this affidavit are true to the best of his knowledge and belief.

(Strike out which is unnecessary)

Deponent **Magistrate (Seal)**

FORM 'F'

[See Sub-rules (4) and (8) of Rule 15]

Intimation slip for settlement of land

Office of the Tahasildar.....

District.....

Case No of.....

Name of the village/Municipality/Notified Area/Urban Area..... (If Municipality or Notified Area mention Ward No.)

Thana No. of the village.....

Name of the person in whose lavour land is ordered for settlement .....

Father's name .....

Caste Address.....

Holding No.....

Plot No.....

Khata No .....

Area leased out.....

Classification of the land.....

Amount of assessment/penalty/fine.....

Purpose of settlement of land .....

Status Remarks.....

Certified that the above particulars have been incorporated In the relevant record-of-rights.

Tahasildar

Tahasildar

Certified that the above particulars have been incorporated in the circle records.

Revenue Inspector

FORM 'G'

[See Rule 3 (1) J

Statement of unauthorised occupation of Government land in village of .....in the circle.....Tahasil.....Subdivision.....District... .....during the month..... of 19 .....

1. Serial No .....

2. Name, father's name and address of the person in unauthorised occupation

3. Whether the person belongs to Scheduled Caste or Scheduled Tribe

4. Description of the land unauthorisedly occupied-

(a) Village, Thana and Tahasil

(b) Holding No

(c) Plot No

(d) Full extent of the plot

(e) Extent occupied with boundary

5. Class of lands encroached, i. e., whether-

Gochar, Canal, Embankment, Rakhit, Sarbasadharana, set apart for common use of villagers used for house site, temple site, likely to be required for any development scheme, belongs to an establishment of Government/company/corporation

6. Whether the land is In Rural Area/Municipality/Notified Area/ Urban area

7. If the land is in Municipality or Notified area whether

(i) the person or any member of his family living with him in common mess owns a house or house site in that Municipality or Notified Area,

(ii) the land, being adjacent to the holding owned by the person, is necessary for the beneficial enjoyment of such holding or for the residential purpose of the person, or

(iii) the land Is reserved for the purposes of any Government or for any development purpose.

8. Whether the person is landless and, if not-

(a) the total extent of land owned by him (excluding his home stead),

(b) extent of lands owned by all the members of his family who are living with him in common mess, and

(c) extent of home-stead land owned by him.

9. Income of the encroacher and other members of the family living jointly with him in one mess from sources other than agriculture..-

10. Mode of occupation by-

(i) cultivation

(ii) erection of house

(ii) erection of house

(iii) any other manner

11. Date of inspection of the Revenue Inspector

12. Whether encroachment was blocked previously, if so, the case No

13. Rate of assessment (Taram assessment of the village)

14. If not assessed, rate of assessment of lands of similar description and advantage in the vicinity

15. Assessment of the extent occupied

16. Remarks of the Revenue Inspector

Signature in full of the Reporting Officer

(Revenue Inspector)

FORM 'H'

(Register on Encroachment)

[See Rule 3 (2)]

1. Serial No

2. Date..

3. Name of village .

4. Name of the Encroacher, Caste, his father's name and address

5. Khata No

6. Classification and status

7. Plot No

8. Area encroached

9. Mode of encroachment

10. Date of receipt of report from Revenue Inspector

11. Assessment

12. Penalty

13. Fine ,

14. Market value

15. Date of disposal and by whom disposed of

16. Purport of the order

17. Date of settlement, if any, and purpose ;

18. Date of vacation/eviction

19. Remarks of the Tahasi1dar which may include-

(a) The amount of sale proceeds of crop or other materials forfeited, if any

(b) Report of Revenue Inspector incorporating the amount in the village demand

(c) If appeal filed, the date of appeal and the decision of appellate Court

FORM 'I'

Register showing Government land likely to be required for any Development Scheme

[See Rule 14 (3)]

1. Name of the village

2. Classification of land

3. Khata No

4. Plot No

5. Area

6. Purpose for which reserved

7. No. and date of the Notification declaring the area likely to. be required for any development scheme

8. Remarks

FORM 'J'

[See Rule 15 (1)]

It is proposed to settle the land mentioned In the Schedule below in favour of s/o... .....Caste... .....

Village .....who has encroached the said land being the property of Government. Any person intending to raise objection to the proposed settlement may file his objection before the undersigned within fifteen days of the publication of this notice at..... Tahasil office. If no objection is filed till the expiry of the said period, the undersigned will proceed to settle the land in favour of the encroacher:

SCHEDULE

Name of the village, Police Station or Thana and District	Plot No.	Description	Entire extent of the plot as recorded in record-of-rights	Extent unauthorisedly occupied	Nature of occupation
1	2	3	4	5	6

Tahasildar

THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 684 CUTTACK, MONDAY, NOVEMBER 26, 1962

LAW DEPARTMENT

NOTIFICATION

The 23rd November 1962

No. 7689-Legis.—The following Act of the Orissa Legislative Assembly, having been assented to by the Governor on the 13th November 1962, is hereby published for general information :—

ORISSA ACT 33 OF 1962

THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

AN ACT TO PROVIDE FOR SETTLEMENT OF GOVERNMENT LAND IN THE STATE OF ORISSA

BE it enacted by the Legislature of the State of Orissa in the Thirteenth Year of the Republic of India, as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Orissa Government Land Settlement Act, 1962.

(2) It shall extend to the whole of the State of Orissa.

(3) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as Government may, by notification, appoint in that behalf.

Definitions. **2.** In this Act, unless the context otherwise requires—

(*a*) 'Government' means the State Government of Orissa ;

(*b*) 'Government land' means any waste land belonging to Government, whether cultivable or not, recorded as House-site, Anabadi, Chot Jungle, Puratan patit, Nutan patit, parityakta Bedakhali or by any other description, whatsoever ;

(*c*) 'prescribed' means prescribed by rules made under this Act.

Reservation and settlement of Government lands.

3. Notwithstanding anything to the contrary in any law or any custom, practice or usage having the force of law Government shall not be deemed to be debarred from exercising all or any of the following powers in respect of Government lands, namely:—

(*a*) to reserve such portion of the lands as they deem proper for the purpose of being used as house-sites or for any communal or industrial purpose or for any other purpose whatsoever ;

(*b*) to charge premium for settlement of any such land ;

(*c*) to charge rent for the lands so settled ;

(*d*) to charge fees on applications for settlement of lands and such other fees as may be necessary for or incidental to the disposal of such application at such rates as may be prescribed and all such fees shall be payable in the prescribed manner ; and

(*e*) to authorise any officer of Government not below the rank of a Sub-Deputy Collector to dispose of applications for settlement of lands and settle the same.

Explanation—For the purposes of this clause an Assistant Settlement Officer appointed under the Orissa Survey and Settlement Act, 1958 shall be deemed to be an officer not below the rank of a Sub-Deputy Collector. Orissa Act 3 of 1959.

Settlement of char and diara lands.

4. Nothing in any other law or custom or usage having the force of law shall debar the Government from making a settlement of any char or diara lands coming into existence after the date of commencement of this Act with such persons and subject to such terms and conditions as Government may deem fit.

Section 61 of Orissa Tenancy Act, 1913 not to apply to Government lands.

5. The provisions of section 61 of the Orissa Tenancy Act, 1913 shall not apply to any Government land. Bihar and Orissa Act 2 of 1913.

Revision during settlement proceedings.

6. The rent payable in respect of any Government land shall be liable to revision during settlement proceedings under the Orissa Survey and Settlement Act, 1958. Orissa Act 3 of 1959.

Appeal and revision.

7. (1) An appeal, if presented within thirty days of the date of the order, shall lie from every order rejecting an application for settlement of Government land to the prescribed authority.

(2) Any person aggrieved by an order passed in appeal may, within thirty days from the date of the order, prefer a revision before the prescribed authority only on a question of law.

(3) All appeals and revisions shall be heard and disposed of in the prescribed manner.

Power to make rules.

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

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

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

Removal of doubts or difficulties.

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

By order of the Governor

B. C. DAS

Secretary to Government

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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1785 CUTTACK, MONDAY, DECEMBER 31, 1973/PAUSA 10 1985

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)
NEW DELHI

The 31st December 1973

No. 15608-Legis.—The following Act received the assent of the President on the 31st December, 1973 and is hereby published for general information :—

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1973

PRESIDENTS ACT No. 22 OF 1973

Enacted by the President in the Twenty-fourth Year of the Republic of India

An Act to amend the Orissa Government Land Settlement Act, 1962

In exercise of the powers conferred by section 3 of the Orissa State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows :— 20 of 1973.

Short title and commencement.

1. (1) This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1973.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), Orissa Act 33 of 1962,—

(*a*) clause (*a*) shall be re-lettered as clause (*aa*) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

'(*a*) "Collector" shall include an Additional District Magistrate;';

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

'(*d*) "revenue officer" means any officer appointed as such by the Government to discharge any of the functions of a revenue officer under the provisions of the Orissa Land Reforms Act, 1960; Orissa Act 16 of 1960.

(*e*) "Tehsildar" means any officer appointed as an Assistant Settlement Officer under the Orissa Survey and Settlement Act, 1958;'. Orissa Act 8 of 1959.

Amendment of section 3.

3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(*i*) in sub-section (1) as so re-numbered, for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) to authorise any officer of Government not below the rank of a Tehsildar to dispose of applications for settlement of lands and settle the same in such manner as may be prescribed and subject to the provisions of sub-sections (2) and (3);";

(*ii*) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely :—

'(2) In the settlement of lands under clause (*e*) of sub-section (1), seventy per centum thereof shall be settled with the persons belonging to the Scheduled Tribes and the Scheduled Castes in proportion to their respective populations in the village in which the lands are situated and the remaining lands shall be settled with the other persons not belonging to the aforesaid categories:

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

(3) The settlement of lands under this section shall be made in the following order of priority, namely : —

(*a*) co-operative farming socities formed by landless agricultural labourers;

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

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

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

Explanation—In this clause the expression "standard acre" has the meaning assigned to it in the Orissa Land Reforms Act, 1960; and Orissa Act 16 of 1960.

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

Insertion of new sections 3A and 3B.

4. After section 3 of the principal Act, the following sections shall be inserted, namely :—

Power to de-reserve land.

"3A. (1) The Government may, by notification in the Official Gazette authorise any officer, not below the rank of a Collector, to de reserve any land which has been reserved under clause (*a*) of section 3 or any portion thereof.

(2) Any officer authorised under sub-section (1) shall, subject to such conditions and limitations as may be prescribed, have power to de-reserve any land referred to in that sub-section or any portion thereof, if such officer is satisfied that such land or portion thereof, as the case may be,—

(*a*) is no longer required for the purpose for which it was reserved ; or

(*b*) can no longer serve the purpose for which it was reserved ; or

(*c*) is in excess of the reasonable requirement for the purpose for which it was reserved.

Resumption of land and imposition of penalty.

3B. (1) Any officer authorised under clause (*e*) of section 3 may resume any land settled by him, if he has reason to believe that the person with whom the land was settled has used it for any purpose other than that for which it was settled, and may impose a penalty of an amount not exceeding one hundred rupees on such person :

Provided that no order under this sub-section shall be passed without giving such person a reasonable opportunity of being heard in the matter.

(2) Nothing in sub-section (1) shall apply to any land settled for agricultural purposes under a permanent lease.".

Insertion of new section 5A.

5. After section 5 of the principal Act, the following section shall be inserted, namely :—

Preparation of schemes for management and development of Gochar lands.

"5A. Notwithstanding anything to the contrary contained in any other law or in any custom, practice or usage having the force of law—

(*a*) the Government may, in the prescribed manner, prepare a scheme for the management and development of Gochar lands and different schemes may be prepared in respect of Gochar lands situate in different areas;

(*b*) where any such scheme has been prepared in respect of any Gochar land which vests in a Grama Sasan constituted under the Orissa Grama Panchayat Act, 1964 the concerned Grama Panchayat shall manage the Gochar land in accordance with such scheme; and Orissa Act 1 of 1965.

(*c*) the Government may, if it deems fit, take over any Gochar land for management and development in accordance with the scheme prepared in respect of such land.".

Substitution of new sections for section 7.

6. For section 7 of the principal Act, the following sections shall be substituted, namely :—

Appeal

"7. (1) An appeal shall lie against any order made under section 3 or section 3B—

(*a*) where such order is made by a Tehsi'dar or a Revenue Officer, to the Sub-divisional Officer ;

(*b*) where such order is made by a Sub-divisional Officer, to the Collector ; and

(*c*) where such order is made by a Collector, to the Revenue Divisional Commissioner.

(2) No appeal shall be entertained under sub-section (I), unless it is preferred within thirty days from the date of the order appealed against :

Provided that the appellate authority may admit an appeal preferred after the expiration of the aforesaid period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(3) Every appeal preferred under this section shall be heard and disposed of in such manner as may be prescribed.

Revision

7A. (1) The Collector may revise any order made under sub-section (1) of section 7 by a Sub-divisional Officer and the Revenue Divisional Commissioner may revise any order made under that sub-section by the Collector, if an application is made by the aggrieved person within a period of ninety days from the date of the order :

Provided that the Collector or the Revenue Divisional Commissioner, as the case may be, may admit an application under this sub-section after the expiration of the aforesaid period of ninety days if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(2) All applications for revision under sub-section (1) shall be heard and disposed of in such manner as may be prescribed.

(3) The Board of Revenue may of its own motion or otherwise call for and examine the records of any proceedings in which any authority subordinate to it has passed an order under this Act for the purpose of satisfying itself that any such order was not passed under a mistake of fact or owing to fraud or misrepresentaton, and may pass such order thereon as it thinks fit :

Provided that no order shall be passed under this sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter :

Provided further that no order shall be revised under this sub-section after the expiry of one year from the date of the order.".

Substitution of new sections for section 8.

7. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Delegation of powers.

"8. The Government may, by notification in the Official Gazette direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by any authority not below the rank of a revenue officer.

Power to make rules.

8A. (1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules in respect of all or any of the following matters, namely:—

(*a*) the rate of fees to be charged under this Act and the manner of payment thereof;

(*b*) the form and the manner in which an application for settlement of lands may be made and the manner of settlement of lands;

(*c*) the conditions and limitations subject to which lands may be de-reserved;

(*d*) the preparation of Scoemes for management and development of Gochar lands;

(*e*) the procedure to be followed in the disposal of appeals and revisions; and

(*f*) any other matter which has to be, or may be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a total period of fourteen days which may be comprised in one or more sessions and if during the said period, the Legislative Assembly makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form, so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.".

V. V. GIRI,

President.

K. K. SUNDARAM,

Secretary to the Government of India.

Reasons for the enactment

The Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962) though enacted in 1962, was brought into force from 1st January, 1965. While implementing the Act, the provisions thereof have been found to be inadequate. There are, at present, no provisions for delegation of powers of the Government or for de-reservation of lands or for appeal against an order settling any land. Government was often placed in an embarrassing position, since settlement of lands obtained by misrepresentation or fraud could not be set aside. In order to make provision for the aforesaid purposes and to plug the loopholes in the Act, it is considered necessary to amend the Act suitably. It is a so considered necessary to lay down in the Act itself the order of priority for the settlement of lands.

2. The present measure is being enacted to achieve the above objectives.

3. The committee constituted under the proviso to sub-section (2) of section 3 of the Orissa State Legislature (Delegation of Powers) Act, 1973 (20 of 1973) has been consulted before enactment of this measure as a President's Act.

T. P. SINGH,

Secretary to the Government of India,
Ministry of Agriculture
(Department of Agriculture).

By order of the Governor

B. K. BEHERA

Secretary to the Government of Orissa
Law Department

'nted and Published by Director, Printing, Stationery and Publication, Orissa, Madhupatna, Cuttack-10
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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 161 CUTTACK, THURSDAY, JANUARY 31, 1974/MAGHA 11, 1895

REVENUE DEPARTMENT

NOTIFICATION

The 29th January 1974

No. 6171—GE-(GL)-3/74-R.—In exercise of the powers conferred by sub-section (2) of section 1 of the Orissa Government Land Settlement (Amendment) Act, 1973 (Presidents Act No. 22 of 1973), the State Government do hereby appoint the 1st day of February 1974 as the date on which the provisions of the said Act shall come into force.

By order of the Governor

B. B. PARIDA

Deputy Secretary to Government

REVENUE DEPARTMENT

NOTIFICATION

The 29th January 1974

No. 6172—GE-(GL) 3/74-R.—In exercise of the powers conferred by sub-section 3-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby authorise all the Collectors of the State to dereserve any land which has been reserved under clause (a) of section 3 or any portion thereof within the district under their respective jurisdiction.

By order of the Governor

B. B. PARIDA

Deputy Secretary to Government

REVENUE DEPARTMENT

NOTIFICATION

The 29th January 1974

No. 6173—GE-(GL)-3/74-R.—In exercise of the powers conferred by clause (e) sub-section (1) of section 3 of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby authorise all the Tahsildars of the State to dispose of applications for settlement of lands and settle the same in the prescribed manner within their respective jurisdictions.

By order of the Governor

B. B. PARIDA

Deputy Secretary to Government

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THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974

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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1062 CUTTACK, SATURDAY, JULY 6, 1974/ASADHA 15, 1896

LAW DEPARTMENT

NOTIFICATION

The 3rd July 1974

No. 6890-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 29th June 1974, is hereby published for general information :—

ORISSA ACT 5 OF 1974

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962 AND TO VALIDATE ACTIONS TAKEN BY CERTAIN OFFICERS

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

Short title and commencement.

1. (1) This Act may be called the Orissa Government Land Settlement (Amendment and Validation) Act, 1974.

(2) Section 9 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of February 1974.

Amendment of section 2, Orissa Act 33 of 1962.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), Orissa Act 33 of 1962.—

(*a*) clause (*a*) shall be re-lettered as clause (*aa*) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

"(*a*) 'Collector' shall include an Additional District Magistrate;" ;

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

"(*d*) 'Revenue Officer' means any officer appointed as such by the Government to discharge any of the functions of a Revenue Officer under the provisions of the Orissa Land Reforms Act, 1960 ; Orissa Act 16 of 1960.

(*e*) 'Tahasildar' includes an Additional Tahasildar.".

Amendment of section 3, Orissa Act. 33 of 1962.

3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(*i*) in sub-section (1) as so re-numbered, for clause (*e*) including the explanation thereunder the following clause shall be substituted, namely:—

"(*e*) to authorise any officer of Government not below the rank of a Tahasildar to dispose of applications for settlement of lands and to settle the same in such manner as may be prescribed and subject to the provisions of sub-sections (2) and (3);";

(*ii*) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) In the settlement of lands under clause (*e*) of sub-section (1), seventy per centum thereof shall be settled with the persons belonging to the Scheduled Tribes and the Scheduled Castes in proportion to their respective populations in the village in which the lands are situated and the remaining lands shall be settled with the other persons not belonging to the aforesaid categories:

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

(3) The settlement of lands under this section shall be made in the following order of priority, namely :—

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

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

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

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

Explantion—In this clause the expression "Standard Acre" has the meaning assigned to it in the Orissa Land Reforms Act, 1960; and Orissa Act 16 of 1960.

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

Insertion of new sections 3-A and 3-B, Orissa Act 33 of 1962.

4. After section 3 of the principal Act, the following sections shall be inserted, namely :—

Power to de-reserve land.

"3-A. (1) The Government may, by notification in the Official Gazette, authorise any officer, not below the rank of a Collector, to de-reserve any land which has been reserved under clause (*a*) of section 3 or any portion thereof.

(2) Any officer authorised under sub-section (1) shall, subject to such conditions and limitations as may be prescribed, have power to de-reserve any land referred to in that sub-section or any portion thereof, if such officer is satisfied that such land or portion thereof, as the case may be,—

(*a*) is no longer required for the purpose for which it was reserved ; or

(*b*) can no longer serve the purpose for which it was reserved ; or

(*c*) is in excess of the reasonable requirement for the purpose for which it was reserved.

Resumption of land and imposition of penalty.

3-B. (1) Any officer authorised under clause (*e*) of section 3 may resume any land settled by him, if he has reasons to believe that the person with whom the land was settled has used it for any purpose other than that for which it was settled and may impose a penalty of an amount not exceeding one hundred rupees on such person :

Provided that no order under this sub-section shall be passed without giving such person a reasonable opportunity of being heard in the matter.

(2) Nothing in sub-section (1) shall apply to any land settled for agricultural purposes under a permanent lease.".

Insertion of new section 5-A, Orissa Act 33 of 1962.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Preparation of schemes for management and development of Gochar lands.

"5-A. Notwithstanding anything to the contrary contained in any other law or in any custom, practice or usage having the force of law,—

(*a*) the Government may, in the prescribed manner, prepare a scheme for the management and development of Gochar lands and different schemes may be prepared in respect of Gochar lands situate in different areas ;

(*b*) where any such scheme has been prepared in respect of any Gochar land which vests in a Grama Sasan constituted under the Orissa Grama Panchayat Act, 1964 the concerned Grama Panchayat shall manage the Gochar land in accordance with such scheme ; and Orissa Act No. 1 of 1965.

(*c*) the Government may, if it deems fit, take over any Gochar land for management and development in accordance with the scheme prepared in respect of such land.".

Substitution of new sections for section 7, Orissa Act 33 of 1962.

6. For section 7 of the principal Act, the following sections shall be substituted, namely :—

Appeal.

"7. (1) An appeal shall lie against any order made under section 3 or section 3-B—

(*a*) where such order is made by an officer below the rank of a Subdivisional Officer, to the Subdivisional Officer;

(*b*) where such order is made by a Subdivisional Officer, to the Collector ; and

(*c*) where such order is made by a Collector, to the Revenue Divisional Commissioner.

(2) No appeal shall be entertained under sub-section (1), unless it is preferred within thirty days from the date of the order appealed against:

Provided that the appellate authority may admit an appeal preferred after the expiration of the aforesaid period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(3) Every appeal preferred under this section shall be heard and disposed of in such manner as may be prescribed.

Revision.

7-A. (1) The Collector may revise any order made under sub-section (1) of section 7 by a Subdivisional Officer and the Revenue Divisional Commissioner may revise any order made under that sub-section by the Collector, if an application is made by the aggrieved person within a period of ninety days from the date of the order :

Provided that the Collector or the Revenue Divisional Commissioner, as the case may be, may admit an application under this sub-section after the expiration of the aforesaid period of ninety days if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(2) All applications for revision under sub-section (1) shall be heard and disposed of in such manner as may be prescribed.

(3) The Board of Revenue may of its own motion or otherwise call for and examine the records of any proceedings in which any authority subordinate to it has passed an order under this Act for the purpose of satisfying itself that any such order was not passed under a mistake of fact or owing to fraud or misrepresentation, and may pass such order thereon as it thinks fit :

Provided that no order shall be passed under this sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter :

Provided further that no order shall be revised under this sub-section after the expiry of one year from the date of the order."

Substitution of new sections for section 8, Orissa Act 33 of 1962.

7. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Delegation of powers.

"8. The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by any authority not below the rank of a Revenue Officer.

Power to make rules.

8-A. (1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules in respect of all or any of the following matters, namely :—

(a) the rate of fees to be charged under this Act and the manner of payment thereof ;

(b) the form and the manner in which an application for settlement of lands may be made and the manner of settlement of lands ;

(c) the conditions and limitations subject to which lands may be de-reserved;

(d) the preparation of Schemes for management and development of Gochar lands;

(e) the procedure to be followed in the disposal of appeals and revisions; and

(f) any other matter which has to be, or may be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a total period of fourteen days which may be comprised in one or more sessions and if during the said period, the Legislative Assembly makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form, so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.".

Repeal

8. (1) The Orissa Government Land Settlement (Amendment) Act, 1973 is hereby repealed. President's Act No. 22 of 1973.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

Validation of actions taken by Tahasildars.

9. Notwithstanding anything to the contrary contained in the principal Act, no action taken or order passed by a Tahasildar being the Chief Officer in charge of the revenue administration of a Tahasil, under the principal Act within the period from the 1st day of February, 1974 to the date of commencement of this section shall be deemed to be invalid merely on the ground that such Tahasildar was not duly authorised under the principal Act and all such actions taken and orders passed shall be deemed to have been taken or passed, as the case may be, by a Tahasildar duly authorised under the principal Act as amended by this Act.

By order of the Governor
L. MOHAPATRA
Secretary to Government

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Ex. Gaz. 559—1,917+2060

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974

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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1062 CUTTACK, SATURDAY, JULY 6, 1974/ASADHA 15, 1896

LAW DEPARTMENT

NOTIFICATION

The 3rd July 1974

No. 6890-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 29th June 1974, is hereby published for general information :—

ORISSA ACT 5 OF 1974

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962 AND TO VALIDATE ACTIONS TAKEN BY CERTAIN OFFICERS

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

Short title and commencement.

1. (1) This Act may be called the Orissa Government Land Settlement (Amendment and Validation) Act, 1974.

(2) Section 9 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of February 1974.

Amendment of section 2, Orissa Act 33 of 1962.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), Orissa Act 33 of 1962.—

(*a*) clause (*a*) shall be re-lettered as clause (*aa*) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

"(*a*) 'Collector' shall include an Additional District Magistrate;" ;

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

"(*d*) 'Revenue Officer' means any officer appointed as such by the Government to discharge any of the functions of a Revenue Officer under the provisions of the Orissa Land Reforms Act, 1960 ; Orissa Act 16 of 1960.

(*e*) 'Tahasildar' includes an Additional Tahasildar.".

Amendment of section 3, Orissa Act. 33 of 1962.

3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(*i*) in sub-section (1) as so re-numbered, for clause (*e*) including the explanation thereunder the following clause shall be substituted, namely:—

"(*e*) to authorise any officer of Government not below the rank of a Tahasildar to dispose of applications for settlement of lands and to settle the same in such manner as may be prescribed and subject to the provisions of sub-sections (2) and (3);";

(*ii*) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) In the settlement of lands under clause (*e*) of sub-section (1), seventy per centum thereof shall be settled with the persons belonging to the Scheduled Tribes and the Scheduled Castes in proportion to their respective populations in the village in which the lands are situated and the remaining lands shall be settled with the other persons not belonging to the aforesaid categories:

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

(3) The settlement of lands under this section shall be made in the following order of priority, namely :—

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

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

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

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

Explantion—In this clause the expression "Standard Acre" has the meaning assigned to it in the Orissa Land Reforms Act, 1960; and Orissa Act 16 of 1960.

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

Insertion of new sections 3-A and 3-B, Orissa Act 33 of 1962.

4. After section 3 of the principal Act, the following sections shall be inserted, namely :—

Power to de-reserve land.

"3-A. (1) The Government may, by notification in the Official Gazette, authorise any officer, not below the rank of a Collector, to de-reserve any land which has been reserved under clause (*a*) of section 3 or any portion thereof.

(2) Any officer authorised under sub-section (1) shall, subject to such conditions and limitations as may be prescribed, have power to de-reserve any land referred to in that sub-section or any portion thereof, if such officer is satisfied that such land or portion thereof, as the case may be,—

(*a*) is no longer required for the purpose for which it was reserved ; or

(*b*) can no longer serve the purpose for which it was reserved ; or

(*c*) is in excess of the reasonable requirement for the purpose for which it was reserved.

Resumption of land and imposition of penalty.

3-B. (1) Any officer authorised under clause (*e*) of section 3 may resume any land settled by him, if he has reasons to believe that the person with whom the land was settled has used it for any purpose other than that for which it was settled and may impose a penalty of an amount not exceeding one hundred rupees on such person :

Provided that no order under this sub-section shall be passed without giving such person a reasonable opportunity of being heard in the matter.

(2) Nothing in sub-section (1) shall apply to any land settled for agricultural purposes under a permanent lease.".

Insertion of new section 5-A, Orissa Act 33 of 1962.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Preparation of schemes for management and development of Gochar lands.

"5-A. Notwithstanding anything to the contrary contained in any other law or in any custom, practice or usage having the force of law,—

(*a*) the Government may, in the prescribed manner, prepare a scheme for the management and development of Gochar lands and different schemes may be prepared in respect of Gochar lands situate in different areas ;

(*b*) where any such scheme has been prepared in respect of any Gochar land which vests in a Grama Sasan constituted under the Orissa Grama Panchayat Act, 1964 the concerned Grama Panchayat shall manage the Gochar land in accordance with such scheme ; and Orissa Act No. 1 of 1965.

(*c*) the Government may, if it deems fit, take over any Gochar land for management and development in accordance with the scheme prepared in respect of such land.".

Substitution of new sections for section 7, Orissa Act 33 of 1962.

6. For section 7 of the principal Act, the following sections shall be substituted, namely :—

Appeal.

"7. (1) An appeal shall lie against any order made under section 3 or section 3-B—

(*a*) where such order is made by an officer below the rank of a Subdivisional Officer, to the Subdivisional Officer;

(*b*) where such order is made by a Subdivisional Officer, to the Collector ; and

(*c*) where such order is made by a Collector, to the Revenue Divisional Commissioner.

(2) No appeal shall be entertained under sub-section (1), unless it is preferred within thirty days from the date of the order appealed against:

Provided that the appellate authority may admit an appeal preferred after the expiration of the aforesaid period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(3) Every appeal preferred under this section shall be heard and disposed of in such manner as may be prescribed.

Revision.

7-A. (1) The Collector may revise any order made under sub-section (1) of section 7 by a Subdivisional Officer and the Revenue Divisional Commissioner may revise any order made under that sub-section by the Collector, if an application is made by the aggrieved person within a period of ninety days from the date of the order :

Provided that the Collector or the Revenue Divisional Commissioner, as the case may be, may admit an application under this sub-section after the expiration of the aforesaid period of ninety days if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(2) All applications for revision under sub-section (1) shall be heard and disposed of in such manner as may be prescribed.

(3) The Board of Revenue may of its own motion or otherwise call for and examine the records of any proceedings in which any authority subordinate to it has passed an order under this Act for the purpose of satisfying itself that any such order was not passed under a mistake of fact or owing to fraud or misrepresentation, and may pass such order thereon as it thinks fit :

Provided that no order shall be passed under this sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter :

Provided further that no order shall be revised under this sub-section after the expiry of one year from the date of the order."

Substitution of new sections for section 8, Orissa Act 33 of 1962.

7. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Delegation of powers.

"8. The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by any authority not below the rank of a Revenue Officer.

Power to make rules.

8-A. (1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules in respect of all or any of the following matters, namely :—

(a) the rate of fees to be charged under this Act and the manner of payment thereof ;

(b) the form and the manner in which an application for settlement of lands may be made and the manner of settlement of lands ;

(c) the conditions and limitations subject to which lands may be de-reserved;

(d) the preparation of Schemes for management and development of Gochar lands;

(e) the procedure to be followed in the disposal of appeals and revisions; and

(f) any other matter which has to be, or may be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly for a total period of fourteen days which may be comprised in one or more sessions and if during the said period, the Legislative Assembly makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form, so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.".

Repeal

8. (1) The Orissa Government Land Settlement (Amendment) Act, 1973 is hereby repealed. President's Act No. 22 of 1973.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

Validation of actions taken by Tahasildars.

9. Notwithstanding anything to the contrary contained in the principal Act, no action taken or order passed by a Tahasildar being the Chief Officer in charge of the revenue administration of a Tahasil, under the principal Act within the period from the 1st day of February, 1974 to the date of commencement of this section shall be deemed to be invalid merely on the ground that such Tahasildar was not duly authorised under the principal Act and all such actions taken and orders passed shall be deemed to have been taken or passed, as the case may be, by a Tahasildar duly authorised under the principal Act as amended by this Act.

By order of the Governor
L. MOHAPATRA
Secretary to Government

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THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1975

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REGISTERED No. O 14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1950 CUTTACK, FRIDAY, DECEMBER 12, 1975/AGRAHAYANA 21, 1897

LAW DEPARTMENT

NOTIFICATION

The 8th December 1975

No. 15233-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 3rd December 1975, is hereby published for general information:—

ORISSA ACT 48 OF 1975

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1975

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962 AND TO VALIDATE CERTAIN ACTIONS

BE it enacted by the Legislature of the State of Orissa in the Twenty-sixth Year of the Republic of India, as follows:—

Short title.

1. This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1975.

Amendment of section 2.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in clause (*b*), after the words "Parityakta Bedakhali", the comma and the word ",Gochar" shall be and shall be deemed always to have been inserted. Orissa Act 33 of 1962.

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (1), the following proviso shall be and shall be deemed always to have been inserted, namely:—

"Provided that no Government land recorded as Gochar shall be reserved for any purpose mentioned in clause (*a*) or settled under clause (*e*) without being de-reserved in accordance with the provisions contained in section 3-A.".

Amendment of section 3-A.

4. In section 3-A of the principal Act,—

(*a*) In sub-section (1), after the word and figure "section 3", the words "or any Government land recorded as Gochar" shall be and shall be deemed always to have been inserted ;

(b) to sub-section (2), the following proviso shall be and shall be deemed always to have been added, namely :—

"Provided that the officer so authorised shall, in assessing the reasonable requirement for the purpose of Gochar, follow the prescribed principles laying down the extent of Gochar land to be set apart for use by the community.".

Validation of certain actions.

5. Notwithstanding anything contained in the principal Act, no de-reservation of any Gochar land and the subsequent settlement thereof made by the Collector of any district prior to the 8th day of October, 1975 in the belief or purported belief that such de-reservation or settlement was authorised under the principal Act, shall be questioned in any court of law or otherwise be open to challenge merely on the ground that the de-reservation and the settlement were not authorised under the principal Act and all such de-reservation and settlement shall be deemed to have been validly made in exercise of the powers conferred by or under the principal Act as amended by this Act.

Repeal and asvings.

6. (1) The Orissa Government Land Settlement (Amendment) Ordinance, 1975, is hereby repealed. Orissa Ordinance No. 7 of 1975,

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By order of the Governor
L. MOHAPATRA
Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa, Cuttack-10
Ex. Gaz. 1301—1,970+2,060

REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1635 CUTTACK, THURSDAY, OCTOBER 14, 1976/ASVINA 22, 1898

LAW DEPARTMENT

NOTIFICATION

The 12th October 1976

No. 18213-Legis.– The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 5th October 1976, is hereby published for general information :—

ORISSA ACT 38 OF 1976

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1976

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

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

Short title

1. This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1976.

Amendment of section 7-A.

2. In section 7-A of the Orissa Government Land Settlement Act, 1962, in sub-section (3),— Orissa Act 33 of 1962.

(*a*) after the words "fraud or misrepresentation", the words "or on account of any material irregularity in procedure" shall be and shall be deemed always to have been inserted;

(*b*) for the second proviso, the following proviso shall be and shall be deemed always to have been substitued, namely:—

"Provided further that no proceedings under this sub-section shall be initiated after the expiry of fourteen years from the date of the order.".

By order of the Governor

L. MOHAPATRA

Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa. Cuttack-10

Ex. Gaz. 1169—2,031+2,060

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1981

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1. Short title
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3. Amendment of section 3
4. Amendment of section 3-B
5. Amendment of section 4
6. Amendment of section 7-A
7. Amendment of section 8-A

GOVERNMENT OF ORISSA

LAW DEPARTMENT

NOTIFICATION

The 7th May 1981

No. 8255-Legis—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 6th May 1981 is hereby published for general information.

ORISSA ACT 18 OF 1981

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1981

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

BE it enacted by the Legislature of the State of Orissa in the Thirty-second year of the Republic of India, as follows:—

Short title

1. This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1981.

Amendment of section 2.

2. In section 2 of the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act) after clause (*b*), the following new clause shall be inserted, namely:— Orissa Act 33 of 1962.

'(*b*-1) "landless agricultural labourer' means a person who has no profitable means a livelihood other than agriculture and who owns no land excluding his homestead;".

Amendment of section 3.

3. In section 3 of the principal Act,—

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

"(*2-a*) The maximum extent of land to be settled under this section with any person for purposes of agriculture or for purposes of homestead shall be such as may be determined by Government from time to time".

(*b*) in clause (*d*) of sub-section (3), the word "contiguous" shall be deleted.

Amendment of section

4. In section 3-B of the principal Act, sub-section (2) shall be deleted.

Amendment of section 4.

5. To section 4 of the principal Act, the following proviso and explanation shall be added. namely:—

"Provided that nothing in this section shall apply to any char land which may form part of the holding of a raiyat under section 21 of the Orissa Land Reforms Act, 1960. Orissa Act 16 of 1960.

Explanation—For the purposes of this section—

(*a*) "char" means a gradual accretion to the bank formed by alluvial deposits in a river;

(*b*) 'diara' means an island formed in the bed of a river or any land formed by the recession of a river,".

Amendment of section 7-A.

6. In section 7-A of the principal Act,—

(*a*) in sub-section (1), after the words "made under that sub-section", the words "or under sub-section (3)" shall be inserted;

(*b*) for sub-section (3) excluding the provisos thereto, the following sub-section shall be substituted, namely:—

"(3) The Collector may of his own motion or otherwise call for and examine the records of any proceedings in which any authority sub-ordinate to it has passed an order under this Act for the purpose of satifying himself that any such order was not passed under a mistake of fact or owing to a fraud or misrepresentation or on account of any material irregularity of procedure and may pass such order thereon as he thinks fit";

Amedment of section 8-A.

7. In section 8-A of the principal Act, for clause (*e*) of sub-section (2), the following clause shall be substituted, namely:—

"(*e*) the procedure to be followed in the settlement of land and in the disposal of appeals and revision; and".

By order of the Governor

D. HOTA

Additional Secretary to Government

CGP—MP-I (Rev) 10—500—21-2-1982

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1989

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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 274 CUTTACK, THURSDAY, MARCH 8 1990/FALGUNA 17, 1911

LAW DEPARTMENT

NOTIFICATION

The 7th March, 1990

No.3410/Legis.—The following Act of the Orissa Legislative Assembly having been assented to by President on the 24th February, 1990 is hereby published for general information.

ORISSA ACT 2 OF 1990

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1989

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

BE it enacted by the Legislature of the State of Orissa in the Fortieth year of the Republic of India, as follows :—

Short title

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

Amendment of section 2.

2. In the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in section 2,— Orissa Act 33 of 1962

(*i*) for clause (*b-1*), the following clause shall be substituted, namely :—

"(*b-1*) " landless agricultural labourer " means a person who has no means of livelihood other than agriculture, provided—

(*i*) he or any member of his family owns no land excluding homestead ; and

(*ii*) his total annual income, together with the total annual income of all the members of his family who are living with him in common mess from all sources, does not exceed rupees three thousand and six hundred or an amount which the State Government may, by notification from time to time, specify in that behalf ;"; and

(*ii*) after clause(*b-1*),the following new clause shall be inserted, namely: —

"(*b-2*)" person" means any person,the total extent of whose land excluding homestead, together with lands held by all the membe of his family who are living with him in common mess is less than one standard acre and whose total annual income, together with the total annual income of all the members of his family living with him in common mess, does not exceed rupees three thousand and six hundred or an amount which the State Government may, by notification from time to time, specify in that behalf;"

Insertion of new section 7-B.

3. In the principal Act, after section 7-A, the following new section along with the marginal heading shall be inserted, namely: —

"Bar of jursidiction of Civil Courts.

7-B. No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which any officer or authority is empowered by or under this Act to determine and no injunction shall be granted by any Civil Court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.".

By order of the Governor

S. K. MOHANTY

Secretary to Government

P i ted and Published by t e Director of Printing, Stationery and Publication, Orissa, Cuttack-10
OG ' SBP Ex-Gaz. 1532—162+2080

THE ORISSA GOVERNMENT LAND SETTLEMENT AMENDMENT ACT, 1990

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REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 25 CUTTACK, WEDNESDAY, JANUARY 9, 1991/PAUSA 19, 1912

LAW DEPARTMENT

NOTIFICATION

The 8th January, 1991

No. 465-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 1st January, 1991 is hereby published for general information.

ORISSA ACT 1 OF 1991

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1990

AN ACT FURTHER TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

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

Short title and commencement.

1. (*1*) This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1990.

(*2*) It shall come into force on such date as the State Government may by notification, appoint.

Amendment of section 2.

2. In the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in section 2, after clause (*b*) the following Explanation shall be inserted, namely:— Orissa Act 33 of 1962.

"*Explanation*—The expression "any other description, whatsever" shall include—

(*i*) Khasmahal lands, that is to say Mahals held under Khas which are treated as Government estates and the rent of which are payable under section 3 of the Bengal Land-Revenue Settlement Regulation, 1822 or under section 4 of the Bengal Land Revenue Settlement Regulation, 1825; Bengal Regulation VII of 1822 Bengal Regulation IX of 1825.

(*ii*) Nazul lands situated in the State;

(*iii*) Gramakantha Parambok lands in the ex-Madras areas; and

(*iv*) Abadi lands situated in the State.".

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(*4*) Notwithstanding anything to the contrary contained in the preceding sub-sections or in any law or any custom, practice or usage having the force of law—

(*a*) any Khasmahal land or Nazul land, except where such land is used as homestead in any urban area, which has been leased out prior to the appointed date, shall, whether the lease, where it had already expired, has been renewed or not prior to such date, be deemed to have been leased out under this Act to the person holding such land whether as a lessee, or as a sub-lessee either under the lessee or under a sub-lessee :

Provided that—

(*a*) (*i*) any such lessee who is entitled to receive any rent froma sub-lessee under him; or

(*ii*) any such sub-lessee who is entitled to receive any rent from a subsequent sub-lessee under him,

under any instrument executed for such lease or sub-lease, as the case may be, shall be paid a compensation by the said sub-lessee or subsequent sub-lessee, as the case may be equivalent to ten times the said rent in the manner as may be prescribed ;

(*b*) the compensation so payable shall, if not paid by the concerned sub-lessee or subsequent sub-lessee, as the case may be, within the prescribed period, be recoverable from him by the Tahasildar having Jurisdiction over the area as arrears of land revenue and be paid to the concerned lessee or sub-lessee as the case may be, in the manner as may be prescribed;

(*b*) any Gramakantha Parambok land or Abadi land, except where such land is used as homestead in any urban area, which is in occupation by any person for not less than five years as on the appointed date, shall be settled with the said person in such manner, by such Officer and subject to such terms and conditions as may be prescribed :

Provided that any such land which is situated in an urban area shall be settled on lease-hold basis and in case of other lands settlement shall be on raiyati basis.

(*c*) any Khasmahal land, Nazul land, Gramakantha Parambok land or Abadi land, which is used and in occupation by any person as homestead in any urban area for not less than five years as on the appointed date, shall, subject to the payment of compensation in the case of Khasmahal and Nazul land as mentioned in the proviso to clause (*a*), be settled,—

(*i*) in the case of Khasmahal or Nazul land, with the person lawfully holding such land on and from the date the compensation is paid ; and

(*ii*) in the case of Gramakantha Parambok and Abadi land, with the person in occupation of such land on and from the appointed date,

on permanent basis with heritable and transferable rights."

Explanation—For the purposes of this sub-section, the expression "appointed date" shall mean the date of publication of the Orissa Government Land Settlement (Amendment) Act, 1990 in the official Gazette.".

By order of the Governor

S. K. MISHRA

Additional Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa, Cuttack-10
Ex, Gaz. 1328—1904 1080
OGP/SBP.

REGISTERED No. O-14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1193 CUTTACK, THURSDAY, SEPTEMBER 2, 1993/BHADRAB 11, 1915

REVENUE AND EXCISE DEPARTMENT

NOTIFICATION

The 26th August 1993

S. R. O. No. 837/93—In exercise of the powers conferred by sub-section (2) of Section 1 of the Orissa Government Land Settlement (Amendment) Act, 1990 (Orissa Act 1 of 1991), the State Government do hereby appoint the second day of September, 1993 as date on which the said Act shall come into force.

[No. 38981—GE(GL.)-S-40/93-R.]

By order of the Governor

S. R. PAL

Principal Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa Cuttack-10

Ex. Gaz. 755—211+1000

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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NOTIFICATION

No. RDM-LRGEA-STATUT-0001-2019- 562 /R&DM Dated 02.01.2020

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 by 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, 2020.

(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 (hereinafter referred to as the said rules), in Schedule IV, —

(a) in clause 1,—

(i) in sub- clause (g), after the word "annum" occurring at the end, the words "or any such higher amount as may be notified by the

Government, from time to time" shall be added;

(ii) in sub- clause (h), after the word "annum" occurring at the, the words "or any such higher amount as may be notified by the Government, from time to time" shall be added;

(iii) after sub- clause (l), the following sub- clause shall be inserted, namely :—

"(l-1) "Vice- Chairman, Rourkela Development Authority" means the officer appointed as such under the Odisha Development Authorities Act, 1982 " ,

(b) in clause (2), in the opening portion, for the words "Regional Improvement Trust, Rourkela", the words "Rourkela Development Authority" shall be substituted;

(c) in clause 3,—

(i) for sub- clause (b), the following sub- clause shall be substituted, namely : —

"(b) The Committee shall have five members, namely :

(i) Collector, Sundargarh;

(ii)Director, Town Planning, Odisha or his authorized representative;

(iii) Director of Industries, Odisha or his authorized representative;

(iv) Vice- Chairman, Rourkela Development Authority; and

(v) Additional District Magistrate, Rourkela" ;

(ii) for sub- clause (c), the following sub- clause shall be substituted, namely : —

" Collector, Sundargarh shall act as the Chairperson and the Additional District Magistrate shall act as the Secretary and Convener of the Committee. " .,

(d) in clause 4, for sub- clause (2), the following sub- clause shall be substituted, namely :—

"(2) Applications shall be made in the form obtainable from the Rourkela Development Authority or the Additional District Magistrate on payment of a sum of rupees five hundred or any other such sum as may be notified by the Government, from time to time." ;

(e) in clause 7, for the words and comma "Tahasildar, Panposh", the words "the office of the Tahasildar under whose jurisdiction the plot is situated" shall be substituted;

(f) in clause 9, in sub- clause (2), for the words "rupees two and paise sixty only", the words "three hundred rupees" shall be substituted;

(g) in clause 14, after sub- clause (3), the following sub- clause shall be inserted, namely:—

"(4) The notice shall also specify the upset price fixed by the Collector with the approval of the Commissioner for the plot, below which no bid shall be entertained." ;

(h) in clause 15, for sub- clause (2), the following sub- clause shall be substituted, namely:—

"(2) Every eligible person intending to participate in the auction sale shall require to deposit five percent of the upset price as earnest money before the time fixed for commencement of auction." ;

(i) in clause 20, in sub- clause (2), for the words "rupees two and paise sixty only", the words "three hundred rupees" shall be substituted;

(j) in clause 25, for the words "Regional Improvement Trust, Rourkela", the words "Rourkela Development Authority" shall be substituted.

3. In the said rules, in Schedule VI,

(a) in clause 1, in sub- clause (h), for the words "a sum of Rs. 10", the words "a sum of five hundred rupees" shall be substituted;

(b) in clause 2, for sub- clause (b), the following sub- clause shall be substituted, namely:—

"(b) The Collector of the concerned district shall be the appropriate authority for to allow conversion." ,

(c) for clause 3, the following clause shall be substituted, namely:—

" 3. The fees payable in course of proceedings for conversion of leasehold to freehold shall be as follows:

(i) Application fee . . Rs.500.00

(ii) Publication fee . . Rs.100.00

(iii) Measurement fee . . Rs.100.00

Provided that the Government may by notification in the Odisha Gazette specify any other amount, from time to time, in respect of any of the items above." ;

(d) in clause 5, in sub- clause (b), for the proviso, the following proviso shall be substituted, namely:—

" Provided that the rate of conversion fee shall be twenty five per cent of the prevailing market rate or price of the land

approved by the competent authority, whichever is higher, of the area in respect of the leasehold plots lying vacant." ;

(e) in clause 8, in sub- clause (b), for the words, figures and bracket "Rs.2.60 (Rupees two and paise sixty)", the words "Rupees three hundred" shall be substituted; and

(f) in clause 10, the words "in case of matters relating to conversions in urban areas other than Rourkela and Collector, Sundargarh in case of matter of conversion in Rourkela" shall be omitted.

By order of the Governor

21/1/2020

Principal Secretary to Government

Memo No. 563 / R&DM Dated 02.01.2020

Copy forwarded to Odisha Secretariat Gazette Cell, C/o Commerce & Transport (Commerce) Department with a request to publish the Notification in the next extraordinary issue of The Odisha Gazette and supply 10 (ten) copies of the same to this Department for reference.

2/01/2020

Additional Secretary to Government

Memo No. 564 / R&DM Dated 02.01.2020

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/All RDCs/Land Reforms Commissioner, Odisha, Cuttack/ Commissioner, Land Records and Settlement, Odisha, Cuttack/ Director, Land Record, Survey and Consolidation, Odisha, Cuttack/ All Collectors for information and necessary action.

02/01/2020

Additional Secretary to Government

Memo No. 565 / R&DM Dated 02.01.2020

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

02/01/2020

Additional Secretary to Government

Memo No. 566 / R&DM Dated 02.01.2020

Copy forwarded to O.S.D to Chief Secretary, Odisha/ P.S to Principal Secretary to Government, Revenue & D.M. Department for kind information of Chief Secretary, Odisha and Principal Secretary to Government, Revenue & D.M. Department respectively.

02/01/2020

Additional Secretary to Government

Memo No. 567 / R&DM Dated 02.01.2020

Copy forwarded to Joint Secretary in charge of e- Governance Cell, Revenue & D.M. Department for information and necessary action. She is requested to take steps for uploading the notification in the Department website.

02/01/2020

Additional Secretary to Government

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.1347, CUTTACK, FRIDAY, SEPTEMBER 11, 2009 /BHADRA 20, 1931

LAW DEPARTMENT

NOTIFICATION

The 11th September, 2009

No. 10486/I-Legis.- 21/09- The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 6th September, 2009 is hereby published for general information.

ORISSA ACT 15 OF 2009

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT)ACT, 2009

AN ACT FURTHER TO AMEND THE ORISSA GOVERNMENT LAND SETTELEMENT ACT, 1962.

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

Short title and commence-ment

1.(1) This Act may be called the Orissa Government Land Settlement (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 26th day of February, 2009.

Amendment of section 3.

2. In the Orissa Government Land Settlement Act, 1962, in section 3, - Orissa Act 33 of 1962

(i) sub-section (2-a), shall be omitted;

(ii) for sub-section (4) the following sub-section shall be substituted, namely:-

"(4) Notwithstanding anything to the contrary contained in the preceding sub-sections or in any law or any custom, practice or usage having the force of Law-

(a) any land of the category of Khasamahal, Nazul, Gramkantha Parambok or Abadi, wherever situated and used for any purpose, may, on application, be permanently settled with heritable and transferable right with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least three years prior to the

appointed date, in such manner and subject to payment of such amount to the Government as may be prescribed:

Explanation:- The word 'lease' includes sub-lease or subsequent lease by the lessee or the sub-lessee, as the case may be.

(b) if any person in occupation of the land as mentioned in clause (a) fails to apply under the provisions of the said clause within a period as may be prescribed from the date of publication of the Orissa Government Land Settlement(Amendment) Act, 2009 in the Official Gazette for settlement of such land, he shall be summarily evicted in the manner prescribed and such land shall be resumed by the Government ; and

(c) the amount and rent payable to Government for such settlement through the Tahasildar concerned shall be recovered as arrear of land revenue, if the occupant fails to pay the same at the time of settlement.

Explanation:- For the purpose of the sub-section the expression "appointed date" shall mean the date of commencement of the Orissa Government Land Settlement (Amendment) Act, 2009.", and

(iii) after sub-section(4), the following sub-section shall be inserted namely:-

"(5) Government shall, from time to time, determine the maximum extent of land to be settled with any person under the provisions of this Act, for different purpose".

By Order of the Governor

Sd/-

B.K.NAYAK

Principal Secretary to Government

Printed and published by the Director of Printing, Stationery and Publication, Orissa, Cuttack-10
OGP/SBP., Ex. Gaz. No. 881-193+1080 DTP-11-09-2009 Print-11-09-2009

THE ODISHA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 2013

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The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 2206, CUTTACK, WEDNESDAY, NOVEMBER 13, 2013 / KARTIKA 22, 1935

LAW DEPARTMENT

NOTIFICATION

The 13th November, 2013

No.12417-I-Legis.7/2013/L.,—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 1st November, 2013 is hereby published for general information.

ODISHA ACT 26 OF 2013

THE ODISHA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 2013

FURTHER TO AMEND THE ODISHA GOVERNMENT LAND SETTLEMENT ACT, 1962

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

Short title.

1. This Act may be called the Odisha Government Land Settlement (Amendment) Act, 2013.

Amendment of section 2.

2. In the Odisha Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in section 2, in clause (b-2), — Odisha Act 33 of 1962.

(i) for the words "any person" the words "an individual" shall be substituted; and

(ii) after the words "specify in that behalf" occurring at the end, the words "and includes any company or association or body of individuals whether incorporated or not or any local authority" shall be added.

Amendment of section 3-B.

3. In the principal Act, for section 3-B, the following section shall be substituted, namely: —

"3-B. Any officer authorized under clause (e) of section 3 may resume any land settled by him, if he has reasons to believe that—

(a) the person with whom the land was settled, has used it for any purpose other than that for which it was settled; or

(b) the person, other than homesteadless person or landless agricultural labourer, has not used the land for a period exceeding three years from the date of such settlement,

and may impose a penalty of an amount not exceeding one thousand rupees on such person:

Provided that no order under this section shall be passed without giving such person a reasonable opportunity of being heard in the matter:

Provided further that any land settled prior to the commencement of the Odisha Government Land Settlement (Amendment) Act, 2013, if not used within a period of three years from the date of such commencement, the authorized officer shall resume such land.".

Amendment of section 7-A.

4. In the principal Act, in section 7-A, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Notwithstanding anything contained in this Act or any other law, the Collector may, on his own motion or otherwise, call for and examine the records of any proceeding, in which any authority subordinate to him has passed an order under this Act, for the purpose of satisfying himself that any such order was not passed under a mistake of facts or owing to a fraud or misrepresentation or on account of any material irregularity of procedure and may pass such order thereon as he thinks fit:

Provided that no order shall be passed under this sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter.".

By Order of the Governor
S. PUJAHARI
Principal Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SP., Ex. Gaz. 1632-193+200

The Orissa Government Land Settlement Rules, 1983

Whereas the draft of the Orissa Government Land Settlement Rules, 1983 were published as required by Sub-section (1) of Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962) in an extraordinary issue of Orissa Gazette No. 1444, dated the 1st November, 1983 under the Notification of the Government of Orissa in the Revenue Deptt. No. 40349-GE-(GL)-S-84/83/R., dated the 22nd June,1983 inviting objections and suggestions from all persons likely to be affected thereby.

Whereas objections and suggestions received from the public on the said draft have been considered by the State Government.

Now therefore in exercise of the powers conferred by Section 8-A, of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962) the State Government do hereby make the following Orissa Government Land Settlement Rules, 1983.

1. Short title and Commencement -

(1) These Rules may be called the Orissa Government Land Settlement Rules, 1983.

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

2. Definitions-

(1) In these Rules, unless the context otherwise requires-

(a) **Act** means the Orissa Government Land Settlement Act, 1962;

(b) **Communal with respect to a land** means a land which is used by any village community or any section thereof for a communal purpose like burying or cremating dead bodies, celebrating public festivals, holding melas or common worship and the like without any Interference from anybody or paying any fees for the purpose;

(c)**Effective area of a village** means the total extent of private agricultural land plus arable Government lands consisting of Gochar, village forests and waste land in the village, multiplied by 20/23.

Note - For the purpose of calculating arable Government land under this clause, the following categories of lands shall be excluded, namely :

(i) lands known as 'char' and 'diara' ;

(ii) lands subject to the custom of Utabandi Settlement;

(iii) Canal side, road side and other lands considered temporarily surplus by the Works Department and Irrigation and Power Department which are placed at the disposal of the Revenue Department for temporary Settlement;

(iv) surplus railway lands placed by the Ministry of Railways at the disposal of the Revenue Department for being utilised for the purpose of Agriculture; and

(v) lands recorded or used for communal purposes;

(d) **Form** means a form appended to these Rules;

1[(dd) **home-steadless person** means a person who together with all the members of his family living in common mess-

(i) does not have an annual income together with the annual Income of all the members of his family from all sources exceeding Rs. 3,600 or any amount as may be notified by Government from time to time;

(ii) does not have any homestead land here in the State; and

(iii) owns less than one standard acre of agricultural land];

(e) **Rural area** means an area other than urban area;

(f) **Schedule** means a Schedule appended to these Rules;

(g) **Section** means a section of the Act;

(h) **Urban area** means an area constituted into a Municipality or a Notified Area under the Orissa Municipal Act, 1950 and shall include such other areas having urban characteristics which may be notified as such by the Government from time to time.

(2) Words and expressions used but not defined in these Rules shall have the same meaning as are respectively assigned to them in the Act.

3. Plotting of urban lands reserved for house-sites-

(1) Government lands belonging to any urban area reserved for house-sites under Clause (a) of Sub-section (1) of Section 3 shall be divided into convenient plots in accordance with the scale fixed by the consultation with the Municipality or Notified Area Council, as the case may be, subject to the approval of the Revenue Divisional Commissioner with reference to the requirements. In making such Division the principles of Town Planning and hygienic requirements shall be taken into consideration. The plots shall be so arranged as to ensure straightness of streets, guard against overcrowding and make suitable provisions for drainage. Any future requirement of Government and other public institutions shall also be kept in view.

(2) If a Town Planning Scheme has been approved under the Orissa Town Planning and Improvement Trust Act, 1956 for any urban area, the Collector shall follow the said Scheme in preparing the plan of house-sites for disposal.

(3) The plots in urban area shall be divided into five categories and assigned for the following purposes, namely :

(i) 2[land reserved for poor class people having annual family income of less than Rs.8,400];

(ii) 1[land reserved for middle class people having annual family income between Rs.8,400 and 30,000 having no house-site or having inadequate accommodation in an urban area] ;

(iii) land reserved for future requirements of Government and other public purposes;

(iv) land to be settled by public auction; and

(v) land to be reserved for setting up Small or Medium Scale Industries.

Note - It shall not be necessary that the plots assigned for any of the purposes shall be continuous. The Collector shall obtain the approval of the Revenue Divisional Commissioner to the classification of plots made as above.

4. De-reservation Principles-

(1) Any land which has been reserved under Clause (a) of Sub-section (1) of Section 3 or recorded as Gochar may be de-reserved by any officer not below the rank of Collector authorised by the State Government in that behalf. In making such de-reservation the following procedure shall be followed, namely:

(i) A notice inviting objection to the proposal for de-reservation specifying particulars of the area to be de-reserved and its situation such as village, Gram Panchayat and town, khata or holding and plot number and extent shall be published in the manner prescribed in Sub-rule (5) of Rule 5. A period of thirty days shall be allowed for filing objections, if any, before the concerned Tahasildar. If during the said period no objection is received, the Tahasildar shall submit his proposal for de-reservation giving justification for the same.

(ii) In case of objections filed before the Tahasildar, he shall hear the parties on a date fixed by him and, after such hearing, shall forward his recommendation to the authorised Officer for orders. On receipt of recommendation from the Tahasildar, the authorised Officer may, on being satisfied with the grounds advanced by the Tahasildar for de-reservation, accept and modify to the extent he considers necessary or reject the same. The orders passed by the authorised Officer shall be communicated to the concerned Tahasildar. When the authorised Officer passes orders for de-reservation such order shall be published in the manner prescribed in

Sub-rule (5) of Rule 5. The Tahasildar shall thereafter make necessary corrections in the record-of-rights".

(2) While de-reserving any Government land recorded as Gochar the authorised Officer shall assess the reasonable requirements for the purpose of Gochar for use by the community in the following manner :

(i) in every surveyed village which is not included within the limits of an urban area, five per cent of the effective area of the village shall be set apart for pasturage (Gochar) subject to availability of suitable Government land ;

(ii) in every un-surveyed village, land for pasturage shall be set apart at the rate of one acre for every fourteen inhabitants of the village, and if the village is un-inhabited ; reservation for pasturage, shall be made at the rate of one acre for every three persons having land in the village, subject to availability of suitable Government land :

Provided that the above provision shall not apply to Gochar situated in an urban area.

5. Manner of settlement of Government land:-

(1) All applications for settlement of Government land irrespective of the purpose of lease or the extent of area involved, either in rural or in urban area, shall be filed before the Tahasildar having jurisdiction over the area in which the land is situated.

(2) Application for settlement of land shall be in Form-1.

(3) On receipt of applications, they shall be forthwith entered chronologically in a register maintained in Form-II. There shall be two such registers, one for the urban area and another for the rural area. The Tahasildar shall, on receipt of the application, cause a verification to be made in respect of each application with reference to the existing record of-rights and maps, ascertain, if the land applied for is free from encroachment or encumbrance or not, and whether the lease can be granted, and examined whether any de-reservation will be necessary and the applicant is eligible to get the land for the purpose for which he has applied and the like. Such verification shall as far as prescribed, be completed within a period of fifteen days from the date of receipt of the application. If, after such verification,the Tahasildar is of the opinion that settlement of land shall not be granted because of non-availability of land in question or non-eligibility of the person applying for the land or the like, he shall reject the application after recording in writing reasons of such rejection in respect of each application. He shall do so irrespective of the fact whether the sanction of the lease in the said case is within his competence or rests with any other officer.

(2) If after necessary verification, as mentioned in sub-rule (3) the Tahasildar is of the opinion that settlement of land may be granted he shall publish a proclamation in Form No. III and invite objections, fixing a date for hearing the said objections, if any.

(3) The proclamation shall be published by beat of drum and by affixing a copy of the same at a conspicuous place in the village or urban area in which the land is situated in the presence of not less than two person of the locality. If the village is un-inhabited, the notice shall be published in the nearest inhabited village. A copy of the proclamation shall be published by affixing in the Notice Board of the Tahasil office and a copy shall be sent to the Gram Panchayat or Notified Area, Council or Municipality, as the case may be, urban which the land is situated.

(4) On expiry of thirty days from the date of publication of the proclamation, the Tahasildar shall hear objections, if any, received during the proclamation period, after hearing objections or immediately after expiry of thirty days from the date of publication or the proclamation, where no objection has been filed, the Tahasildar shall, if he satisfied that the applicant is deserving and there is no objection to settlement on any ground, make order granting such settlement of the land applied for or any portion thereof and submit the case record, after expiry of the appeal period, to the Sub-divisional Officer having jurisdiction for approval. If the settlement has to be granted by an Officer superior in rank to the Tahasildar under these rules the case records shall be submitted to such Officer for disposal. The Tahasildar shall forward a list of leases granted every month to the Collector for his information.

(5) Settlement of land shall be in conformity with reservation, if any, made under clause (a) of sub-section (1) of Section 3.

Provided that no such settlement shall be made, unless the premium fixed for the land is paid:

Provided further that the Government may exempt the premium payable in any case or class or cases for settlement of land.

5-A. Notwithstanding anything contained in Rules 3,5,8,11,12 and 13 lease /settlement of Government land in the Civil Township of Rourkela Notified Area shall be made in the manner prescribed in Schedule IV.

5-B. Notwithstanding anything contained in rules 3,5,5-A, 8,11,12 and 13 ,Settlement of Khasmahal and Nazul land, Gramakantha parambok and Abadi land leased out prior to the 9th day of January ,1991 shall be made in the manner prescribed in Schedule-V.

6. Principles for settlement-

(1) Settlement of Government land for agricultural purposes shall be made village-wise. Every year, applications received in each quarter shall be considered in one batch for disposal in the first month of the succeeding quarter. Applications of each category of applicants specified in sub-section (3) of Section 3 shall be considered together and disposed of in the order of priorities.

(2) Where reclamation schemes are undertaken by Government for agricultural development or for resettlement or rehabilitation of displaced persons of any category including tribes or of weaker sections of the society, settlement of the land reclaimed shall be made according to such scheme in each case.

(3) Char and Diara land which are thrown out of a reservoir or any other irrigation project temporarily shall be settled for cultivation for a season only.

(4) No Government land shall be settled in urban areas for agricultural purposes.

(5) Land covered by forest growth coming within the purview of clause (ii) of Section 2 of the Forest (Conservation) Act, 1980 or recorded as forest inside village boundary of lands inside village boundary covered by forest shall not be settled for any purpose whatsoever without prior approval of Government. Where areas having sparse tree growth inside village boundary are proposed to be settled under these rules, no intimation slips as provided in Rule 12, shall be issued unless the following formalities are observed, namely -

(a) the Divisional Forest Officer in-charge of the area shall be intimated of the decision to settle the land if there is sparse tree growth on it and he shall be called upon to dispose of the trees within a period of three months from the date of such intimation either by himself or through an officer not below the rank of a Range Officer;

(b) the Divisional Forest Officer shall arrange for disposal of the trees by auction to the village community in the presence of the Tahasildar or his representative not below the rank of a Revenue Supervisor which shall not be less than the royalty at the rates approved by the Forest Department. Only very small growth which is not saleable or which is not worth-selling may be settled with any person at four times the rate of royalty prescribed by the Forest Department.

(c) If within three months the Divisional Forest Officer does not dispose of the trees or remove them, the Tahasildar or any officer authorised by him in this behalf shall do the same through public auction.

(d) On receipt of intimation under clause (a) of sub-rule (5) the Divisional Forest Officer may raise objection to settlement of such lands. In all such cases the area objected to shall not be settled without the orders of the Collector after due consideration of the objection of the Divisional Forest Officer, provided that the grant of lease does not contravene the provisions of clause (ii) of Section 2 of the Forest (Conservation Act, 1980 and that the proposed lease of land if inside a village boundary, is not recorded as forest or otherwise covered by forests.

7. Settlement of land for homestead purpose in rural areas -

(1) in each village the land for homestead purposes shall be demarcated separately and for such purposes no settlement shall be made outside the demarcated areas.

(2) The extent of land to settled in favour of each person having no homestead land shall be such as may be determined by Government from time to time. Where the land is not sufficient to accommodate all such persons, settlement shall be made subject to the limit of availability.

8. Settlement of house-sites in urban areas :-

(1) In respect of each plot of land reserved for house-sites which falls under the categories mentioned in clauses (ii) and (iii) of sub-rule (1) of Rule 3 the Collector shall, with the approval of the Revenue Divisional Commissioner, fix a minimum premium; equal or approximate to the market value of the land prevailing in the urban area for similar lands in the vicinity, for payment by persons for whom such reservation is meant. The premium so fixed shall be reviewed every three years and revised with the approval of the Revenue Divisional Commissioner. For areas where the prices of house-sites rapidly fluctuate, the Collector may get the rate revised at shorter intervals.

(2) Applications for house-sites shall be taken up for consideration once in every half year. All pending applications shall be duly considered by the Collector and leases of plots granted strictly in conformity with the division of plots approved under sub-rule (1) of Rule 3 in consultation with the Committee consisting of two members of the concerned local bodies to be nominated by the Revenue Divisional Commissioner for the purpose;

Provided that such consultation may be dispensed with during the period when Government take over the affairs of the concerned Local Body or Bodies.

(3) Lands falling under the category mentioned in clause (i) of sub-rule (3) of Rule 3 shall be settled in the following order of priority, namely-

(i) Poor persons (inhabitants) of the urban area whose presence in it is necessary in the general interest of the people, but who are unable to acquire house sites and have no adequate living accommodation of at least five cents for each separated family.

(ii) Poor persons belonging to the concerned district who do not have house in the urban area but whose presence in it is essentially necessary any for the general interest of the public or for their business, trade or profession or any other legitimate reasons direct\y connected with their livelihood;

(iii) Any poor inhabitant of the State other than one belonging to a district in which the urban areas occur who do not have a house-site or whose presence in the urban area is necessary in connection with their trade, business or other avocation and in the general interest of the public.

(4) Lands falling under the category mentioned in clause (ii) of sub-rule (3) of Rule 3 shall be settled in the following order or priority, namely:

(i) inhabitants of the urban area who do not have a house in any urban area and in the urban area in question or who do not have adequate living accommodation of at least five cents for each separated family;

(ii) inhabitants of the district in which the urban area is situated who do not have a house in any urban area and whose residence in the urban area is necessary for the purpose of business, trade or profession or any other justiciable reasons ;

(iii) inhabitants of other districts of the State whose, continued presence in the urban area is necessary for the sake of their trade, business, avocation or any other reasons justifying allotment;

(iv) others whose presence in the urban area is necessary for any justiciable reasons.

Note-Each application for house-sites for middle and poor class people shall accompany an affidavit duly sworn in before a Magistrate in the Form as prescribed in Schedule-I.

(5) Lands falling under clause (iv) of sub-rule (3) of Rule 3 shall lease out to the highest bidder by public auction in the following manner, namely-

(a) before public auction is held, the. Collector shall cause publication of a notice, giving fifteen clear days time from the date of such publication and before the date of auction, fixing the date, hour and place of auction in two daily news papers of the State and in such other manner as he considers necessary for wide publicity;

(b) the auction shall be held by the Collectors;

(c) the highest bid for premium shall, in no case, be less than the minimum premium fixed under sub-rule (1) after taking into account the cost of development, if any, and other incidental expenses;

(d) notwithstanding anything contained ion this sub-rule, if-

(i) the Collector for sufficient reasons considers that the land may not be settled with the highest bidder he shall, after recording his reasons, therefore, order settlement of the land with any other bidder who participated in the auction or put the land to fresh auction after recording the reason in that behalf in the case record;

(ii) the application is for small plot adjoining and existing holding of the applicant and the plot is very much necessary for the beneficial enjoyment of the existing holding or residence of, the applicant the Collector may dispense with the settlement by public auction of the site or part thereof and make settlement with the applicant on payment of a premium fixed under sub-rule (1);

(iii) earnest money not less than 5% of the minimum premium fixed under sub-rule (1) shall be deposited by the persons desirous of participating in the auction before the auctions are started. The amounts de-posited as such by the person wining the bid or any other bidder in whose favour the land Is decided to be settled as provided in clauses (c) and (d) are to be adjusted towards the premium payable by them. The earnest money, deposited by other bidders, in whose favour the land is not decided to be settled as provided in clauses (c) and (d) shall be refunded to them at the end of the bid. The bidders in whose favour the land is decided to be settled as provided in clauses (c) and (d) shall make payment of the balance amount within fifteen days from the date of auction (both days inclusive) to the Collector, failing which the bid will automatically lapse and the earnest money deposited by them shall, after deducting reasonable damages determined by Collector, be refunded.

(6) Where the reservation of plots cannot be finalised within reasonable time, the Collector may, after preparing a tentative plan with the approval of the Revenue Divisional Commissioner, lease house-sites according to the above provisions and shall incorporate the same while finalizing the reservation;

(7) The auction shall be held by the Collector or any officer authorised by him not below the rank of a Deputy Collector on the date fixed in the notice. The auction may be adjourned from time to time for good reasons to any subsequent date with due public notice.

9. Temporary settlement -

Where a plot has been reserved under Section 3 of the Act for any purpose, but no immediate settlement for that purpose is contemplated, the Collector, with the prior approval of the Revenue Divisional Commissioner, may give temporary lease of the whole plot or any portion thereof for any specific purpose, within the terms and conditions as may be prescribed by Government from time to time.

10. Terms and conditions of settlement-

Terms and conditions of settlement of land for purposes other than agriculture, both in rural and urban areas, shall be such as may be determined by the Government from time to time.

11. Authorities competent to dispose settlement -

Disposal of application for settlement of land for various purposes shall be made by the authorities specified in Schedule II up to the extent mentioned therein. All other cases for settlement of land shall be referred to the Government for orders.

12. Fees-

Fees payable In respect of matters referred to in Clause (d) of Sub-section (1) of Section 3 shall be in accordance with the rates specified in Schedule III:

Provided that the Government may exempt the fees prescribed in the said Schedule in any case or class of cases for settlement of land.

13. Intimation slip, lease deed, etc.-

In all cases where a settlement of land is granted an intimation slip in Form IV shall be issued by the Tahasildar in the name of the lessee. Lease deed as wherever necessary, shall be executed and registered at the cost of the lessee.

14. Procedure for disposal of appeals and revisions-

Disposal of appeals and revisions under the Act shall be regulated by the following procedure, namely:

(a) With every appeal or revision a certified copy of the order appealed against or sought to be revised shall be filed;

(b) Every appeal or revision petition shall be drawn up in the form of a memorandum signed and drafted by the appellant or petitioner or his recognised agent or his counsel. The Memorandum shall set forth concisely and under distinct head the grounds of objection to the order appealed against or sought to be revised and such grounds shall be numbered consecutively;

(c) If an appeal or revision petition is admitted, the authority hearing the appeal or revision petition may call for a report from the Officer against whose order the appeal or revision has been filed;

(d) Pending disposal of the appeal or revision petition, operation of the order appealed against or sought to be revised may, at the discretion of the authority hearing the appeal or revision petition be stayed;

(e) A notice of the appeal or revision petition and date of its hearing shall be served on the respondent, if any; and

(f) reasonable opportunity shall be given to the parties to be heard in person or through Advocate before final order in an appeal or revision is passed.

15. Repeal-

(1) The Orissa Government Land Settlement Rules,1974 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Rules so repealed shall be deemed to have been done or taken under Rules.

FORM-I
[See Rule 5 (2)]
APPLICATION FOR SETTLEMENT OF LAND

To
The Tahasildar

1. (a) Name of the applicant (b) Age	
2. Father's name	
3. (a) Present residential address (in full) (b) Permanent home address (in full)	
4. Caste, whether S.C./S. T./others.	
5. Number of family members	
6. Whether belongs to joint family or a member of single family.	
7. Annual income (a) From Agricu1ture (b) From other sources ,	
8. Extent ot land owned by him in his name or in the name of other members of his family in Urban Area/ Rural Area	
9. (a) Occupation of the applicant (b) Occupation of the family Members	
10. Detailed particulars of land applied for: (a) Name of villlage/Name of urban area (b) Holding number , If any (c) Plot number, if any (d) Area applied for (e) Boundary	
11. Purpose for which the land is required	
Dated:	Signature of the Applicant

FORM II
(See Rule 5(3))
FORM OF REGISTER

1. Serial number	
2. Date of application	
3. Whether for agriculture, homestead or any other purpose.	
4. Name and residence of applicant	
5. Name of village/Urban area, Khata No. Plot No.of the land applied for	
6. Area of the plot with its boundaries as given in the application.	
7. Area of the plot as ascertained by actual enquiry.	
8. Amount of survey fees paid .	
9. Date of payment. .	
10. Value of forest growth paid	
11. Date of payment	
12. Date of completion of survey	
13. Abstract of final order with date amount of premium fixed.	
14. Amount of premium paid, if any .	

15. Date of payment	
16. Date of settlement area settled	
17. Date of issue of Patta/ execution of agreement, as the case may be,	
18. Remarks- [Here mention the category under which the applicant falls with reference to sub-section [3] of Section 3 and sub-rule [3] of Rule 3 of the Rules)	

FORM-III
[See Rule 5 (4)]
PROCLAMATION OFFICE OF TAHASILDAR

It is hereby informed to the General Public that Shri..... son of .....Village .....P.O....., District .....has applied for lease of Government land mentioned in the Schedule below. Anybody having any objection to such settlement may file objection petition within a period of thirty days from the date of publication of this proclamation affixing Court Fee of Rs.1.30 (Rupees one and thirty paise) only to the undersigned. No objection petition will be entertained after expiry on the schedule period.

SCHEDULE

Village..... Khata No:..... Plot No. .....Area . .....

TAHASILDAR

FORM IV
[See Rule 13]
INTIMATION SLIP FOR SETTLEMENT OF LANDS

Office of the Tahasildar	
District	
Case No.	
Name of Village	
Name of Thana	
Thana No. of the village	
Name of the person in whose favour land is ordered for settlement.	
Plot No. and Area in acres	
Annual rent and cess ,	
Purpose of settlement	
Remark.	
Certified that the above particulars have been incorporated in the relevant register .	TAHASILDAR

SCHEDULE I
[See Note below Rule 8 (4)]
AFFIDAVIT

In the Court of Shri.....

Magistrate .....

I,Shri..... aged .....son of.....village ..... P.O.....

P.S..... in the district of .....at present .....by profession do hereby solemnly affirm as follows-

1. That my Income from all sources is Rs ..... (Rupees .....).

2. That I or any of my family members do not own or posses any residential house / building or homestead land in the jurisdiction of .....town .....

3. That I own or possess a residential house/ building or homestead in the jurisdiction of town but this has inadequate accommodation, the extent of the homestead land being ..... cents.

4. That my family consists of besides myself . (i) Husband	
(ii) Wife	
(iii) Sons	
(iv) Unmarried daughters.	
(v) Widowed and dependant daughters.	
(vi) Brothers below .....years and unmarried sisters.	
(vii) Father	
(viii) Mother,	
(ix) Step Children.	
(x)	
(xi)	

5. That my continued stay in this town is necessary in the interest of my employment business trade profession and avocation,

6. That I have not been considered for any homestead plot in the town earlier and that my application has been rejected.

7. That I solemnly swear and affirm that the above statement are true to my knowledge, and I. swear that I have concealed anything regarding existing property, owned either by me or by any of my family members mentioned above.

Identified by me Signature of the deponent

ADVOCATE

Shri .....aged .....years, son of ....resident of village..... P.O..... P.S .....in the District of ..... at present by profession who is identified by Shri ..... Advocate, appears before me and states on oath that the contents of this affidavit are true to the best of his knowledge.

Deponent Magistrate

(Strike out whatever is unnecessary)

SCHEDULE II
[See Rule II]
POWER TO SANCTION SETTLEME'NT OF GOVERNMENT LAND

Sl.No.	In whose favour	Officer exercising powers	In rural area	In urban area excluding Bhubaneswar, Rourkela, Sunabeda
1.	In favour of Educational Charitable, Religious ,Cultural Philanthropic, Literary, Social and Financial Institutions.	Collector	Not exceeding one acre	Nil
		R.D.C	Exceeding one acre but not exceeding five acres	Not exceeding one acre
		Member, Board of Revenue	Exceeding five acres but not exceeding ten acres.	Exceeding one acres but not exceeding five acres.

1A.	In favour of Deptt of Government.	Collector	Not exceeding five acres.	Not exceeding one acre.
		R.D.C	Exceeding five acres but not exceeding ten acres	Exceeding one acre but not exceeding five acres.
		Member, Board of Revenue	Exceeding ten acres but not exceeding fifty acres.	Exceeding five acres but not exceeding ten acres.
2.	In favour of Local Authorities. Statutory Bodies, and Corporations established under any law for the time being in force	Collector	Not exceeding one acre.	Not exceeding one acre.
		R.D.C	Exceeding one acre but not exceeding five acres.	Exceeding one acre but not exceeding five acres.
		Member, Board of Revenue	Exceeding five acres but not exceeding ten acres.	Exceeding five acres but not exceeding ten acres.
3.	In favour of Small and Medium Industries. Collector	Collector	Not exceeding five acres on the recommendation of the Dist. Industries Centre.	Not exceeding one acre on the recommendation of the Dist. Industries Centre.
		R.D.C	Exceeding five acres but not exceeding ten acres on the recommendation of the Dist. Industries Centre.	Not exceeding one acre but not exceeding five acres on the recommendation of the Dist. Industries Centre.
4 .	In favour of Live Stock Farms in private sector.	Collector	Not exceeding two acres Five acres with recommendation of Director of Animal Husbandary and Veterinary Services.	Not exceeding one acre.
		R.D.C	Nil	Exceeding one acre but not exceeding five acres.
5.	In favour of Orissa Cashew -nut- Development Corporation and Orissa Forest Corporationfor Cashew -nut- plantation.	Collector	Any event subject to availability and suitability.	Nil.
6.	In favour of Orissa Industrial Infrastructure Development Corporation for industrial purposes.	Collector	Ditto	Any extent subject to availability and suitability.
7.	In favour of individuals for homestead purposes.	Collector	Nil	As per plottings made in the plan, approved under Rule 3(1).

8.	In favour of landless agricultural labourers for agricultural purposes.	Tahasildar; subject to confirmation by sub-divisional officer.	Up to one standard acre or to the extent to which the land already owned falls short of one standard acre (as defined the O.L.R. Act.1960)	Nil
9.	In favour of homesteadless persons for homesteads	Tahasildar, subject to confirmation by Sub-divisional Officer.	Not exceeding (ten) decimals.	Nil
10.	In favour of Cooperative societies.	Tahasildar, subject to confirmation by Sub-divisional Officer.	Not exceeding one standard acre per each member of the society.	Nil
11.	In favour of ex-servicemen.	Ditto	Up to one standard acre.	Nil
12 .	Any other person not include in the above categories. (i) Displaced persons of irrigation project. (ii)Displaced person of other project or categories. (iii)Any other person	Tahasildar, subject to confirmation of the Subdivisional Officer .	As per scheme formulated by Government from time to time up to one standard acre	Nil
13.	For salt manufacture	Government	Full powers	
14.	For Brackish Water Pisciculture/Prawn Culture	(i)Sub- Collector (ii)Collector (iii) Revenue Divisional Commissioner (iv)Government	Not exceeding ½ hectare. Not exceeding one hectare. Not exceeding two and half hectares Full power	Nil Nil Nil Full Power
15.	For Coffee Plantation	Government	Full power	Full power
16.	Any other purposes Government Full power			

SCHEDULE III
(See Rule 12)
Fees payable in course of proceedings under the Act

Serial No.	Nature of documents, etc.	Fees and Premium to be charged
1.	Application for settlement:- (i) Application fees	Rs. 3.00
	(ii) Proclamation fees	Rs. 3.00 (Up to three persons and Re. 1 for each person exceeding three).
	(iii) Measurement fee per plot	Rs. 4.00
2.	Petition of objection to the sanction of any settlement	Rs. 3.00

3.	Fee for service of notice on appropriate parties respondents or dependants on summoning witness-	Rs. 3.00
	(i) In every case where ,personal or substituted service of any notice is required for service of the documents	Rs.3.00 (On not more than three same persons and additional fee of Re. 1 for every person in excess of three persons).
	(ii) Fee for Issue of a general notice Fee for incidental charges like establishment cost, contingencies etc. in case of lease/alienation of Government land covering 500 Acre and above in favour of any Department of of Government for commercial purposes, in favour of any company, corporation orother organization for industrial mining or commercial purpose and in favour of any individual for the purpose of industry mining or , purposes other than agriculture and homestead.	Rs. 3.00 At the rate of 10 per cent of the market value of the land

SCHEDULE IV
(See Rule 5-1)
RULES FOR ALLOTMENT OF GOVERNMENT LANDS IN THE CIV1L TOWNSHIP OF ROURKELA NOTIFIED AREA

1. Definition:-In this schedule, unless there is anything repugnant to the subject or context;-

(a) "Additional District Magistrate" means the Revenue Officer who is appointed by State Government as such with headquarters at Rourkela.

(b) "Authorised Local Representative" means the officer who is duly authorized by a Head Department of the State Government or concerned Ministry of the Union Government, to file requisition for land within the township and receive in its behalf.

(c) "Commissioner" means the Revenue Divisional Commissioner, Northern Division Sambalpur;

(d) "Committee" means the Land Allotment Committee constituted under clause 3 of this Schedule;

(e) "Director of Industries" means the officer appointed as such by the State Government;

(f) "Form" means a form appended to the Schedule;

(g) "Middle class" means families having an income exceeding Rs. 8,400 but not exceeding Rs.30,000 per annum;

(h) "Poor class" means families having an income ,not exceeding Rs. 8.400 per annum.

(i) "Registered Societies, etc." means Societies Associations, etc. registered under the Societies Registration .Act, 1860 or under

any other Act for the time being in force;

(j) "Rourkela Civil Township" means the area within the limits of the Rourkela Civil Notified Area;

(k) "Director, Town Planning, Orissa" means the officer appointed as such by State Government;

(m) "Year" means the financial year.

2. Earmarking of plots to be settled on application and through public auction:- The Regional Improvement Trust, Rourkela shall, in consultation with the [Director, Town Planning, Orissa]

(a) divide in accordance with the Master Plan approved by Government in the Urban Development Department different areas reserved for different purposes in the said plan into plots of suitable size; and

(b) Earmark the plots, except those reserved for use by Government Departments for allotment on application from private individuals, institutions, Societies of local bodies and for settlement in public auction;

Provided that the plots to be settled on application shall not be more than two-thirds of the total number of plots earmarked for settlement on application and public auction:

Provided further that the area of the plots to be settled on application shall be one-third of the area of the plots earmarked for settlement in public auction;

Provided further that no family should be allotted more than one plot either on application or through public auction.

3. Principles to be followed - In the matter of allotment of land on application the following principles shall be observed, namely :-

(a) There shall be a Land Allotment Committee to consider and dispose of all applications for allotment of land received from private individuals, companies, institutions, societies and local bodies.

(b) 'The Committee shall have five members, namely:-

(i) (i) Commissioner,
(ii) (ii) Collector, Sundergarh,
(iii) (iii) Director, Town Planning, Orissa
(iv) (iv) Director of Industries,
(v) (v) Additional District Magistrate

(c) The Commissioner shall act as the Chairman and Additional District Magistrate shall act as the Secretary and Convener of the Committee.

(d) Decision of the Committee shall, subject to the order of the Government in appeal, be final.

(e) Applications for allotment of land shall be taken up by the Committee which shall meet at least once in every quarter of a year.

(t) All applications duly received in response to the notice issued under sub-clause (1) of clause 4 shall be considered in one batch at a time and application received after the date fixed in the said notice shall be considered in the next quarter along with other applications duly received during that quarter.

g) In the matter of allotment the applicants shall receive priorities in the following order .

(i) Applicants who are displaced due to acquisition of land in connection with the establishment of the Steel Plant and Township at Rourkela and have no lands in the (Rourkela Civil Township or Rourkela Steel Township) for the purpose, applied for;

(ii) Industrialists who have set up small or medium industries in the (Rourkela Civil Township or Rourkela Steel Township) and do not posses any land or building I n the said township for the purpose applied to:

(iii) Persons belonging to the poor class or middle class of Sundergarh District who have no lands in the (Rourkela Civil Township or Rourkela Steel Township) for the purpose applied for;

(iv) Registered societies, etc. and .permanent residents of the State who belong to the poor class or middle class and have no lands in (Rourkela Civil Township or Rourkela Steel Township) for the purpose applied for ;

.

(v) Other applicants who belong to the poor class or middle class who have no lands in (Rourkela Civil Township or Rourkela Steel Township) for the purpose applied for;

(h) Allotment for residential purpose shall not exceed one-tenth of an acre in extent in any individual case. For other purpose not more than one plot as delimited in the approved Master plan shall be ordinarily allotted.

(i) Anyone allotted land on application shall be required to pay a premium as fixed from time to time by the Collector, with the approval of the Commissioner. In addition, he shall be required to pay annual rent at the rate of one per cent of the premium.

(j) All allotments of !and to be made on application shall be by way of lease and the lessee shall be required to execute lease deeds in Form No. I and get them registered at his own cost.

(Provided that the Government may exempt or reduce the premium payable in any case or class of cases for settlement of land).

4. Filing of Applications -

(1) In each quarters of the year the Additional District Magistrate, shall invite applications for allotment of lands by publishing a notice in the Official Gazette, in the newspapers having wide circulation in the locality and in the notice boards of his office, Office of the Collector, Sundergarh and other Revenue offices in the district.

(2) Applications shall be made in the form obtainable from the Regional Improvement Trust or the Additional District Magistrate, on payment of a sum of rupees ten or any other sum as may be notified by Government from time to time.

(3) The notice inviting applications shall specify clearly the details required to be furnished by the applicant, the amount of court fee to be affixed, the authority before which and the date on or before, which the application to be filed which date shall not be less than thirty days from the date of issue of the notice.

(4) On expiry of the last date fixed for filing of applications, all applications so received shall be scrutinized and entered in a register arranged according to the purpose for which the land is required, and numbered serially for each purpose.

(5) Enquiry into the applications-

The Additional District Magistrate shall enquire either himself or through any of his Subordinate Revenue Officer into the contents of the applications and about such other matters as are relevant to the question of allotment of. land and draw up lists of allottees for different purposes whom he considers most deserving and put up before the Committee constituted for the purpose within a period of thirty days from the last date of receipt of applications.

(6) Consideration by the Committee -

(1) The Committee shall

consider the application of persons recommended by the Additional District Magistrate along with those not recommended and after such enquiries as they may consider necessary, draw up final lists of allottees for different purposes within a period of fifteen days from the date of consideration.

(2) While considering the lists under sub-clause (1) the Committee shall abide by the principles enumerated in clause 3.

(7) Publication of the final lists of allottees -

The final list of allottees drawn up by the Committee shall, as soon as possible, be published by the Additional District Magistrate in the notice-board of his office, of the offices of the Commissioner, Collector, Sundergarh, Sub-divisional Officer, Panposh and Tahasildar, Panposh.

(8) Sanction of lease -

(1) After expiry of the appeal period the Additional District Magistrate, Rourkela shall issue orders sanctioning the leases and calling upon the applicants in whose favour allotments have been finally made to deposit the amount of premium payable, execute the lease deed in the prescribed form by a specified date.

Provided that no sanction order shall be issued in cases regarding which appeals have been filed till the appeals are disposed of.

(2) Validity of the sanction order - Allotments unless altered in appeal or where appeals are pending shall remain valid for a period of ninety days from the date of issue of the sanction order. The Additional District Magistrate, may, however, extend the period of validity after duly recording reasons therefore by not more than thirty days.

(3) Failure, of the allottee to deposit the premium, due and register the lease deed after execution, within a period of ninety days from the date of sanction of lease or in case of extension, within period so extended under sub-clause (2), shall entail forfeiture of the claim of the allot tees to the land allotted.

9. Appeal -

(1) An appeal against the order of the Committee if presented within thirty days from the date of publication of the list of allottees under clause (7) shall lie to Government in the Revenue Department.

(2) The petition of appeal shall bear court-fee stamps worth rupees two and paise sixty only or as may be notified by Government from time to time and state the grounds of appeal clearly and shall be filed before the Additional District Magistrate.

(3) On receipt of the petition of appeal, the Additional District Magistrate shall acknowledge it and within a week of the expiry of the appeal period, forward it along with all relevant papers to the Secretary to Government in the Revenue Department giving his comments if any.

(4) Orders of Government on the petition of appeal shall be final and ordinarily be communicated to the Additional District Magistrate within four months from the date of receipt of the appeal petitions.

(5) On receipt of orders from Government, the Additional Magistrate shall intimate the decision of Government to the applicant and where necessary issue orders sanctioning lease which shall be deemed to have passed under Sub-clause (1) of clause 8 for all purposes.

10. Principles to be observed for allotment of land through public auction -

Plots earmarked for allotment through public auction shall not be disposed of otherwise without specific orders of Government in the Revenue Department.

11. Eligibility for participating in the auction sale -

Any person who is a citizen of India will be eligible for participation in the auction sale.

12. Entitlement to plots -

Successful bidders in whose favour the sale is confirmed shall, subject to the decision in appeal, if any, be entitled to the grant of the lease of the plots auctioned.

13. Annual rent payable in addition to the bid amount-

Bidders in whose favour the leases are sanctioned shall be required to pay, in addition to the bid amount, an annual rent equivalent to one per cent of the premium realized for the plot.

14. Notice for auction sale -

(1) In each quarter of the year the Additional Distrct Magistrate, shall issue a notice starting among other things, the date on which and the time and place at which plots available for allotment for different purposes will be put to public auction.

(2). The date of auction to be fixed shall not be less than thirty days from the date of issue of the notice.

(3) The notice shall be published in the notice boards of all Revenue Offices in the district of Sundergarh, in the Official Gazette and in news papers having wide circulation in the locality.

15. Presiding Officer for the auction sale -

(1) The Collector, Sundergarh shall preside over the auction sale.

(2) Earnest money - Every eligible person intending to participate in the auction sale shall be required to deposit an earnest money with the Additional District Magistrate on the appointed day of auction sale and before the auctions are started a sum calculated at the rate of five hundred rupees per decimal of the acre of the plot for which auction is to be held.

(3) Decisions of the Presiding Officer regarding the priority of Plot , the number of plots whether single or otherwise, etc., to be put to auction shall be final.

16. Successful bidder to furnish an undertaking:-

The successful bidder on completion of the bid shall forthwith deposit with the Additional District Magistrate twenty-five per cent of the bid knocked down in his favour and furnish an undertaking on plain paper to the effect that he shall deposit the balance amount within thirty days from the date of issue of orders sanctioning lease and calling upon him to pay the amount, unless allowed extension of the period on application by the Additional District Magistrate and immediately thereafter execute a lease deed In Form No. 2 get it registered at his own cost or in default, to forfeit his claim to the plot, the earnest money deposited by him and, in case the plot when put to fresh auction because of default in payment of the balance amount, execution of lease deed etc, fetches an amount lower than the amount earlier fixed in bid for, to pay the difference within such period as will be allowed by Additional District Magistrate failing which to agree to the recovery of the dues as a public demand.

17. Confirmation of the sale by the Commissioner:-

(1) As soon as the auction is over, the Additional District Magistrate shall, with the approval of the Collector, Sundergarh, forward the names of the successful bidders along with the bid lists and other relevant records to the Commissioner for confirmation.

19. Sanction of lease:-

After the expiry of the appeal period, the Additional District Magistrate shall issue orders sanctioning the lease in all cases in respect of which the bids are confirmed by the Commissioner and calling upon the successful bidders in whose favour the bjds have been confirmed to deposit the balance amount .payable, execute the lease deed in the prescribed form and get it registered at their own cost. Provided that no such orders shall be issued in respect of plots regarding which appeals have been filed in his office.

20. Appeal: -

(1) An appeal by a bidder against the order of the Commissioner confirming or rejecting the highest bid in any case, if presented within thirty days of the date or publication of the lists of Successful bidders, shall lie to Government in the Revenue Department.

(2) The Petition of appeal shall bear court fee stamps worth rupees two and paise sixty only or as may be notified by Government from time to time, stating clearly, the grounds of appeal and shall be filed before the Additional District Magistrate.

(3) On receipt of the petitions of appeal the Additional District Magistrate shall acknowledge it and shall within a week of the expiry of the appeal period, forward them along with the bid lists, order of the Commissioner, etc., in original giving his comments if any, to the Secretary to Government in the Revenue Department.

(4) Orders of Government on the petition of appeal shall ordinarily be communicated, to the Additional District Magistrate within four months from the date of receipt of the appeal petition.

(5) On receipt 01 orders oi Government the Additional District Magistrate shall intimate the applicant and where necessary, issue orders sanctioning lease in the manner indicated in sub-clause (1) of clause 8.

(6) Orders passed on appeal shall be final.

21. Refund of earnest money:-

Earnest money received from the bidder's unless forfeited under clause 16 shall be refunded within fifteen days from the date of

expiry of the appeal period of within fifteen days from the date of disposal of the case in appeal, ii any.

22. Government to allot lands to departments of Government, Departmental Committee:-

Allotment of lands to offices of State or Union Government shall be made by the Collector to the extent, not exceeding one acre by the Commissioner where the area exceeds one acre but does not exceed 5 acres, by the Member, Board of Revenue where the area exceed five acres and does not exceeds ten acres and by the Government in respect of the area, exceeding ten acres.

23. Additional District Magistrate to administer these Rules:-

The Additional District Magistrate will be responsible for administration of the provisions made in this Schedule and in all matters connected with allotment of land for different purposes subject to the administrative control of the Collector, Sundergarh and the Commissioner.

24. Clarification of doubts :-

(1) Doubts arising or clarification needed about provisions made in the Schedule shall be referred to Government in the Revenue Department for decision.

(2) In case of any point of reference relating to the approved master plan, the clarifications shall be issued after consultation with the Urban Development Department:

25. Issue of executive instructions:-

All matters relating to maintenance of accounts; payment of dues to the Regional Improvement Trust. Rourkela or any other Organisation shall be regulated by such instructions as would be issued from time to time by the Government in the Revenue Department.

FORM-I

Standard form of lease Deed for Lease of Government Lands Allotted on Application in the Rourkela Civil Township

THIS INDENTURE made on the .....day of .....19 between the Governor of Orissa (hereinafter called the "lessor" which expression shall, where the context so admits or implies, include his Successors in office and assignees) of the one parts.

AND

Shri ..... Son of ..... age ..... Years, resident of village ..... P. S ..... , District ,. ..... (Hereinafter called the "Lessee" which impression shall where the context so admits or implies include his heirs executors administrators and assignees) of the other part.

WHEREAS the land described in the Schedule below is situated within the Rourkela Civil Township.

AND WHEREAS: - the Committee having allotted the land to the leasee for a premium of Rs... Rupees .....) the Additional District Magistrate has sanctioned the lease by order dated and the lessee has paid the premium in full;

NOT THIS INDENTURE WITNESSETH: that the lessor both hereby grant and the lessee both hereby accept a lease for the purpose of ..... on the land specified in Schedule below with effect from the date of execution of this lease for a period of ninety years subject to the terms and conditions mentioned below:-

1. The lessee shall pay annually to the Additional District Magistrate or such other office authorised by him to receive the same as rent for his holding the sum of Rs ..... till the rent is revised under clause 2.

2. The rent of the holding shall be liable to enhancement at the end of each (20) Twentieth year subject to the maximum limit of (50) fifty per cent over the rate of rent in force in the previous year.

3. The rent shall become payable in two equal half yearly installment, i, e., on the 15th July and 15th January of every year

4. The lessee shall construct a house or other building of such description and dimensions as may be approved by the Regional Improvement Trust, Rourkela within a period of three years from the date of this lease.

5. (a) The lesses shall not commit any act of waste on his holding so as to 18nder it unfit for the purpose of being used as a 11ouse site.
(b) The lesses shall not use the house or building or its premises for any purpose other than the purpose for which the lease is granted.

6. If no house or building is constructed according to the particulars approved by the Regional Improvement Trust, Rourkela as provided for the Clause - 4 or the lessee contravenes any condition in Clause 5 ; the Additional District Magistrate after giving one month's notice to the party and after hearing him if satisfied, .shall determine the lease and the Additional District Magistrate shall have the right to re-enter immediately on the land on behalf of the lessor and take possession of the site.

7. In the event of re-entry by the Additional District Magistrate in pursuance of Clause 6, the lessee shall not be entitled to. refund of any premium paid by him and shall not also be entitled to any compensation whatsoever from the lessor for any improvements of construction affected or made by him.

8. In the even of re-entry under clause 6, the lessee shall be entitled to remove the materials collected and construction made, if any from the land at his cost within fifteen days of such re-entry failing which the Additional District Magistrate shall be entitled to clause such materials or constructions removed at the cost of the lessee and to sell the same by auction. The lessee will, in that event, be entitled only to the balance of the sale proceeds after education of the costs and arrears of rent, if any.

9. Notwithstanding the untimely termination of the lease in accordance with clause 6, the lessee shall be liable for the ground rent fixed for his holding till the date of re-entry.

10. That the lessee shall not by any means or in any way whatsoever bequeath, mortgage, charge, transfer, assign subject or part with possession of his holding or any portion thereof to any person without first obtaining the written permission of the Additional District Magistrate save in case of mortgage of the lease-hold land or any portion thereof in favour of the Life Insurance Corporation of India for obtaining house building loan from the said Corporation for construction of a house on the holding or any ;portion thereof. The lessee shall inform the Additional District Magistrate of the mortgage within fifteen days. Any bequest, transfer, assignment, subletting or parting with possession of the holding or part thereof without permission in writing as aforesaid shall be avoidable at the option of the Additional District Magistrate and he may determine the lease and take possession of the holding or

part thereof as the case may be. In case of unauthorized bequest taking effect from the death of the lessee, the option to take possession will accrue on the date of death of the lessee.

11. The lessee shall keep the boundaries of his holding unaltered and well defined and point them out to any officer or person duly authorized by the Additional District Magistrate in writing to inspect them, when so ordered by the Additional District Magistrate.

12. The lessee shall keep the land free from jungle and all sorts of nuisance and if he fails to do so, on notice given to him in writing by the Additional District Magistrate, the land shall be cleared up by the Additional District Magistrate and the expenses incurred hereby shall be recovered from the lessee after notice as a public demand.

13. It at any time the lessee is found to be in occupation of excess land belonging to Government than that is covered by the lease, the Additional District Magistrate shall be at liberty to dispossess him summarily after notice in writing, from the said excess land held without a lessee or license and dispose of it as he thinks proper and the lessee shall be liable to pay assessment, penalty and fine as provided under the Orissa Prevention of Land Encroachment Act, 1972.

14. In the case of any intestate succession on the lessee's death or that of ay subsequent holder holding wholly or partly hereunder, the successor shall give notice of his succession and the manner thereof, and apply to have his name entered in the register of the Additional District Magistrate within six months from the date of death of the person whom he has succeeded. No transfer fee shall be payable in such a case but it shall be incumbent upon such successor to present to the Collector an application for mutation of name bearing court fee as prescribed by law.

15. In the event of the lessee's not paying any instalment or premium or rent in full on or before the dates herein fixed for such payment, he shall, in addition to the arrear, pay interest at the rate of ten per cent annum, such arrear and all such dues shall be recoverable as public demand.

16. The lessee shall pay all municipal and other local rates and taxes, which may be assessed upon his holding under any law for the time being in force whether payable by the owner or occupier.

17. On the expiry of the term of the lease, the lessee shall, if he has duly observed all the conditions thereof, be entitled to its renewal for a further period of ninety years on the same terms and conditions, the rent being liable to enhancement at each renewal.

SCHEDULE

Signature of the Additional District Magistrate acting in this premises for and on behalf of the Governor of Orissa

.....

In the presence of witnesses:-

1.

2.

Signature of the lessee.

In the presence of witnesses:-

1.

2.

FORM No.2

Standard Form of Lease-deed for Lease of Government Land allotted through Public Auction in the Rourkela Civil Township

THIS INDENTURE made on the .....day of..... 19..... between the Governor of Orissa (hereinafter called the "lessor" which expression shall, where the context so admits or implies include his successors in office and assignees) of the one part,

AND

Shri .....son of.....aged..... Years..... resident of village..... P.S. ..... District ..... (hereinafter called the "!essee" which expression shall where the context so admits or implies include his heirs, executors administrators and assignee) of the other part.

WHEREAS the land described in the schedule below is situated within the Rourkela Civil Township ;

AND WHEREAS the Commissioner has confirmed the bid given by the lessee in the public auction held on and the Additional District Magistrate has sanctioned the lease of the said land to the lessee by his order, dated..... and the lessee paid the premium and all other dues in full;

NOW THI S INDENTURE WIITNESSETH that the lessor doth hereby .grant and demises to the lessee ALL THAT plot of land containing .....acres in the Rourkela Civil Township as described in the Schedule hereto for the purpose of thereon TO HOLD the same to the lessee from the .....day of ..... 19 for a term of ninety years PA YING therefore during the said term a yearly rent of Rs..... in each year at the office of the Additional District Magistrate or such other officer authorized to receive the same and subject to the terms, conditions and covenants hereinafter appearing, namely :

1 .The rent of the ho1ding is liable to enhancement at the end of I every (20th) Twentieth year subject to the maximum limit of (50) fifty per ent over the rate of rent in force in the previous year.

2. The rent shall become payable in two equal half-yearly instalments, i.e. on the 15th July and 15th January of every year.

3. The lessee shall construct a house or other building of such description and dimensions as may be approved by the Regional Improvement Trust, Rourkela in writing within a period of three years from the date of this lease.

4. (a) The lessee shall not commit any act of waste on his holding so as to render it unfit for the purpose of being used as a house site.

(b) The lessee shall not use the house or building or its premises for any purpose other than the purpose for which the lease is granted.

5. If no house of building is constructed according to the particulars approved by the Regional Improvement Trust, Rourkela as provided for in clause 3 or the lessee contravenes the conditions in clause 4 the Additional District Magistrate shall, after giving one month's notice in writing and after giving a reasonable opportunity of hearing to the party, if satisfied about the breach as aforesaid, ,shall determine the lease and have the right to re-enter immediately on the lands on behalf of the lessor and take possession of the site.

6. In the event of re-entry by the Additional District Magistrate in pursuance of clause 5 the lessee shall not be entitled to any compensation whatsoever from the lessor. for any improvement or constructions effected or made by the lessee except that in the event of such re-entry the lessee shall be entitled to remove the materials collected and construction made, if any, from the land at his cost within, fifteen days of such re-entry, failing which the Additional District Magistrate shall be entitled to cause such materials or constructions removed at the cost of the lessee and to sell the same by auction. The lessee will, in that event be entitled only to the balance of the sale proceeds after deduction of the cost and arrears or rent, up to the date of re-entry if any.

7. The lessee shall not by any means or in any way whatsoever bequeath mortgage, charge transfer, assign, sublet or part with possession of his holding or any portion thereof to any person without first obtaining the written permission of the Additional District Magistrate in case of mortgage of the lease hold or any portion thereof in favour of the Life Insurance Corporation of India for obtaining a house building loan from the said Corporation for the construction of a house on the holding or any portion thereof. The lessee shall inform the Additional District Magistrate. of the mortgage within fifteen days. Any bequest transfer assignment, subletting or parting with possession of the holding or part thereof without the permission of the Additional District Magistrate obtained in writing shall be voidable ail the option of the Additional District Magistrate and ha may determine the lease and take possession of the holding or part thereof. In case of an unauthorised bequest taking effect after the death of the lessee, the options to take possession will accrue on the death of the lessee.

8. The lessee shall keep the boundaries of his holding unaltered and well defined and point them out to any officer or person duly authorized by the Additional District Magistrate in writing to inspect them, when so ordered by the Additional District Magistrate.

9. The lessee shall keep the land free from jungle and all sorts of nuisance and if he falls to do so on notice given to him in writing by the Additional District Magistrate, the land shall be cleared by the Additional District Magistrate and the expenses incurred thereby shall be recovered from the lessee after notice, as public demand.

10. If at any time the lessee is found to be in occupation of excess land belonging to the Government than that is covered by lease the Additional District Magistrate shall be at liberty to dispossess him summarily after notice in writing, from the said excess land held without a lease of licence and dispose of it as he thinks proper and the lessee shall be liable to pay assessment penalty and fine as provided under the Orissa Prevention of Land Encroachment Act, 1972.

11. In the case of any intestate succession on the lessee's death or that of any subsequent, holder holding wholly or partly there under, the successor shall give notice or his succession and the manner thereof and apply to have his name entered in the register of the Additional District Magistrate within six months from the date of death or the person whom he has succeeded. No transfer fee shall be payable in such a case but it shall be incumbent upon such successor to present to the Collector an application for mutation of name bearing court fee prescribed by law.

12. In the event of the lessee's not paying any instalment or premium or rent in full on or before the dates herein fixed for such payment, he shall, in addition to the arrear, pay interest at the rate of ten per cent annum, such arrear and all such dues shall be recoverable as public demand.

13. The lessee shall pay all municipal and other local rates and taxes, which may be assessed upon his holding under any law for the time being in force whether payable by the owner or occupier.

14. On the expiry of the term of the lease, the lessee shall, if he has duly observed all the conditions thereof, be entitled to its renewal for a further period of ninety years on the same terms and conditions, the rent, being liable to enhancement at each renewal.

SCHEDULE

Signature of the Additional District Magistrate acting in his premises for and on behalf of the Governor of Orissa.

In the presence of witnesses:-

1.

2.

Signature of the lessee.

.....

In the presence of witnesses:-

1.

2.

SCHEDUIE V
(See rule 5-B)
RULES FOR LEASE AND SETTLEMENT OF KHASMAHAL AND NAZUL LAND AND GRAMAKANTHA PARAMBOK AND ABADI LANDS WHICH WERE LEASED OUT PRIOR TO THE 9TH JANUARY ,1991

1. Manner of recording of leases, sub-

Ieases etc. in respect of Nazul / Khashmhal lands, payment of Compensation:- Tahasildar shall record the holder of Khasmahal / Nazul lease hold land as a lessee if such land was leased out prior to the 9th day of January 1991. The holder of such land includes a lessee, sub-lessee and a subsequent sub-lessee. This provision shall not apply to cases of Khasmahal /Nazul lease hold lands utilized for homestead purposes in any urban area.

(b) Before recording as a lessee/sub-

lessee and subsequent sub-lessee as provided under sub-clause (a) above, the Tahasildar shall satisfy himself that the lease for the land was granted prior to the 9th day of January 1991, and that sub-lessee and subsequent sub-lessee held the land as such before the said date with reference to record of rights and other relevant records. In each such case, the Tahasildar should make field enquiry and obtain the approval of the Collector.

(c) In the event of sub-

lessees and subsequent sub-lessees being recorded as lessees the person immediately under whom they were holding the land as such shall be entitled to a compensation equal to an amount ten times the annual rent stipulated in the lease agreement.

(d) The sub-lessee or the subsequent sub-

lessee shall produce a stamp receipt in Form I before the Tahasildar within a period of six months from the date he is recorded as lessee in support of payment of such compensation to the person immediately under whom he held the land.

(e) On failure of production of the stamped receipt in the manner indicated in sub-

clause (d), the Tahasildar shall proceed to recover the compensation as an arrear land revenue and shall pay the same to the persons entitled to it.

(f) All the lessees so recorded in the manner indicated in the preceding sub-

clauses shall execute a lease deed in Form Ill.

2. Settlement of Gramakantha Parambok / Abadi land:-

(a) The Tahasildar shall settle Gramakantha Parambok / Abadi land with the person in occupation of such land for a period of not less than five years as on the appointed day on the following manner, namely :-

(i) In urban areas such land used only for the non-homestead purposes shall be settled on lease hold basis subject to execution of a lease deed in Form III.

(ii) In rural areas such land shall be settled on raiyati basis irrespective of the use of land and the rent thereof shall be assessed in accordance with that of similar lands in the vicinity.

(b) The procedure for the settlement of the land under sub-clause (a) shall be a follows :-

(i) The Tahasildar shall initiate a case record suo motu or an application from the occupants of such land and make a detailed enquiry into the possession of such land and ascertain the actual extent of land under possession of any person.

(ii) On the basis of the enquiry, plotting of the land under possession shall be made and after preparing the necessary map, the Tahasildar shall issue proclamation inviting objections for settlement of the land with that individual.

(iii) The proclamation shall be published in the manner provided in sub-rule (5) of rule 5 by giving thirty days, time to file objections, if any.

(iv) Where objections have been received within the period so specified, the Tahasildar shall dispose of the same after notice to the concerned parties and by giving an opportunity of being heard to all such parties.

(v) The Tahasildar after disposing the objections, if any, and where no objections has been received, may settle the land with the person found to be in actual possession of the land after obtaining prior approval of the Collector .

3. Nazul/Khasmahal lands used as homestead in urban area:-

Tahasildar on being satisfied after enquiry that any Nazul / Khasmahal land is used and in occupation by any person as homestead for a period of not less than five years as on the appointed day shall settle the said land in favour of the person holding such land, on execution of lease deed in Form IV. In case of a sub-lessee and subsequent sub-lessee such settlement shall take effect on production of the stamped receipt in Form I from the date of payment of such compensation to the person (s) immediately under whom they held the land :

Provided that on each such settlement, approval of the Collector shall be obtained.

(b) The amount of compensation shall be equal to ten times of the annual rent as provided in the lease deed.

4. Settlement of Gramakantha Parambok Abadi land, used as homestead in urban area:-

(a) In case of Gramakantha Parambok / Abadi land utilized as homestead in the urban, areas, the Tahasildar shall initiate a case record suo motu on application in Form II from the occupants of such land and after making a spot enquiry, shall find out individual occupation of the land, determine area of such occupation and prepare a map of the area assigning separate plot/plots for each such occupation.

(b) After such field inspection and preparation of map, the Tahasildar shall record a finding as to the period of actual occupation by such person if exceeded five years as on the appointed date.

If the Tahasildar is satisfied with regard to eligibility of such person, he shall issue a proclamation inviting objections for settlement of the land.

(c) The procedure laid down in sub-clause (b) of clause 2 shall be followed in the matter of publication of proclamation and disposal of the objections.

(d) Settlement of land shall be made after obtaining prior approval of the Collector and on, execution of a lease deed in Form IV. The rent of such land shall be fixed with reference to that of similar lands in the vicinity.

FORM I
[See Clauses 1 (d) and 3 (a)]
RECEIPT FOR RECEIVING THE COMPENSATION AMOUNT BY THE LESSEE/ SUB-LESSEE FROM THE SUB-LESSEE / SUBSEQUENT SUB-LESSEE UNDER HIM FOR THE KHASMAHAL/ NAZUL LAND,

To
The Taliasildar ,

I, Shri .....:son of Shri ....., Village .....Post .....District ..... received herewith a. sum of Rs .....(Rupees .....) only as compensation @. ten times of the rent from Shri..... son of .Shri .....Village ..... Post. ..... District .....who is a sub-lessee/subsequent sub-lessee under me for the Khasmahal/Nazul land measuring .....acres bearing Plot No./Khata No. ..... Holding No..... in village/urban area.

.Date. ..... Signature of lessee/Sub-lessee

In the presence of two respectable persons Of the locality who should attest to the fact of payment.

1 .....(Signature)

2. ..... (Signature

FORM II
[See clause 4 (a)]
APPLICATION FOR SETTLEMENT OF GRAMAKANTHA PARAMBOK AND ABADI LAND

To **The Tahasildar ,**	
1. (a) Name of the applicant : **(b) Age :**	
2. Father's name :	
3. **(a) Present residential address (in full) :** **(b) Permanent Home address (in full) :**	
4. Occupation of the applicant:	
5. Extent of Gramakantha Parambok/ Abadi land in his occupation (Delete which is not applicable) :	
6. Date from which in occupation :	
7. Detailed particulars of the land .applied for- **(a) Name of village/Urban area :** **(b) Holding No./Plot No./Khata No., if any:** **(c) Area applied for** **(d) Boundary:**	
8. Manner of utilisation of larid under occupation. :	
Date ,.....	**Signature of the applicant**

FORM III
[See clauses 1 (f) and 2 (a) (i))
STANDARD FORM OF LEASEDEED F9R LEASE OF KHASMAHAL, NAZUL, GRAMAKANTHA PARAMBOK AND ABADI LAINDS USED FOR PURPOSES OTHER THAN HOMESTEAD IN URBAN AREA

This indenture made the .....day of..... 19..... ... BETWEEN THE Governor of Orissa (hereinafter called the "Lessor" which expression shall where the context so admits or implies include his successors in office and assigns) of the one part.

AND

Shri.....S/o Shri... .....aged..... years resident of village..... P.S... .....,District... .....(hereinafter called the "lessee" which expression shall where the context so admits or implies include his heirs/executors and assigns) .of the other part.

NOW THIS INDENTURE .WITNESSETH that the lesser doth hereby accept the aforementioned person as lessee/raiyat in respect of the land in question clearly described in the Schedule below subject to the terms and conditions hereinafter mentioned :

1. The lessee/raiyat shall pay annually to the Tahasildar as rent the sum Rs..... being the rent payable by tenants for similar lands in the vicinity and will also pay cess as per Rules. Such rent is subject to revision at the time of settlement and resettlement operation

2. The above rent shall be paid in one instalment on or before the 31st March of each year. In the event of the lessee falling to pay any instalment of rent on or before the above date, such arrears shall carry interest at the prescribed rates from the date on which the same become payable until payment.

3. That the lessee shall not mortgage or transfer by sale or gift or otherwise his holding or any part thereof without the previous written permission of the Collector and keep the land free from encroachment.

4. The lease held land shall not be utilized for any other purpose except for the purpose for which it has been assigned without specific permission from the Collector nor the land shall be made unfit for such use.

5. In case of any transfer of the holding or part thereof or in case of intestate succession on the lessee's death or that of any subsequent holder holding wholly or partly the lease hold land it will be incumbent upon the person on whom the said land devolves to make an application to the Tahasildar under whose jurisdiction the land is situated for necessary mutation.

6. It the land or any part thereof is required by Government at any time for any public purpose, the said land or part thereof can be resumed by giving a three month's notice in writing. In such an event the lessee can claim compensation for any building erected or other improvement that he might have done on the said land. The amount of such compensation will be fixed by the Collector whose decision shall be final, Conclusive and binding on the lessee.

7. The lessee shall pay all municipal and other local taxes which may be assessed upon the demised premises under any law for the time being in force.

8. In case of breach of either of the provisions of Clause 3 or 4 of this lease agreement by the lessee, the lease shall be determined

and the Collector on behalf of the lessor shall have the right to re-enter immediately and take possession of the said land.

9. That in the event of re-entry provided in clause 8 hereof, the lessor shall not be liable to pay any compensation for any improvement effected or made by the lessee :

SCHEDULE OF THE LAND

Signature of the Tahasildar acting in the
premises for and on behalf
Government of Orissa.

In the presence of witnesses:	Signature of the Lesses in the presence of the witnesses
1.	1.
2	2.

FORM IV
[See clauses 3 (a) and 4 (d)]
STANDARD FORM OF LEASE DEED FOR LEASE OF KHASMAHAL,NAZUL, GRAMAKANTHA PARAMBOK AND ABADI LAND USED FOR HOMESTEAD PURPOSES IN URBAN AREA.

This indenture made on the .....day of.....19 ..... BETWEEN the Governor of Orissa (hereinafter called the 'Iessor' which expression shall, where the context so admits or implies includes his successors in office and assignees) of the one part,

AND

Shri ..... s/o Shri .....aged ..... years resident of village .....P.S .....District .....(hereinafter called the assignee which expression shall where the context so admits or implies include his heirs / executors and assigns) of the other part.

NOW THIS INDENTURE WITNESSETH that the lessor do hereby accept the aforementioned person as the assignee on payment basis In respect of the Khasmahal /Nazul/ Gramakantha Parambok / Abadi lands described in the schedule below, subject to the terms and conditions hereinafter mentioned :-

1. The assignee shall pay annually to the Tahasildar as rent the sum of Rs ..... being the rent payable by tenants for similar lands in the vicinity and will also pay cess as per Rules.

2. That the assignee shall not commit any act of waste on his holding so as to render it unfit for the purpose of being used as a homestead.

3. The lessee shall keep the boundaries of his holding unaltered and well defined and point them out to any officer or person duly authorised by the Collector in writing to inspect them when so ordered by the Collector.

4. In the case of any transfer of the holding or part thereof in case of intestate succession on the assignee's death, it will be incumbent upon the person on whom the said land devolves to make an application lo the Tahasildar under where jurisdiction the

land situates for necessary mutation.

5. If the land or any part thereof is required by Government at any time for any public purposes, the said land or part thereof can be resumed by giving a three months notice in writing. In such an event, the assignee can claim compensation for any building erected or other improvement that he might have done on the said land. The amount of such compensation will be fixed by the Collector whose decision shall be final, conclusive and binding on the assignee.

6. The lessee shall pay all municipal and other local taxes which may be assessed upon the demised premises under any law for the time being in force.

SCHEDULE OF THE LAND

Signature ofthe Tahasildar acting
In the premises for and onbehlf of
the Governor of Orissa.

In the presence of witness

1.

2.

Signature of the Lesses
in the presence of the witnesses

1.

2 .

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 224 CUTTACK, WEDNESDAY, FEBRUARY 17, 2010/MAGHA 28, 1931

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 11th February 2010

No. 5374—GE(GL)-S-5/2009-R&DM.— Whereas the draft of certain rules further to amend the Orissa Government Land Settlement Rules, 1983 were published as required by sub-section (1) of Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), in an extraordinary issue of the *Orissa Gazette* No. 1739, dated the 2nd December, 2009 under the notification of the Government of Orissa in the Revenue & Disaster Management Department No. 46165—GE(GL)-S-5/2009, dated the 1st December, 2009 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the same in *Orissa Gazette;*

Whereas objections and suggestions received on the said draft have duly been considered by the Government ;

Now, therefore, in exercise of the powers conferred by Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby make the following rules further to amend the Orissa Government Land Settlement Rules, 1983, namely :—

1. (*1*) These rules may be called the Orissa Government Land Settlement (Amendment) Rules, 2010.

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

2. In the Orissa Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), for Rule 5-B, the following rule shall be substituted, namely :—

"5-B. Settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi lands—Notwithstanding anything contained in Rules 3,5,5-A, 8,11,12,13, settlement of Khasmahal and Nazul land leased out, and Gramakantha Paramboke and Abadi land occupied, prior to 26th day of February, 2006 and used for homestead purpose shall be made in the manner prescribed in Schedule V".

3. In the said rules, in Schedule III, after the words and figures "covering 500 acres and above" occurring in the Para. appearing at the end of Serial No. 3 shall be deleted and the said Para. shall be numbered as Serial No. 4.

4. In the said rules for Schedule V including the forms appended thereto shall be substituted by the following Schedule, namely :—

"Schedule V

(*See* Rule 5-B)

Rules for Settlement of Gramakantha Paramboke, Abadi,

Khasmahal and Nazul Lands for homestead purpose

1. **Persons eligible for settlement**—(*a*) A person who is in possession of Gramakantha Paramboke or Abadi (Basti) land in exercise of customary right or usage or has acquired possession of such land by way of transfer, through a registered deed of conveyance, from a person who was in lawful possession of such land in exercise of customary right or usage; and

(*b*) a person who is in possession of Khasmahal or Nazul land on the basis of lease granted by the Government, whether renewed or expired, or a registered sub-lease including subsequent sub-lease granted by the lessee or the sub-lessee, as the case may be, or by way of transfer of such land, through a registered deed of conveyance, from a lessee, sub-lessee or subsequent sub-lessee shall be eligible for settlement of land in his favour for homestead purpose :

Provided—

(*i*) the person, including his lawful predecessor(s) in-interest, was in possession of such land for a period of at least three years prior to the appointed date, i.e. the 26th February, 2009; and has submitted or submits a valid application for such settlement within a period of six months from the date of publication of Orissa Government Land Settlement (Amendment) Rules, 2010 or within such further period as may be appointed by a notification published in the official Gazette from time to time; and

(*ii*) the land has been used for homestead purpose.

2. **Submission of Application**—The eligible persons shall submit application, in writing, in Form 1 along with attested true copies of all documents if any, in support of their claim to the Tahasildar concerned in whose area of jurisdiction the land is situated.

3. **Procedure on receipt of application**—(*a*) The Tahasildar shall initiate a case record on an application made in Form 1 by the occupant of such land and make a detailed enquiry as regards possession of such land, eligibility of the applicant, purpose for which land is being used, actual extent of land under possession of the applicant and such other aspects as may be necessary for considering the claim for settlement of such land ;

(*b*) On the basis of such enquiry the Tahasildar shall prepare necessary map with plotting of land under possession and shall publish proclamation inviting objection for settlement of the land with the applicant(s) in the manner provided in sub-rule (5) of Rule 5 of these rules giving 30 days time to file objections.

(*c*) Where objection have been received within the period in sub-clause (*b*), the Tahasildar shall dispose of the same after notice to the concerned parties giving an opportunity of being heard to all such parties. The onus of adducing evidence in support of the claim shall lie with the applicant. In all the cases, including the cases where the name of the applicant has already been recorded in the present settlement record in "Gharabari" or "Pattadar" status, it shall be ascertained by verification that the land was recorded in the Sabik record as Gramakantha Paramboke or Abadi or Nazul or Khasmahal land, as the case may be, before the settlement is made. In cases, where Sabik records are not available, the Tahasildar shall certify that the Sabik records are not available and shall proceed with settlement, if otherwise found eligible.

(*d*) The Tahasildar, after conducting field verification and verification of records, shall settle the land with the applicant(s) found to be in actual possession of the land if he/she is otherwise eligible, for homestead purpose.

(*e*) The Tahasildar shall, as per delegation of powers, either approve the settlement, or, submit the case record to the Sub-Collector for confirmation of such settlement. While submitting the case record, all proposals of that particular village shall have to be processed together, as far as possible, taking the village as one unit. While sending proposals to the Sub-Collector, the Tahasildar shall also append a certificate in the case record to the effect that he has verified both Sabik and Hal record of rights and found that the subject land qualifies for action under the Act and these rules. In cases where Sabik records are not available, the Tahasildar shall certify that Sabik records are not available and shall conduct the verification on the basis of Hal records.

(*f*) The Sub-Collector shall either dispose the case or submit the case records to the Collector for settlement as the case may be.

4. **Purpose for which land may be settled**—(*a*) Land shall be settled only for homestead purpose under this Schedule.

(*b*) Land used or essentially required for community purpose such as, but not limited to, roads, playground, public places of worship, Government institutional buildings shall not be settled under this Schedule and shall be recorded in 'rakhit' khata as such.

5. **Powers to settle land**—(*a*) The settlement of land under these rules shall be made by the Tahasildar where the land is used for homestead purpose and the total extent of land with the applicant does not exceed 4 decimals (one-twenty fifth of an acre) and is situated in rural area.

(*b*) Cases involving area of land used for homestead purposes will be approved by the Sub-Collector if the extent of land is up to four decimals (one-twenty fifth of an acre) in urban area or exceeds four decimals but does not exceed ten decimals (one-tenth of an acre) in rural area.

(*c*) Prior approval of Collector shall be obtained, through Sub-Collector, for the settlement of land under this Schedule if the extent of land exceeds the area mentioned in sub-clause (*b*).

(*d*) The settlement of land under this Schedule shall be made on Raiyati basis on payment of Salami and rent.

(*e*) The Sub-Collectors will verify at least ten per cent of the cases sanctioned by the Tahasildars and Collectors shall verify at least 5 % of the cases sanctioned by the Sub-Collectors, to be selected on a random basis.

6. **Payment of amount and arrear ground rent and cess**—(a) Amount at the following rates shall be payable as Salami for settlement of Gramakantha Paramboke, Abadi (Basti), Khasmahal and Nazul land under these rules :

	Extent	Amount payable for settlement
	(1)	(2)
(*i*)	Urban—Up to 4 decimal	3 times the normal annual rent
(*ii*)	Rural—Up to 10 decimal	Ditto
(*iii*)	Extent above 4 decimals but not exceeding 10 decimals in urban areas.	10 times the normal annual rent
(*iv*)	Extent above 10 decimals in rural as well as urban areas.	15 times the normal annual rent

(*b*) The unpaid arrear rent for last ten years will also be recovered in case of Khasmahal and Nazul land before settlement of such land to an applicant.

(*c*) The applicants will be liable to pay land revenue as per relevant laws from the date of settlement of land on Raiyati basis.

(*d*) The 'normal rent' for the purpose of this Schedule means the rent applicable for similar category of lands in the adjoining area in the village.

(*e*) For the purpose of determining the amount payable under sub-item (a), the purpose of land shall be deemed to be homestead if not more than 30 % of the constructed area on land applied for or 250 square feet of constructed area, whichever is less, is being used for non-residential purpose, provided that the entire remaining portion is being used for homestead purpose by the applicant. Homestead purpose will mean residential dwelling unit used for own residence by the applicant and his family members or rented out on monthly rental basis to a tenant for residential use but shall exclude renting out of residential building as a hotel, guest house. In case of any doubt whether the particular building is used for homestead purpose or not, the Tahasildar shall prepare a report on the factual aspects of the use in the case record and the matter will be referred to the Collector for final decision.

(*f*) For the purpose of this Schedule, one decimal area, is area equal to one-hundredth of an acre.

7. Miscellaneous provisions—(*a*) Applications, if any, received before the coming into force of the Orissa Government Land Settlement (Amendment) Rules, 2010 for settlement of Gramakantha Paramboke, Abadi (Basti), Khasmahal or Nazul lands shall be deemed to be applications received under this Schedule and shall be disposed of in accordance with this Schedule notwithstanding that the applications have not been made in Form I.

(*b*) Persons who have been granted lease of Gramakantha Paramboke, Abadi (Basti), Khasmahal and Nazul land prior to commencement of the Orissa Government Land Settlement (Amendment) Act, 2009 shall be eligible for settlement of land in accordance with the provisions of this Schedule.

(*c*) Government shall have powers to issue executive instructions not inconsistent with the provisions of these rules to the authorities entrusted with the responsibility for settlement of land under these rules".

By order of the Governor

RAJ KUMAR SHARMA

Commissioner-*cum*-Secretary to Government

FORM I

(*See* Clause 2)

Application for Settlement of Gramakantha Paramboke, Abadi (Basti), Nazul and Khasmahal land

(*See* Schedule V)

To

The Tahasildar,

.....

1.	Name of applicant	:	
2.	Age	:	
3.	Father's Name	:	
4.	Present residential Address	:	
5.	Permanent Home Address	:	
6.	Caste (S.T./S.C./O.B.C./Others)	:	
7.	Particulars of land applied for	:	
	(*i*) Village/Urban Area	:	
	(*ii*) Mouza	:	
	(*iii*) Khatian No.	:	
	(*iv*) Plot No.	:	
	(*v*) Boundary (East/West/North/South)	:	
8.	Extent of land in possession of the applicant	:	Acre.....decimal.....
9.	Purpose for which land is utilized	:	
10.	Type of land	:	
	Gramakantha Paramboke/Abadi (Basti)/Khasmahal/Nazul		
11.	Year from which the applicant is in possession of land	:	
12.	Whether inherited/obtained on lease or sub-lease/purchased	:	
13.	List of documents in support of possession, if any	:	
	(Lease/sub-lease/sale deed/copy of RoR/Any other, please specify)		

Signature of the Applicant

.

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The Odisha Gazette

EXTRAORDINARY

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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 4th December, 2013

S.R.O. No. 731/2013—Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub-section (1) of Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), in an Extraordinary issue of the *Odisha Gazette* No. 881, dated the 9th May, 2013 under the notification of the Government of Odisha in the Revenue & Disaster Management Department No. 16825-GE(GL)-S-10/2013, dated the 7th May, 2013 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely: —

1. *(1)* These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2013.

(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, (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), for clause (h), the following clause shall be substituted, namely : —

"(h) 'urban area' means an area within the limits of—

(i) a Municipal Corporation, Municipality or Notified Area Council;

(ii) the area of jurisdiction of a Development Authority; or

(iii) such other area as the Government may, by notification, decide from time to time."**.**

3. In the said rules, in rule 3, after sub-rule (3), the following sub-rule shall be inserted, namely: —

"(4) Notwithstanding anything contained in sub- rules (1) and (3), any land in urban area may be settled on lease basis, —

(i) by public auction, by such authority in such manner, following such procedure and subject to such condition as the Government may decide;

(ii) in favour of a Development Authority or the Odisha State Housing Board or any other Corporation or Company owned by the Government for the purpose of a housing or commercial scheme for eventual allotment to eligible persons or organizations on sub-lease basis subject to such condition as the Government may, by notification, decide;

(iii) in favour of any Government Department, Corporation or Authority or any other organization or institution for such purpose and on such condition as may be decided."**.**

4. In the said rules, in rule 5, in sub-rule (2), after the word and figure 'Form – 1', the following words, commas and the figure shall be inserted, namely: —

"or as the case may be, in Form 1-A."**.**

5. In the said rules, in rule 8, for sub-rule (5), the following sub-rule shall be substituted, namely: —

"(5) Public auction of land under clause (iv) of sub-rule (3) of rule 3 shall be conducted in the following manner, namely: —

(a) the public auction shall be conducted by the Collector or such other officer or authority as the Government may direct;

(b) before public auction is held, a notice, giving at least clear twenty- one days time, shall be published fixing the date, hour and place of the public auction in two daily newspapers having wide circulation in the State and in such other manner as may be considered necessary for wide publicity;

(c) the notice shall also specify the upset price for the land below which no bid shall be entertained and the upset price will be fixed by the Collector with the approval of the Revenue Divisional Commissioner;

(d) the persons desirous of participating in the public auction shall deposit five per centum of the upset price as earnest money before the time fixed for commencement of public auction which will be refunded to the unsuccessful bidders at the end of the bid;

(e) the successful bidder shall be required to deposit balance amount up to five per centum of the winning bid amount on the same working day as earnest money and the balance of the bid amount shall be payable within thirty days or such other period as may be specified in the notice, failing which the earnest money shall be forfeited and it shall be a disqualification for participating in any further auction for a period of one year; and

(f) the land shall be settled in favour of the highest bidder on lease basis or, for the reasons to be recorded in writing, put to fresh auction.”**.**

6. In the said rules, after rule 8, the following rule shall be inserted, namely: —

“8-A**.** Auction of land in rural areas. —*(1)* Notwithstanding anything to the contrary in these rules, where the Revenue Divisional Commissioner is of the view that any plot of land in a rural area is suitable for commercial or residential purpose for High Income Groups having regard to its location and market potential, he may allow such land to be settled by public auction.

(2) Public auction of such land shall be conducted by the Collector in the manner provided in sub- rule (5) of rule 8.”**.**

7. In the said rules, after rule 9, the following rule shall be inserted, namely: —

“9-A**.** Permissive possession**.**—*(1)* Permissive possession of land may be granted by the Collector for the purpose of plantations subject to such terms and conditions and

on payment of ground rent, cess and such amount of fee as may be decided by the Government by a general or a special order.

(2) Collector may, by a written order, cancel the permissive possession on violation of any of the terms and conditions of the grant of such possession, and all the immovable properties including trees or structures and any other improvement on the land shall be forfeited to the Government on passing of such order**:**

Provided that no such order shall be passed without giving reasonable opportunity of being heard to the party concerned.

(3) Collector shall have power to terminate the permissive possession, at any time, if the land is required for the purpose of settlement for any purpose under these rules, without payment of any compensation.”**.**

8. In the said rules, after rule 11, the following rule shall be inserted, namely: —

“11-A**.** Sanction of advance possession**.**—*(1)* Wherever the power to settle land vests with an authority above the rank of Collector and the Government is satisfied that it is necessary or expedient in the public interest so to do, it may allow grant of advance possession of land by sending to the Tahasildar concerned, a speaking order for such purpose and subject to such conditions as may be specified in such order.

(2) On receipt of an order under sub-rule (1), the Tahasildar shall handover advance possession of land to the applicant on fulfillment of the conditions specified in the order and submit the lease case records to the Collector within sixty days of giving such advance possession through the Sub-Divisional Officer.

(3) In all cases where advance possession has been granted, the Collector shall directly send the lease case records to the authority competent to settle the land.”**.**

9. In the said rules, after Form 1, the following Form shall be inserted, namely: —

"Form I A

[See rule *5 (2) of the Odisha Government Land Settlement Rules, 1983]*

APPLICATION FOR SETTLEMENT OF LAND BY THE APPLICANTS OTHER THAN INDIVIDUALS

To

The Tahasildar,……

1. Type of the Applicant: (Strike out whichever is not applicable)

(a) Central Government Ministry or Department

(b) State Government Department

(c) Corporation or Company or Society or Agency owned by Central Government.

(d) Corporation or Company or Society or Agency owned by State Government.

(e) Public Limited Company or Private Limited Company other than those in (c) or (d)

(f) Registered Society or Trust other than those in (c) or (d)

(g) Any other entity (please specify):

2. Address of the applicant organization:

(a) Headquarters:

(b) Local office in Odisha [if other than (a)]

3. Particulars of the authorized representative of the applicant organization:

Name :

Father's Name :

Designation :

Address :

4. Detailed particulars of the land applied for :

Name of Village / Urban Area :

Holding No, if any :

Plot No :

Area applied for

Boundary

5. Purpose for which the land is required:

DECLARATION

I solemnly affirm that the particulars given above and the documents enclosed with the application are correct and true to the best of my knowledge.

Office seal of the authorized representative or organization

Signature of the authorized representative with name and designation

Date

DOCUMENTS TO BE ENCLOSED

(i) Authorization of the organization in favour of the representative;

(ii) Attested true copy of the Certificate of incorporation or Registration, if applicable;

(iii) Attested true copy of Memorandum or Articles of Association, if applicable;

(iv) Copy of audited statement of accounts for last three years; and

(v) Land Utilization Plan, if available.

Note : Documents at Sl. No. (ii) to (iv) shall not be required in respect of applicant organizations of State Government or Central Government as described at (a) to (d) of Serial No. 1 of the Form."**.**

10. In the said rules, in Schedule II, —

(i) for serial number 14 and entries appearing against it under columns (2), (3), (4) and (5), the following serial number and the entries against it in the respective column, shall be substituted, namely : —

"(1)	(2)	(3)	(4)	(5)
14.	For Brackish water pisciculture/ Prawn culture	*(i)* Collector	Not exceeding ten hectares on the recommendation of District Level Committee	Nil
		(ii) Government	Full powers	Full powers"

(ii) after serial No.15, the following serial and entries against it shall be inserted under appropriate column, namely : —

" 15 A	In favour of a Department or Authority of the State Government or Central Government for execution of project whose layout has been approved by the Administrative Department concerned of the State Government, being a linear project for laying of a highway, road or railway line including a bridge or flyover, drainage or sewerage line.	Collector	Full powers	Full powers"

11. In the said rules, for Schedule III, the following Schedule shall be substituted, namely: —

"SCHEDULE III

(*See* Rule 12 of the Odisha Government Land Settlement Rules, 1983)

Fees payable in course of proceedings under the Act

Sl. No.	Nature of documents, etc.	Fees to be charged
(1)	(2)	(3)
1.	Application for settlement -	
	(i) Application fees	Rs. 100.00
	(ii) Proclamation fees	Rs. 50.00 (Up to three persons in each village and Rs. 15 for each additional person in a village)
	(iii) Measurement fee per plot	Rs. 100.00
2.	Petition of objection to the sanction of any settlement	Rs. 20.00
3.	Fee for service of notice on appropriate parties, respondents or dependants on summoning witness-	
	(i) In every case where personal or substituted service of any notice is required for service of the same documents	Rs. 50.00 (On not more than three persons in each village and additional fee of Rs. 15 for each additional person in a village)
	(ii) Fee for Issue of a general notice	Rs. 50.00
4.	Fee for incidental charges like establishment cost, contingencies etc. in case of lease or alienation of Government land in favour of any Department of Government for commercial purposes, in favour of any company, corporation or other organization for any purpose and in favour of any individual for any purpose other than agriculture and homestead.	At the rate of 10 percent of the premium subject to a minimum of Rs.1000 per acre."

[No. 46106-GE (GL)-S-10/2013/R&DM.]

By order of the Governor
TARADATT
Additional Chief Secretary to Government

Printed and published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
Ex. Gaz. 1820-193+100

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

*****

NOTIFICATION

No. GE (GL)-S-11/2014- 32951 /R&DM dated the 10th November, 2014

Whereas the draft of certain rules further to amend the Odisha Government Land Settlement Rules, 1983 were published as required by sub-section (1) of section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), in an extraordinary issue of the Odisha Gazette No. 948 dated the 10th June, 2014 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No.GE(GL)-S-11/2014—6733 dated the 1st March, 2014 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962), the State Government do hereby make the following rules further to amend the Odisha Government Land Settlement Rules, 1983, namely: —

1. (1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2014.

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

2. In the Odisha Government Land Settlement Rules, 1983, (hereinafter referred to as the said rules), after rule 5-B, following rule shall be inserted, namely: —

"5-BB. Settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi land for the purposes other than homestead and agriculture. —

Notwithstanding anything contained in rules 3, 5, 5-A, 8, 11, 12 and 13, settlement of Khasmahal and Nazul land leased out, and Gramakantha Paramboke and Abadi land occupied, for a continuous period of three years prior to the 26th day of

February, 2009 and used for the purposes other than homestead and agriculture shall be made in the manner prescribed in Schedule V- A.".

3. In the said rules, after Schedule V, the following Schedule shall be inserted, namely: —

"Schedule V- A

(See rule 5-BB)

Manner for settlement of Gramakantha Paramboke, Abadi, Khasmahal and Nazul Lands for the purposes other than homestead and agriculture.

1. **Persons eligible for settlement:** (a) A person who is in possession of Gramakantha Paramboke or Abadi land in accordance with any customary right or usage or has acquired possession of such land by way of transfer, through a registered deed of conveyance, from a person who was in lawful possession of such land in accordance with any customary right or usage; and

(b) a person who is in possession of Khasmahal or Nazul land on the basis of lease granted by the Government, whether renewed or expired, or a registered sub-lease including subsequent sub-lease granted by the lessee or the sub-lessee, as the case may be, or by way of transfer of such land, through a registered deed of conveyance, from a lessee, sub-lessee or subsequent sub-lessee,

shall be eligible for settlement of land in his favour :

Provided that --

(i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the appointed date, i.e., the 26th February, 2009 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2014 or within such further period as may be appointed by a notification published in the official gazette, from time to time; and

(ii) the land has been used for the purpose other than homestead or agriculture.

2. **Submission of Application :** Eligible persons shall submit application, in writing, in Form II along with attested true copies of all documents, if any, in support of their claim to the Tahasildar concerned in whose area of jurisdiction the land is situated.

3. **Procedure on receipt of application:**

(i) The Tahasildar shall initiate a case record on an application made in Form II by the occupant of such land and make a detailed enquiry as regards possession of such land, eligibility of the applicant, purpose for which land is being used, actual extent of land under possession of the applicant and such other aspects as may be necessary for considering the claim for settlement of such land;

(ii) On the basis of such enquiry the Tahasildar shall prepare necessary map with plotting of land under possession and shall publish proclamation inviting objection for settlement of the land with the applicant(s) in the manner provided in sub-rule (5) of rule 5 giving thirty days' time to file objections;

(iii) Where the objection has been received within the period specified in sub-clause (ii) of this clause the Tahasildar shall dispose of the same after notice to the concerned parties giving an opportunity of being heard to all such parties. The responsibility for adducing evidence in support of the claim shall lie with the applicant. In all the cases, including the cases where the name of the applicant has already been recorded in the present settlement record in "Gharabari" or "Pattadar" status, it shall be ascertained by verification that the land was recorded in the Sabik record as Gramakantha Paramboke or Abadi or Nazul or Khasmahal land, as the case may be, before the settlement is made. In cases, where sabik records are not available, the Tahasildar shall certify that the Sabik records are not available and shall proceed with settlement on the basis of Hal Records, if otherwise found eligible.

(iv) The Tahasildar shall, after conducting field verification and verification of records, submit the case records to the Sub-Collector with his recommendations.

(v) While submitting the case record, all proposals of that particular village shall have to be processed together, as far as possible, taking the village as one

unit. While sending proposals to the Sub-Collector, the Tahasildar shall also append a certificate in the case record to the effect that he has verified both Sabik and Hal Record of Rights and has found that the subject land qualifies for action under the Act and the rules made thereunder.

(vi) The Sub-Collector shall, as per delegation of powers, either dispose of the case or submit the case records to the Collector for settlement, as the case may be.

4. Purpose for which land may be settled: (a) Land shall be settled on permanent basis for the purpose for which the land is being utilized**:**

Provided that no land will be settled for homestead or agricultural purpose under this Schedule.

(b) The land so settled will be heritable and transferable.

(c) Land used or essentially required for community purpose such as, but not limited to, roads, playground, public places of worship and government institutional buildings, shall not be settled under this Schedule and shall be recorded in 'rakhit' khata as such or, as the case may be, in the name of the government department concerned.

5. Powers to settle land: (a) The settlement of land under this Schedule shall be made by the Sub-Collector where the land is used for a purpose other than homestead or agriculture and the total extent of such land with the applicant does not exceed ten decimals (one-tenth of an acre) in rural area or up to four decimals (one-twenty- fifth of an acre) in urban area.

(b) Prior approval of Collector shall be obtained by the Sub-Collector for the settlement of land under this Schedule if the extent of land exceeds the area mentioned in sub-clause (a) of this clause or where the land is to be settled in favour of charitable and 'not for profit' organization.

(c) The settlement of land under this Schedule shall be made on payment of salami and rent.

(d) The Additional District Magistrate (Revenue) shall verify at least ten per centum of the cases and Collectors shall verify at least five per centum of the cases proposed to be settled by the Sub-Collectors, to be selected on a random basis.

(e) Revenue Divisional Commissioners shall verify two per centum of the cases approved by the Collectors.

6. Payment of amount and arrear ground rent and cess: (a) Amount at the following rates shall be payable as Salami for settlement of land under this Schedule, namely: —

(i) Ten per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, if the land is to be settled in favour of a charitable and "not-for-profit" organization for the purposes of running Odia medium school, charitable dispensary, orphanage and old age home etc.;

(ii) Twenty per centum of the market value of the land as per the guidelines prescribed under the Odisha Stamp Rules, 1952, for purposes other than those in item (i):

Provided that no Salami will be payable by the applicant if the land is Khasmahal or Nazul land and the applicant –

(i) is a lessee in favour of whom such land has been validly leased out by the competent authority for the purpose for which the land is presently being used and is proposed to be settled; or

(ii) is a legal heir of a lessee mentioned in item (i) and has obtained the land through succession or a legally valid family partition; or

(iii) has purchased the land from the lessee with prior permission of the competent authority and is using it for the purpose for which original lease was granted.

(b) The unpaid arrear rent, if any, shall also be recovered from the applicant in case of Khasmahal and Nazul land before settlement of such land in favour of an applicant.

(c) The applicant shall also be liable to pay annual land revenue at the rate of one per centum of the market value of such land as per the guidelines prescribed under the Odisha Stamp Rules, 1952.

(d) In case the land is being used partially for homestead and partially for the purposes other than homestead, the provisions of sub- clause (e) of clause 6 of Schedule V shall be applicable to determine the amount payable for settlement of land under this Schedule.

(e) Lands used for agricultural purpose and vacant plots of land will not be settled under this rule even if such land has been validly leased out as Khasmahal or Nazul to the

lessee and in such cases, steps will be taken to determine the lease for violation of terms and conditions of lease.

(f) For the purpose of this Schedule, one decimal area is an area equal to one-hundredth of an acre.

7. Miscellaneous provisions:

(a) Applications, if any, received before the coming into force of the Odisha Government Land Settlement (Amendment) Rules, 2014 for settlement of Gramakantha Paramboke, Abadi, Khasmahal or Nazul lands shall be deemed to be applications received under the provisions of this Schedule and shall be disposed of in accordance with the provisions of this Schedule notwithstanding the fact that the applications have not been made in Form II:

Provided that if in such application any information as mentioned in form II is not available, such information may be collected from the applicant in writing.

(b) Government shall have powers to issue executive instructions not inconsistent with the provisions of this Schedule to the authorities entrusted with the responsibility for settlement of land under this schedule.

FORM II

(See clause-2)

Application for Settlement of Gramakantha Paramboke, Abadi, Nazul and Khasmahal Land

(See Schedule V- A)

To

The Tahasildar,

.....

1.	Name of the applicant	:
2.	Age	:
3.	Father's name	:
4.	Present residential Address	:
5.	Permanent Home Address	:
6.	Caste (S.T/S.C./O.B.C/Others)	:
7.	Particulars of the land applied for	
	(i) Village/Urban area	:

	(ii)	Mouza	:
	(iii)	Khatian No.	:
	(iv)	Plot No.	:
	(v)	Boundary(East/West/North/South)	:
8.	Extent of land in possession of the applicant		: Acre..... decimal.....
9.	Purpose for which land is utilized		:
10.	Type of land (Gramakantha Paramboke/ Abadi/ Khasmahal/Nazul, please specify)		:
11.	Year from which the applicant is in possession of land		:
12.	Whether inherited/obtained on lease or sub-lease / purchased		:
13.	List of documents in support of possession, if any		:

(Lease/sub-lease/sale deed/copy of RoR/
Any other records, please specify)

Signature of the applicant"

By order of the Governor

10.11.14

Additional Chief Secretary to Government

Memo No. 32952 / R&DM dated: 10.11.14

Copy forwarded to Odisha Secretariat Gazette Cell, c/o Commerce & Transport (Commerce) Department with a request to publish the notification in an extraordinary issue of The Odisha Gazette and supply 50(fifty) copies to this Department for reference.

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

10/11/14

Joint Secretary to Government

Memo No. 32953 / R&DM. dated: 10.11.14

Copy forwarded to all Departments of Government/ 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.

10/11/14

Joint Secretary to Government

Memo No. 32954 / R&DM. dated: 10.11.14

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

10/11/14

Joint Secretary to Government

Memo No. 32955 / R&DM dated 10.11.14

Copy forwarded to Chief Secretary, Odisha/ Additional Chief Secretary to Government and Development Commissioner, Odisha for kind information.

10/11/14

Joint Secretary to Government

Memo No. 32956 /R&DM dated 10.11.14

Copy forwarded to Spl. Secretary/ all Addl. Secretaries/ Joint Secretaries/ Deputy Secretaries/ Under Secretaries to Government, Revenue & DM Department/ CH & S Branch/ LR (A) and LR (B) Branch/ Registration Branch/ all seats of LR & GE (A), (B) and (C) Branch of Revenue & DM Department for information and necessary action.

10/11/14

Joint Secretary to Government

ORISSA ACT OF 1960

THE ORISSA LAND REFORMS ACT, 1960*

x x x x

**Act 16 of 1960 as amended by Act 13 of 1965, Act 8 of 1967, Act 13 of 1967, Act 13 of 1969, Act 18 of 1970 President's Act 17 of 1973, Act 9 of 1974, Act 47 of 1975, Act 29 of 1976, Act 30 of 1976 and Act 44 of 1976.*

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

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

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

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

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement -

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

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

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

2. Definitions –

In this Act, unless there is anything repugnant in the subject or context -

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

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

(3) 'Armed Forces' means the Military, Naval or Air Force of the Union ;

(4) 'Basic holding' means an area of land measuring two standard acres ;

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

(5-a) 'Classes of land' means -

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

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

Class III – Land, other than irrigated land, in which paddy (i)was, in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973, grown or (ii) can be grown in a year.

Class IV – Any other land.

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

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

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

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

(9) [* * * *]

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

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

Explanation I - The Cash equivalent of paddy shall be calculated on the basis of the market value of paddy as may be declared every year with respect to different areas by Government by notification in that behalf ;

Explanation II – For the purposes of conversion, one maund shall be equal to 37˙3242 kilograms.

(10) 'Government means the State Government of Orissa ;

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

(12) 'homestead' means any land, whether or not recorded as such, ordinarily used as house-site, ancillary or incidental to agriculture ;

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

(14) 'Land means land of different classes used or capable of being used for agricultural purposes and includes homestead ;

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

(16) 'Land-holder' means all holders or owners of interest in land between the raiyat and the State and a Proprietor, Sub-proprietor, Malguzar, Thikadar, Gountia, Tenureholder,

Under-tenure-holder and includes an Inamdar, Jagirdar, Zamindar, Illaquadar, Kharposhdar, Parganadar, Sarbarakar and Maufidar ;

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

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

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

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

(18-a) "local committee" mean the local committee constituted under section 55 ;

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

(20) [* * * * *]

(21) 'Person under disability' means :-

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

(b) a minor ; or

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

(d) a serving member of the Armed forces ; or

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

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

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

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

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

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

(a) by one's own labour ; or

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

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

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

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

(24) "priviledged raiyat" means –

(a) a co-operative society registered or deemed to be registered under the Orissa Co-operative Societies Act, 1962 and includes a Land Development Bank and the State Land Development Bank as defined in that Act ;

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

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

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

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

(f) any public financial institution ;

(25) 'public financial institution' means –

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

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

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

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

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

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

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

(viii) the Orissa State Financial Corporation established under the State Financial Corporation Act, 1951 ;

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

(27) 'rent' means whatever is lawfully payable or deliverable in money or in kind or in both

by a tenant or a raiyat to his landlord on account of the use or occupation of the land held by him ;

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

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

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

Explanation – For the purposes of conversion, one acre shall be equal to 0.4047 hectare ;

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

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

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

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

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

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

(33) 'year' means the agricultural year commencing on the first day of April ;

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

3. Act to override other laws -

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

CHAPTER II
RAIYATS AND TENANTS

4. Raiyats -

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

(a) persons holding lands immediately before the commencement of this Act or at any

time thereafter with rights of occupancy under or within the meaning of any law for the time being in force ;

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

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

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

(e) the holder of a raiyatwari patta under the raiyatwari settlement in the districts of Ganjam and Koraput and in Baliguda subdivision of Boudh district ;

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

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

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

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

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

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

(2) The Revenue Officer, on an application in that behalf in the prescribed form and manner by a person referred to in clause (h) of sub-section (1) made not later than ninety days from the commencement of this Act or within such further period not exceeding thirty days as such officer in his discretion allows, may after such enquiry as may be necessary, by order declare that such person shall

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be a raiyat holding immediately under Government in respect of the land held as specified in the said clause with effect from the beginning of the year next following the date of the order :

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

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

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

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

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

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

(5) The Revenue Officer, on an application in that behalf in the prescribed form and manner by the sub-tenant or under-raiyat or the successor-in-interest as the case may be, referred to in clause (i) of sub-section (1) made not later than ninety days from the commencement of this Act or within such further period not exceeding thirty days as such officer in his discretion allows, may, after such enquiry as may be necessary, by order declare such sub-tenant or under-raiyat or-successor-in-interest to be a raiyat in respect of the land referred to in the said clause with effect from the beginning of the year next following the date of the order.

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

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

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

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Provided further that an application under this sub-section may be made, -

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

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

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

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

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

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

(8-b) The Revenue Officer may also on his own motion, within the period allowed for making an application under sub-section (2) or under sub-section (5), take all such action and in such manner as is provided in sub-sections (2) to (8-a) for declaring the persons or their successors-in-interest, as the case may be, referred to in clauses (*h*) and (*i*) of sub-section (1) to be raiyats and the provisions contained in sub-sections (2) to (8-a) shall, so far as may be, apply to proceedings under this sub-section.

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

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5. Existing rights of raiyats not to be affected –

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

6. Rights of raiyats and prohibition of letting –

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

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

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

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

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

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

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

7. Non-transferability and saving of the rights and liabilities of tenants –

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

(2) Save as otherwise provided in this Act -

(a) no tenant in lawful cultivation of any land at the commencement of the Orissa Land

Reforms (Amendment) Act, 1973 or at any time thereafter shall be liable to be evicted from such land by the landlord ;

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

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

8. Eviction of raiyats -

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

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

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

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

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

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

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

[8-A. Conversion of agricultural land for purposes other than agriculture-

(1) Notwithstanding anything contained in Section 8 –

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

Inserted vide Orissa Act No.12 of 1994.

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

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

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

Substituted vide Orissa Act 8 of 2006

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

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

Inserted vide Orissa Act 8 of 2006

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

Substituted vide Orissa Act 8 of 2006

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

(i) Land situated within any Municipal area or in areas within one- half kilometer on either side of such National Highways as the State Government may, by notification, specify from time to time.	…	Rs.3,00,000/-
(ii) Land situated in any area within one-fourth kilometer on either side of such State Highways as the State Government may, by notification, specify from time to time.	…	Rs.1,00,000/-
(iii) Land situated in a Municipal area or a Notified area, or in any area notified as Urban area under the Orissa		

Government Land Settlement Rules, 1983 made under the Orissa Government Land Settlement Act, 1962, other than any land mentioned in clauses (i) and (ii).	…	Rs.75,000/-
(iv) Land situated in such developing areas as the State Government may, by notification, specify, from time to time, other than any area covered by clauses (i), (ii) and (iii).	…	Rs.30,000/-
(v) Land situate in any area not covered by clauses (i), (ii), (iii) and (iv).	…	Five percentum of the market value of such land or Rs.1,000/-, whichever is more.

Explanation - For the purpose of this sub-section,-

(a) "Municipal Act" means the Orissa Municipal Act, 1950:

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

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

Substituted vide Orissa Act 8 of 2006

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

9. Dwelling houses of raiyats and tenants -

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

(a) obtained permission, express or implied, from the person having permanent and heritable rights in the site and having right to accord permission for the construction of such house; and

(b) built such house at his own expense.

Explanation - [(i)]

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

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

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

(1-A) The Revenue Officer, on an application made in this behalf by the person referred to in sub-section (1), in the prescribed form and manner and within the prescribed period, may, after such inquiry as may be necessary, issue a certificate in the prescribed form to such person to the effect that he has become a raiyat in respect of the whole, or, as the case may be, a portion of the site as a aforesaid and if such person is evicted from the site at any time after the commencement of the Orissa Land Reforms (Amendment) Act, 1973 the Revenue Officer shall, by order, direct that possession of the site be delivered to the said person and may take such further steps as he may consider necessary to give effect to the order so passed;

(2) If immediately before the commencement of this Act, any person had permanent and heritable rights in the site, in a capacity other than that of a land-holder, the rights of all such persons shall stand extinguished and they shall be entitled to compensation from the raiyat or tenant as the case may be equal to ten times the fair and equitable rent payable for the site under sub-section (3). The classes of rights entitled to such compensation shall share it equally and each such share shall be divided equally amongst persons belonging to the class to which the share relates:

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

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

(4) In case of a dispute about the amount of rent so payable or about the apportionment of compensation, the Revenue Officer shal1 on an application by any person interested filed in the manner and within the time prescribed hold such enquiry as may be necessary and decide such dispute.

10. Dwelling houses of agricultural labourers and artisans -

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

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

11. Mode of transfer of holding of a raiyat -

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

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

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

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

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

12. Decision of disputes among landlord and raiyats -

(1) Any dispute between a raiyat and his landlord relating to-

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

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

(iii) the raiyat's right to possession of the land and his rights to the benefits under this Act,

shall be decided by the Revenue Officer on an application to be filed by any person interested:

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

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

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

13. Rent payable by tenants -

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

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

14. Ground of eviction of tenant -

(1) A landlord may evict his tenant only if such tenant -

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

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

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

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

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

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

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

Provided further that where the landlord -

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

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

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

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

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

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

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

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

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

(a) the quantum of the rent payable; or

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

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

(d) the existence of the relationship of land-lord and tenant,

shall be decided by the Revenue Officer on an application to be filed in the prescribed manner by any party interested:

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

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

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

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

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

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

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

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

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

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

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

16. Dispute regarding identity of tenant -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. Partition among co-sharer raiyats how to be effected -

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

(a) a registered instrument; or

(b) a decree of a Court or ; or

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

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

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

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

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

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

Provided that no charges for such registration shall be payable.

20. Lands lost by diluvion -

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

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

21. Lands gained by gradual accretion -

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

22. Restriction on alienation of land by Scheduled Tribes -

(1) Any transfer of a holding or part thereof by a raiyat, belonging to a Scheduled Tribe shall be void except where it is in favour of -

(a) a person belonging to a Scheduled Tribe or

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

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

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

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

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

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

(6) Nothing in this section shall apply -

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

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

22-A. Surrender or abandonment by raiyat or tenant -

(1) No surrender to the landlord or abandonment of any holding or any part therof by a raiyat or a tenant shall be valid unless such surrender or abandonment has been previously approved by the Revenue Officer.

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

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

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

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

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

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

(5) Where any raiyat or tenant surrenders or abandons his holding or any part thereof without the previous approval of the Revenue Officer and the holding or part thereof so surrendered or abandoned is taken possession of by the landlord, then, it shall be competent for the Revenue Officer (after giving to the landlord an opportunity of being heard) to impose on the landlord a penalty of an

amount not exceeding two hundred rupees per acre of the land so surrendered or abandoned for each year or any part thereof during which the possession is continued.

23. Effect of transfer in contravention of Section 22 -

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

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

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

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

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

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

23-A. Eviction of person in unauthorized occupation of property -

Where any person is found to be in unauthorised occupation of the whole or part of a holding of a raiyat belonging to a Scheduled Caste or of a raiyat belonging to a Scheduled Tribe within any part of the State other than a Scheduled Area, by way of trespass or otherwise, the Revenue Officer may, either on application by the owner or any person interested therein, or on his own motion, and after giving the parties concerned an opportunity of being heard, order eviction of the person so found to be in unauthorised occupation and shall cause restoration of the property to the said raiyat or to his heir in accordance with the provisions of sub-section (3) of section23.

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

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

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

CHAPTER III*

RESUMPTION OF LAND FOR PERSONAL CUL TIVATION

**Chapter III substituted by Act 13 of 1965*

24. Resumption of tenanted lands -

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

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

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

25. Extent of resumable lands -

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

26. Rights of the landlord and the tenant to apply -

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

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

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

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

27. Determination of resumable and non-resumable lands -

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

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

28. Compensation for non-resumable lands -

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

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

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

(3) The compensation payable for -

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

(b) trees standing on the land, shall be the market value thereof to be paid along with the compensation under sub-section (2).

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

29. Certificate in respect of resumable and non-resumable lands -

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

30. Tenant to become raiyat and recovery of compensation -

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

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

31. Person entitled to receive compensation -

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

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

32. Certificate to be conclusive proof -

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

33. Rent of non-resumable land to whom payable -

(1) The fair and equitable rent determined under section 27 shall be payable -

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

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

Explanation - For the purposes of clause (b) the term “land-holder” shall include Government.

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

34. Tenant's right to continue on resumable lands -

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

34-A. Consequences of failure of landlord to apply under section 26 -

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

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

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

35. Failure of both landlord and tenant to apply under Section 26 -

Where both the landlord and the tenant in respect of any land fail to apply in accordance with the provisions of section 26 the Revenue Officer may within six months from the expiry of the period specified in the said section and subject to such rules as may be made in that behalf after giving the persons interested and opportunity of being heard determine the 'particulars of the resumable and non-resumable lands along with the other matters required to be determined under sections 27 and 28 and on such determination the remaining provisions of this Chapter, so far as may be, shall apply.

35-A. Rights of tenant until conclusion of proceedings under this Chapter -

The tenant shall, subject to the final orders made in the proceedings, If any, under this Chapter, hold the lands as a tenant with heritable rights until the conclusion of such proceedings and while so holding shall be subject to the provision contained in Chapter II.

36. Removal of doubts -

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

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

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

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

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

(b) proceedings for the determination of such particulars are pending ;

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

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

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

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

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

Notwithstanding anything contained in sub-section (1) of section 24, section 25 or section 26, where as a consequence of the amendment of section 73 by the Orissa Land Reforms (Second Amendment) Act, 1975, any land becomes subject to the provisions of this Chapter, the provisions of section 36-A shall, so far as may be, apply to such land subject to the modification that the period of limitation specified therein shall run from the date of commencement of the said Act.

36-C. Tenants inducted in contravention of Act to become raiyats -

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

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

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

CHAPTER IV*

**Chapter IV substituted by Act 13 of 1965*

CEILING AND DISPOSAL OF SURPLUS LAND

37. Definitions – In this Chapter -

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

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

37-A. Ceiling Area -

The ceiling area in respect of a person shall be ten standard acres:

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

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

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

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

38. Exemption from ceiling -

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

(a) lands held by a privileged raiyat :

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

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

Provided that where the said lands are not actually used within a period of five years from the commencement of the Orissa Land Reforms (Amendment) Act, 1973, for the purpose for which they had been set apart, the Collector may, after giving notice to the persons concerned, by order, direct that the provisions of this Chapter shall apply to the said lands:

Provided further that the Collector may, on an application made to him in this behalf and on being satisfied that it .is necessary or expedient so to do, extend the said period of five years by such further period or periods as he may deem fit, so, however, that the total period of such extension shall not exceed in any case, eight years;

(c) plantations;

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

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

39. Principles for determining the ceiling area -

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

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

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

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

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

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

40. Prohibition of transfer and partition of land and restriction of suits for specific performance of contracts -

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

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

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

(i) the Central Government or any State Government;

(ii) any public financial institution;

(iii) any bank to which the Orissa Co-operative Societies Act, 1962 applies;

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

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

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

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

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

40-A. Submission of returns -

(1) Every person holding land (which shall include lands transferred by sale, gift or otherwise or partitioned by him after the26th day of September, 1970) either as land holder or raiyat in excess of the ceiling area at the commencement of the Orissa Land Reforms (Amendment) Act, 1973, shall, before the expiry of ninety days from such commencement, submit to the Revenue Officer, in such form and in such manner as may be prescribed, a return indicating the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area (hereinafter referred to as “surplus lands”) and furnish in the said returns such other particulars as may be prescribed:

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

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

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

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

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

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

40-B. Submission of returns in special cases -

Where any person, -

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

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

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

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

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

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

41. Responsibility for submitting returns -

The return referred to in section 40-A or section 40-(B) shall be submitted -

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

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

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

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

42. Failure to submit return to entail forfeiture of claim -

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

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

43. Preparation and publication of draft statement showing ceiling and surplus lands -

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

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

(b) the surplus area ;

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

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

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

(f) such other particulars as may be prescribed :

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

(2) Subject to the rules made in that behalf, the draft statement under sub-section (1) shall be published inviting objections from persons interested and the Revenue Officer after hearing the objections, if any, received within thirty days of such publication and making such enquires as he

deems necessary, and after consulting the local committee, if any may by order recording his reasons in writing alter or amend all or any of the particulars specified in the draft statement :

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

44. Final statement of ceiling and surplus lands -

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

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

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

(b) by the State Government within sixty days from the said date, shall lie to the prescribed authority.

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

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

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

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

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

45. Surplus lands to vest in Government -

With effect from the date on which the statement becomes final under sub-section (3) of section 44, the interests of the person to whom the surplus lands relate and of all land-holders mediately or

immediately under whom the surplus lands were being held shall stand extinguished and the said lands shall vest absolutely in the Government free from all encumbrances.

45-A. Delivery of possession of surplus lands -

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

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

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

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

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

(2) All lands declared to be surplus land under sub-section (1) shall be deemed to have vested in the Government free from all encumbrances along with the surplus lands mentioned in the aforesaid statement and the provisions of sections 45, 45-A and 46 to 51 shall, so far as may be, apply to the lands so vested :

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

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

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

46. Assessment Roll to be prepared -

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

47. Principles to determine 'amount' -

(1) The amount in respect of the interest of the land-holders mediately or immediately under whom the surplus lands were being held as a land-holder or raiyat shall be fifteen times the fair and equitable rent.

(2) The amount in respect of the interest of the person to whom the surplus lands relate shall be the aggregate of the following :-

(a) fifty percentum of the market value of tanks, wells and of structures of a permanent nature situate in the land;

(b) fifty percentum of the market value of trees standing on the land; and

(c) value of land to be determined in the following manner, namely :-

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

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

48. Preparation and publication of Draft Assessment Roll -

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

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

49. Final Assessment Roll -

(1) When all such claims, objections and appeals are disposed of the Revenue Officer shall after making such alterations in the draft Assessment Roll as may be necessary to give effect to any order passed under sub-section (1) or, as the case may be, under sub-section (2) of section 48 cause the Roll so altered to be finally published in the prescribed manner, and on such publication, the Roll shall become final and conclusive.

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

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

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

50. Payment of amount -

The amount determined in accordance with the foregoing provisions shall be payable on and from the date of delivery of or taking over possession of the surplus land in such mode as may be prescribed and interest shall accrue on the unpaid balance of the amount at the rate of two and half percentum per annum.

51. Settlement of surplus lands -

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

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

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

Provided also that the Collector of a district may, with the prior approval of the Government, set apart any of the said surplus lands for being utilised for any public purpose, other than the purpose

of cultivation, and thereupon the remaining surplus lands shall be settled in accordance with the provisions of this section.

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

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

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

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

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

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

52. Ceiling on future acquisitions -

The foregoing provisions of this Chapter shall, *mutatis mutandis*, apply where lands acquired and held subsequent to the commencement of the Orissa Land Reforms (Amendment) Act, 1973 by any person through inheritance, bequest, gift, family settlement, purchase, lease or otherwise, together with the lands held by him at the time of such acquisition exceed the ceiling area :

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

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

Explanation I - If, as a result of irrigation the facilities provided by the Central Government, the State Government, any local authority, any Government Company as defined in section 617 of the Companies Act, 1956 or any statutory body or corporation to a person after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, any land falling at such commencement, within Class II, Class III or Class IV, falls, subsequent to such commencement, within Class I or Class II, as the case may be, the lands held by such person in excess of the ceiling area applicable to the class of land to which such land has fallen as a result of the provision of such irrigation facilities, shall be deemed to have been acquired and held by such person after such commencement.

Explanation II - Homestead lands which have been kept out of account in determining the ceiling area in respect of any person, shall, on ceasing to be used as homestead land after the commencement of the Orissa Land Reforms (Amendment) Act, 1973, be deemed to have been acquired and held by him with effect from the date on which such lands have so ceased to be used as homestead lands.

CHAPTER V

ADMINISTRATIVE MACHINERY FOR IMPLEMENTATION OF LAND REFORMS

53. Constitution of Land Commission -

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

(2) (a) The Commission shall consist of seven members of whom three shall be officials and four non-officials to be nominated by the Government. They shall unless the Commission is sooner reconstituted hold office for a period of three years from the date of appointment.

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

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

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

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

54. Function of Land Commission -

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

55. Constitution of District Executive Committee and Local Committee -

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

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

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

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

56. Functions of the District Executive Committee -

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

56-A. Certificate of disability -

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

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

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

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

56-B. Cancellation of Certificate of disability and its consequences -

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

(2) On cancellation of the certificate, the Revenue Officer may, on an application made in that behalf by the tenant within sixty days from the date of such cancellation and after giving the parties interested an opportunity of being heard, declare the whole of the land to be non-resumbale and determine the fair and equitable rent and the compensation payable by the tenant in respect of the land in accordance with the provisions of section 28 and on such determination the provisions of sections 29 to 33 (both inclusive), 35-A and 36 shall, so far as may be, apply.

57. Procedure to be followed by Revenue Officers -

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

(a) admission of evidence by affidavits;

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

(c) compelling the production of documents; and

(d) any other matter that may be prescribed.

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

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

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

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

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

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

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

Provided that no application under this sub-section shall be maintainable if, -

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

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

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

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

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

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

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

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

(c) reception of evidence on affidavits ;

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

(e) issuing commission for examination of witnesses.

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

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

57-B. Reference of cases of certain privileged raiyats by the Collector -

(1) If the Collector of the district on his own information or on receipt of information from any source whatsoever, is of opinion that there are circumstances to indicate that in respect of any trust

or other institution which is a privileged raiyat within the meaning of sub-clause (c) of clause (24) of section 2,-

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

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

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

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

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

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

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

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

CHAPTER VI
MISCELLANEOUS

58. Appeal -

(1) Any person aggrieved by an order passed under any of the following sections may prefer an appeal to the prescribed authority, namely :-

Sections 4, **8-A***, 9 (4), 10, 12 (2), 15, 16, 17, 18, 19 (1) (c), 20, 21, 22 (1), [22-A (5), 23 (2), 23-A,] 27, 28, [34-A, 35] [36-A,] [36-C, 42,] [45-B (l),] [52, 56-A, 56-B and 57-B (4).]

* *Inserted vide Orissa Act 8 of 2006*

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

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

59. Revision -

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

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

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

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

60. Review -

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

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

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

Provided further that no such modification shall be made if -

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

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

61. Orders to be final -

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

62. Court-fees -

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

63. Limitation -

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

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

64. Enquiries and proceedings to be judicial proceedings -

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

65. Execution of orders -

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

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

66. Fees of legal practitioners not to form part of cost -

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

67. Bar of jurisdiction of Civil Courts -

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

68. Penalties -

(1) Whoever contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under this Act or makes a declaration or furnishes any information, which may be or is required to be made or furnished under this Act and which he knows to be false or has reasons to believe to be false, shall on conviction be punishable with imprisonment of

either description which may extend to six months or with fine which may extend to five hundred rupees or with both.

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

(3) Whoever, after having been evicted under section 23 or under section 23-A from any holding of a raiyat belonging to a Scheduled Tribe or a Scheduled Caste, reoccupies the same without a valid transfer made in his favour, shall, on conviction, be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

69. Delegation of power –

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

70. Indemnity -

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

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

71. Executive instructions -

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

72. Power to enter upon land -

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

73. Act not to apply to certain lands -

Nothing contained in this Act, shall apply -

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

(b) to lands held by-

(i) the Government of India;

(ii) any local authority;

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

(iv) the Bhoodan Yagna Samiti established under the Orissa Bhoodan and Gramdan Act, 1970.

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

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

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

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

74. Repeal -

(1) On the coming into force of Chapter I of this Act the Orissa Tenant's Relief Act, 1955, shall be repealed.

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

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

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

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

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

75. Limitation -

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

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

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

76. Power to remove doubts and difficulties -

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

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The Orissa Gazette

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LAW DEPARTMENT

NOTIFICATION

The 7th July 2006

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

ORISSA ACT 8 OF 2006

THE ORISSA LAND REFORMS (AMENDMENT) ACT, 2006

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

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

Short title.

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

Amendment of section 8-A.

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

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

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

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

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

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

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

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

"(*2*) The rate at which the conversion fees shall be payable per acre of agricultural land situated at different places of the State, for conversion of its use to any purpose other than agriculture on and after the commencement of the Orissa Land Reforms (Amendment) Act, 1993 shall be as follows :— Orissa Act 12 of 1994.

(*i*) Land situated within any Municipal area or in areas within one-half kilometre on either side of such National Highways as the State Government may, by notification, specify from time to time.	..	Rs.3.00,000/-
(*ii*) Land situated in any area within one-fourth kilometre on either side of such State Highways as the State Government may, by notification, specify from time to time.	..	Rs. 1,00,000/-
(*iii*) Land situated in a Municipal area or a Notified area, or in any area notified as Urban area under the Orissa Government Land Settlement Rules, 1983 made under the Orissa Government Land Settlement Act, 1962, other than any land mentioned in clauses (i) and (ii).	..	Rs. 75,000/-

Orissa Act 33 of 1962.

(*iv*) Land situated in such developing areas as the State Government may, by notification, specify, from time to time, other than any area covered by clauses (i), (ii) and (iii). .. Rs.30,000/-

(*v*) Land situated in any area not covered by clauses (i), (ii), (iii) and (iv). ..Five percentum of the market value of such land or Rs.1,000/-, whichever is more.

Explanation—For the purpose of this sub-section,—

(*a*)"Municipal Act" means the Orissa Municipal Act, 1950; Orissa Act 23 of 1950.

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

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

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

Amendment of section 58.

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

By order of the Governor

D. K. SAHU

Principal Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
***

NOTIFICATION

No.RE-I-14/2015- 9851 **/R&DM, Bhubaneswar, Dated** 30.3.15

Whereas the draft of certain rules further to amend the Odisha Land Reforms (General) Rules, 1965 was published as required under sub-section (1) of section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), in the *Odisha Gazette* No.24, dated the 20th June, 2014 under the notification of the Government of Odisha in the Revenue and Disaster Management Department No.RE-I-60/2013-15221, dated the 27th May, 2014 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification in the *Odisha Gazette.*

And whereas no objection or suggestion in respect of the said draft has been received by the State Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by section 75 of the Odisha Land Reforms Act, 1960 (Odisha Act 16 of 1960), the State Government do hereby make the following rules further to amend the Odisha Land Reforms (General) Rules, 1965, namely:-

1. (1) These rules may be called the Odisha Land Reforms (General) Amendment Rules, 2015.

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

2. In the Odisha Land Reforms (General) Rules, 1965, for Form No.3, the following shall be substituted,namely:-

"Form No.3

Notice giving particulars of transfer of a holding of a raiyat or a portion or a share thereof

(See sub-rule (1) of rule 14 of the Odisha Land Reforms (General) Rules, 1965)

I. Name and address of the Transferor:

Name:

Name of Father/Husband:

Present Address:

PIN

Caste

Mobile No.

e-Mail ID

Permanent Address:

PIN

II. Name and address of the Transferee:

Name:

Name of Father/Husband:

Present address:

												PIN							
Caste																			
Mobile No.																			
e-Mail ID																			

Permanent Address:

												PIN							

III. Schedule of Property:

District: Tahasil: R.I.Circle

Police Station Village: Thana No.

Khata No.	Plot No.	Kisam	Total Area	Transferred Area	Name of Recorded Tenant	Name of Transferor

IV. Name and Address of Tenant as per RoR:

Village																			
Caste																			

V. Documents Relied upon (All documents in succession between recorded tenant and present Transferor)

Mode of Transfer (Voluntary Sale/Gift/Exchange/ Bequest/Sale in execution of a decree)	Document No./Year	Vol. No.	Page No.	Name of Transferor	Name of Transferee	Name of Registration Office

VI. Decree or Order of Court or of Revenue Officer

Case No./ Year	Name of Court	Date of Order	Name of Transferor	Name of Transferee

Signature of Transferor Place Signature of Transferee

Date

Verified by Registering Officer: _____

Signature of Registering Officer."

By order of the Governor

30.3.15

(Dr. TARADATT)
Additional Chief Secretary
Revenue and D.M.Department

Memo No. 9852 **/R & DM, Dated** 30.3.15

Copy forwarded to the Director, Printing, Stationary & Publication, Odisha, Cuttack to publish this Notification in the next issue of the Odisha Gazette/copy forwarded to Commerce Department, Bhubaneswar for information and necessary action.

30.3.2015

Joint Secretary to Government

Memo No. 9853 **/R & DM, Dated** 30.3.15

Copy forwarded to the All Departments/All Heads of Department/All RDCs/All Collectors/Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

30.3.2015

Joint Secretary to Government

Memo No. 9854 **/R & DM, Dated** 30.3.15

Copy forwarded to All Sub-Collectors/All Tehsildars for information and necessary action.

30.3.2015

Joint Secretary to Government

Memo No. 9855 **/R & DM, Dated** 30.3.15

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

30.3.2015

Joint Secretary to Government

Memo No. 9856 **/R & DM, Dated** 30.3.15

Copy forwarded to the Deputy Secretary to Government (in charge of IMU Cell) for information and necessary action.

30.3.2015

Joint Secretary to Government

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

No.GE (GL)-S-26/2013- 10241 **/ R&D.M Dated** 31.03.14

From

Dr. Taradatt, IAS,
Additional Chief Secretary to Government

To

All Collectors

Sub: Instructions regarding direct purchase of private land for social/infrastructure development projects through bilateral negotiation- Modification thereof

Ref: - This Department G.O No. 26223/ R&DM dated 6.7.2013

Madam/ Sir,

I am directed to say that guidelines regarding direct purchase of private land for social/infrastructure development projects were laid down in this Department G.O. referred above. Subsequently, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLAR&R) Act, 2013 has come into force w.e.f 01.01.2014 wherein a new method for computation of market value of land has been prescribed.

1. Government after careful consideration revises its guidelines issued earlier vide Letter No. 26223/ R&DM dated 06.07.2013 regarding direct purchase of private land as under:

   (a) Private land up to an extent of 10 hectares can be purchased in a revenue village.

   (b) Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to purchase land under these guidelines.

   (c) Market value of the land shall be assessed as per the provisions of Section 26 to 30 of RFCTLAR&R Act, 2013. Compensation as admissible in

respect of building and other structures under the said Act shall be payable.

(d) Legal due diligence like obtaining non-encumbrance certificate from concerned revenue Authority and establishment of a clear title of the seller over the land should be arrived at before purchase of the land.

(e) Care should be taken to ensure that suitable compact patches of private land are identified for location of different projects in a cluster.

(f) The suitability of the land for the development projects, accessibility through public road and other facilities like drinking water etc. should be ascertained.

(g) In case of land belonging to Scheduled Caste/Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority. However, in scheduled areas, land belonging to Scheduled Tribes shall not be purchased as the same is prohibited by law.

(h) No negotiation/transaction shall be made with intermediaries/power of attorney holders. Transaction shall be made only with bona fide owners of the land.

(i) Land purchased under these principles shall be allowed to be registered without any payment of stamp duty and registration fee.

(j) After purchase and registration of the land, the competent authority of concerned Department/Organization shall take immediate steps for mutation of the same.

(k) Budget provisions made for acquisition of the land can be utilized for purchase of private land through bilateral negotiation under these principles.

2. The aforesaid principles would be applicable to any Government project/scheme. The Public Sector Undertakings may also adopt these principles, if felt necessary.

3. This has been concurred in by the Finance Department vide their UOR No. 249/ MF&PE dated 25.03.2014.

4. The earlier instruction issued in this Department Letter No.GE (GL)-S-26/2013-26223/R&DM Dated 06.07.2013 is superseded.

Yours faithfully,

31.3.14

Additional Chief Secretary to Government

Memo No. 10242 / RDM dated 31.03.14

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

31.3.14

Additional Chief Secretary to Government

Memo No. 10243 / RDM dated 31.03.14

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/ LR & GE (A)/ (B)/(C)/ LA (A)/ (B)/(C)/ R&R Cell/ LR (A)/ (B)/ Registration Branch/ CH&S Branch of Revenue & DM Department for information and necessary action.

31/03/14

Joint Secretary to Government

By fax/ e-mail

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

No. RE-I-50/2015/ LRB 2846 **/R&D.M Dated the** 27th **January, 2016**

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors,

Sub: Instructions regarding direct purchase of private land through bilateral negotiation for infrastructure and Industrial projects

Sir,

I am directed to say that after coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLAR&R) Act, 2013 w.e.f. 01.01.2014, different Departments of the State Government and Project Proponents of various infrastructure and industrial projects are facing difficulties for acquiring small and intermittent patches of private land within the project area under the Act, as the process of land acquisition is time consuming. The guidelines regarding direct purchase of private land for social development projects were laid down in this Department G.O. No.10241 dated 31.03.2014.

2. In order to overcome the difficulties, formulation of guidelines for direct purchase of private land through bilateral negotiation, for execution of infrastructure and industrial projects was under active consideration of Government for some time past. Government after careful consideration, have been pleased to lay down the following principles for direct purchase of private land through bilateral negotiation, for execution of infrastructure and industrial projects.

a) The following guidelines shall be applicable for direct purchase of private land through bilateral negotiations for linear/ infrastructural and industrial projects.

b) The industrial projects, for which private lands have to be purchased under this guideline, should have been approved by HLCA/ SLSWCA/ DLSWCA under Odisha Industries Facilitation Act, 2004.

c) If the private land required to be purchased is equal to or more than the limit Notified by State Government i.e. Ac.50.00 in urban areas and Ac.200.00 in rural areas, the company or the private entrepreneur shall have to pay R&R entitlements along with the compensation, and follow the procedure u/s 46 of the RFCTLAR&R Act, 2013.

d) Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to file requisition and purchase land under these guidelines.

e) Market value of the land shall be assessed as per the provisions of Section 26 to 30 of RFCTLAR Act, 2013. Compensation as admissible in respect of building and other structures under the said Act shall be payable.

f) The project proponent shall assess the cost estimate and obtain the approval of Collector of the District through concerned LAO/ Special LAO/Tahasildar, as the case may be.

g) In case of any irrigated land to be purchased within the ayacut area of any Irrigation project, permission of Water Resources Department has to be obtained.

h) In view of the food security clause, purchase of multi-crop irrigated land for non-agricultural purposes, even through private negotiation should be avoided. Only in case of exceptional circumstances as demonstrable last resort, multi cropped irrigated land may be purchased, subject to above limits and in the event of such purchase, the private purchaser has to obtain permission of the DoWR/ deposit the reclamation cost as assessed by the DoWR.

i) Care should be taken that no person is rendered homesteadless / landless by virtue of this sale of his land. In the event of urgency of implementation of the project, alternative land should be made available and the land owner should be rehabilitated properly before the land is purchased.

j) The company / the private entrepreneur should maintain due legal diligence like obtaining non-encumbrance certificate from concerned revenue Authority

and establishment of a clear title of the seller over the land before purchase of the land.

k) In case of land belonging to Scheduled Caste/Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority.

l) No negotiation/transaction shall be made with intermediaries/ power of attorney holders. Transaction shall be made only with bonafide owners of the land.

m) No private land shall be acquired forcibly and no coercive method shall be adopted for obtaining possession of the land.

n) Land purchased under these principles shall be registered and the company has to bear the cost of stamp duty and registration fees.

o) Any complain/ allegation/ grievance as regards noncompliance of any of the above guidelines may be addressed to Collector of the District, who in turn shall cause enquiry within 15 days and take appropriate action.

Yours faithfully

27/1

Principal Secretary to Government.

Memo No. 2847 /RDM dated 27.1.2016

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

27/1

Principal Secretary to Government.

Memo No. 2848 /RDM dated 27.1.2016

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/LR &GE (A)/(B)/(C)/LA(A)/(B)/(C)/R&R Cell/LR(A)/(B)/Registration Branch/CH&S Branch of Revenue &DM Department for information and necessary action.

27/1/16

Joint Secretary to Government.

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

Whereas the draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by sub-section(1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) was published, as required by section 112 of the said Act, in an Extraordinary issue of the Odisha Gazette no. 1480 dated 19th October, 2015 under the notification of the Government of Odisha in Revenue and Disaster Management Department No. R & REH-24/2015-29814 dated the 19th October, 2015, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of fifteen days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the State Government do hereby make the following rules, namely : —

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement. — (1) These rules may be called the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

(2) They shall extend to the whole of the State of Odisha.

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

2. Definitions.— (1) In these rules, unless the context otherwise requires, —

(a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);

(b) "Central Government" means the Government of India;

(c) "District Collector" means the officer appointed by the State Government as Collector and District Magistrate for a District;

(d) "District Office" means office of the District Collector;

(e) "Form" means forms appended to these rules;

(f) "Land Acquisition Collector" means the Deputy Collector or any other officer designated as Land Acquisition Officer or Special Land Acquisition Officer by the State Government to perform all or any of the functions of Collector under the Act;

(g) "landless" means landless person as defined in the Odisha Prevention of Land Encroachment Act, 1972;

(h) "R and R" means Rehabilitation and Resettlement;

(i) "Secretary/ Commissioner R & R" means an officer not below the rank of Additional Secretary appointed by the Government;

(j) "section" means section of the Act;

(k) "SIA" means Social Impact Assessment made under sub-section (I) of section 4; and includes with grammatical variations and SIA team shall be constituted accordingly;

(l) "SIMP" means the Social Impact Management Plan prepared as part of the Social Impact Assessment study under sub-section (6) of section 4.

(2) The words and expressions used but not defined in these rules, but defined in the Act unless the context otherwise requires, shall have the same meaning as assigned to them in the Act.

CHAPTER -II

3. Proposal by the Requiring Body for acquisition of land. — Whenever any Requiring Body proposes acquisition of land for public purpose, the detailed proposal for acquisition of land shall be submitted by the Requiring Body in Form- 'A' with the approval of the Department to which the project relates, to the concerned District Collector and if the land under proposed acquisition includes double cropped irrigated land, the District Collector shall forward the proposal to the Agriculture Department for their recommendation keeping in view the provision contained in section 10 and the Agriculture Department with their recommendation or objections, if any, shall return the same to the District Collector.

4. Summary scrutiny of application for land acquisition. — (1) On receipt of the application in Form– A completed in all respect, the District Collector, shall make summary scrutiny of the application and on being satisfied, shall forward it to the authority conducting SIA study with copy to the Department dealing with the subject matter of land acquisition and the Department to which the project relates.

(2) The District Collector shall send the land particulars of the proposed project area to the Tahasildar for updating the record-of-rights within a period of three months and where necessary, the Tahasildar shall obtain a plot-wise encumbrance from the concerned Sub- Registrar or

Registrar to initiate suo motu mutation proceedings to ensure that updation of records is complete.

5. Review to ensure updating of land records, restoration of titles and settlement of rights.— (1) Settling land rights due, but not settled and restoring of the titles of the Scheduled Tribes as well as the Scheduled Castes and other eligible families on the land to be acquired for public purpose shall be undertaken as a special drive together with land acquisition and immediately after the notification issued under section 4, the process of recognition and vesting of forest rights shall also be undertaken under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and the rules made thereunder.

(2) The District Collector shall take monthly review meetings on restoration of titles, settlement of rights and updation of the records.

6. State SIA Unit.— (1)The State Government shall establish an independent organization (hereinafter referred to as the State SIA Unit), which shall be responsible for ensuring that the SIA study is conducted by such persons or bodies other than the Requiring Body as per the provisions of the Act.

(2) The State SIA Unit shall undertake the following tasks, namely:-

(a) build and continuously expand a State Database of qualified SIA Resource Partners and Practitioners, which shall serve as network of individuals and institutions with the required skills and capacities to conduct SIA for land acquisition, Rehabilitation and Resettlement;

(b) respond immediately to the appropriate Government's request for SIA study to be conducted by preparing a project-specific Terms of Reference (hereinafter referred to as ToR);

(c) conduct training and capacity building programmes for the SIA team and make available manuals, tools, comparative case study reports and other materials required for the analysis;

(d) provide ongoing support and corrective action, as required during the SIA process;

(e) ensure that the transaction based, web-based workflow for SIA and Management Information System for land acquisition, Rehabilitation and Resettlement is maintained and that all relevant documents are disclosed as per the provisions of the Act;

(f) maintain catalogue of all SIA and associated primary material;

(g) continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the State; and

(h) form group of District Level Resource persons comprising of minimum twenty persons with experts.

(3) (a) The Secretary or Commissioner Rehabilitation and Resettlement shall act as State Level Nodal Officer for facilitating State Level SIA unit for ensuring completion of SIA studies within the stipulated period.

(b) Additional District Magistrate shall act as District Level Nodal Officer to facilitate SIA teams for ensuring completion of SIA studies for each project within the stipulated period.

7. Preparation of project-specific Terms of Reference (ToR). — (1) After receipt of proposal from the District Collector, the State SIA Unit shall, –

(a) prepare a detailed project-specific ToR for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size, number of field teams and profile of the team members and stipulate the schedule and deadlines for key deliverables for the SIA as detailed in Form-B; and

(b) determine an estimated SIA fee based on the ToR with clear break-up of costs for each item or activity which shall be based on the parameters including area, type, location of project and number of affected families as specified by the State Government to be deposited by the Requiring Body.

(2)The Requiring Body shall deposit the estimated SIA fee along with ten percentum of it towards administrative cost with the authority conducting SIA study in the Scheduled Bank account of the said authority under intimation to the Land Acquisition Collector and the State Government.

8. SIA notification. — (1) The State Government, on receipt of intimation from the authority conducting SIA study regarding deposit of SIA fee, shall issue notification within thirty days from the date of such intimation for carrying out SIA study in Form– C for commencement of consultation and Social Impact Assessment study, which shall be published in the official Gazette.

(2) The notification shall be made available in Odia language in the office of Panchayat, Notified Area council, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar and shall also be published at some conspicuous places of every village or ward, as the case may be, in the affected area and in token of such service, signature of two persons shall be obtained and in case the area is uninhabited, such publication shall be made in the adjacent habitated villages and shall be uploaded in the website of the State Government and the district concerned.

9. Social Impact Assessment study.— (1) The SIA study shall be conducted in consultation with concerned Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected areas, for the purpose of section 4 followed by a public hearing in the affected areas to ascertain the views of the affected families which shall be recorded in writing.

(2) The Social Impact Assessment Report prepared by the authority conducting the SIA study shall be submitted in Form-D to the State Government along with Social Impact Management Plan in Form-E listing the ameliorative measures required to be undertaken for addressing the impact of the project on any specific component referred to in sub-section (5) of section 4 within a period of six months from the date specified in the notification issued under sub-section (1) of section 4.

10. Selection of the SIA team. — (1) The authority conducting SIA study shall be responsible for selecting the SIA team for each project from the individuals and institutions registered or empanelled in the State database of qualified SIA Resource Partners and Practitioners.

(2) The Requiring Body shall, in no way, be involved in the appointment of the SIA team to carry out the SIA.

(3) The size and selection criteria for the SIA team shall be project-specific. The team size shall comprise of minimum five (5) and more members depending on the area, type and location of the project.

(4) The SIA team may be constituted by appointing individuals or an organization with experience in conducting SIA study or related field-based assessments and the team may include —

(a) a combination of independent practitioners, qualified social activists, academics, technical experts,who are not directly connected with the Requiring Body; and

(b) at least one woman member;

(5) A team leader shall be appointed from amongst the SIA team members to liaison with the authority conducting SIA study, public representatives, Government functionaries and the Requiring Body throughout the assessment period.

(6) The authority conducting SIA study shall have the right to change the team member and size of the team during the process of study.

(7) If at any stage, it is found that any team member or any member of his or her family directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified for the said project.

11. Process of conducting the Social Impact Assessment.— (1) The authority conducting SIA study shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visit, use

participatory methods such as focussed group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by such authority and for the purpose, all relevant information or records shall be provided by the District collector within fifteen days to such authority from the date of receipt of its written requisition.

(3) Based on the land assessment, land records and field verification, the SIA shall provide an accurate estimate of the number of affected families and the number of displaced families among them.

(4) A socio-economic and cultural profile of the affected area shall be prepared, based on available data and statistics, field visits and consultations as per Form– F:

Provided that where the land proposed to be acquired involves displacement of families, area for rehabilitation and resettlement of those families shall be identified in due consultation with those families and their representatives in the concerned local bodies and such identified resettlement sites shall be visited and a brief socio-economic profile of the site and its current resident population shall be indicated.

(5) Basing on the data collected in processes mentioned in the preceding sub rule and in consultation with public representatives, the affected communities and key stakeholders, the nature, extent and intensity of the positive and negative social impacts associated with the proposed project the Key Impact Area shall be identified and assessed as per Form– G.

12. SIMP to include R&R Entitlement Matrix.— Social Impact Management Plan shall, along with other ameliorative measures, provide detail Rehabilitation and Resettlement Entitlement Matrix of each of the enumerated affected and displaced families and detail land Schedule of the area identified for resettlement and rehabilitation of the displaced families.

13. SIMP to include Development Plan in case of acquisition in Scheduled Areas.— (1) Where land proposed to be acquired comes under Scheduled Areas and involves displacement of Schedule Caste and Schedule Tribe families, the Social Impact Management Plan shall contain a Development Plan prepared in accordance with the provisions under section 41 and in the formulation of such Development Plan, affected Scheduled Caste and Scheduled Tribe families, their representatives in the affected local bodies and the District Collector shall be consulted by the SIA.

(2) The Development Plan so prepared shall be discussed in the Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

(3) Based on the discussions and opinion generated in the Gram Sabha or the Panchayats at the appropriate level, the District Collector shall review the Development Plan and modify it, if considered necessary, by giving sufficient reasons and justifications and during the review of the Development Plan by the District Collector, the Requiring Body shall also be consulted after which, the Development Plan shall be placed before the Gram Sabha for consideration and consent to the proposed acquisition of land and the Development Plan so consented by the Gram Sabha shall become final, copy of which shall be made available by the District

Collector to the State Government, the Department to which the project relates, the Department dealing with the subject matters relating to the Scheduled Tribes and Scheduled Castes Development, Requiring Body and the Administrator, R and R.

(4) Where a Development Plan is prepared, such Development Plan shall be implemented by the Requiring Body at its own cost in consultation with the Gram Sabha, which shall conduct regular social audit of the execution of the Development Plan and its findings shall be sent to the Requiring Body, Administrator, R and R, District Collector, the State Government , Department to which the project relates and the Department dealing with the subject matter relating to Scheduled Tribes and Scheduled Caste Development for appropriate action.

14. Process for conducting public hearings.— (1) Public hearings shall be held in the affected areas seeking feedback on the findings of SIA and to seek additional information and views which shall be recorded and incorporated in the final report.

(2)Public hearings shall be conducted in each Gram Sabha or ward, as the case may be, in the affected area where more than twenty-five per centum of the members are directly or indirectly affected by the acquisition of the land.

(3)The notice indicating date, time and venue of the public hearing shall be published two weeks in advance in the same manner as laid- down in sub-rule (2) of rule 8.

(4)At least twenty-five percentum of adult members of the affected families in the Gram Sabha or Ward shall constitute the quorum for the meeting:

Provided that if in the first meeting of the Gram Sabha or Ward Sabha the quorum is not available then in subsequent meetings the quorum is not necessary.

(5)The draft SIA report and SIMP in the form of booklet shall be published in Odia language and given to the Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar and the Requiring Body shall also be served with a copy of the draft SIA report and SIMP.

(6)The authority conducting the SIA study shall facilitate the public hearing which shall be organised by the district administration through the concerned Land Acquisition Collector and the Administrator, R and R.

(7) All the proceedings shall be held in Odia language to ensure that the participants understand and express their views.

(8) Representatives of the Requiring Body, concerned Sub-Collector, Land Acquisition Officer, Administrator, R and R, Tahasildar and other officers as decided by the District Collector shall also attend the public hearing and address the questions and concerns raised by the affected parties.

(9)Public representatives, representatives of Non-Government Organisations and media as may be allowed by the District Collector shall also be invited to attend the public hearings.

(10)The proceedings of the public hearing shall be video recorded and transcribed accordingly, which shall be submitted along with the final SIA report and SIMP.

(11)Objections raised during public hearing shall be recorded and shall form part of the SIA report.

(12)After the conclusion of the public hearings, the entire feedback received and information gathered in the public meetings shall be analysed and incorporated in the SIA report to be submitted to the authority conducting the SIA study.

(13)Consultation with the Gram Sabhas in the Scheduled Areas shall be in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

15. Publication of SIA Report and SIMP. — The SIA Report and SIMP shall be prepared in Odia language and shall be published by way of uploading them in the website of the State Government and website of District concerned and shall be made available to the concerned Gram Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar by the State SIA Unit and the notice of such publication shall also be affixed at some conspicuous places in the affected Village or Ward, as the case may be, in presence of two witnesses.

16. Publication of the recommendations of the Expert Group. — The recommendations of the Expert Group as constituted under Sub Section(1) of section 7 shall be prepared in Odia language and published in the same manner as laid down in rule 15.

17. Publication of decision of the State Government. — The decision of the State Government after examination of report of the Collector and the Expert Group shall be prepared in Odia language and published in the same manner as laid down in rule 15 and the State Government thereafter shall proceed for notification under sub-section (1) of section 11.

18. Publication of notification under section 11(1) and declaration under section 19(1). — In addition to the manner of publication as provided under sub-section (1) of section 11 and sub-section (4) of section 19, the preliminary notification as specified in Form H and the Declaration as specified in Form I shall be prepared in Odia language and shall be announced by beat of drum or by loud speaker at conspicuous place of every village or ward in the affected area and also by way of affixture in presence of at least two persons and where the affected area is uninhabited, such publication shall be made in the nearest inhabited village.

19. Period for completion of publication.— The publication of the preliminary notification or declaration, which are to be made under the provisions of sub–section (1) of section 11 or sub-section (4) of section 19, shall be completed in all modes as specified therein within a period not exceeding thirty days from the date of issue of such notification or declaration and the last date of such publication shall be considered as the date of the publication of the notification or declaration.

20. Copy of the preliminary notification to be sent to the Registrar or Sub-Registrar and Tahsildar. — (1) A copy of the preliminary notification shall be sent to the concerned Registrar or Sub-Registrar for complying with the provisions under sub-section (5) of section 11.

(2) Copy of such notification shall also be sent to the Tahasildar for final updation of land records as required under sub-section (5) of section 11, who shall enter the notification number in the remarks column against the notified plots to ensure that no transaction of such plots are made violating the provisions of sub-section (4) of section 11.

21. Obtaining consent.— (1) In case of acquisition of land for public purpose or public private partnership projects, private companies, as

specified in sub-section (2) of section 2, the Land Acquisition Collector concerned shall initiate the process of obtaining consent of those affected families during the SIA study.

(2) After updating the land records under rule 20, the Land Acquisition Collector shall prepare a list of all affected families of the affected area from whom consent shall be sought for and the terms and conditions, if any, proposed by the land owners and agreed to by the Requiring Body shall also be made available to the affected families.

(3)The Land Acquisition Collector shall, in consultation with the representatives of Gram Panchayats, Municipality, Notified Area Council, Municipal Corporations, as the case may be, notify the date, time and venue of the meeting of affected persons at least two weeks in advance, where the purpose of obtaining consent shall be explained to the affected persons.

(4) At the end of the meeting the affected persons shall file their consent in Form J and a photo copy of the consent duly countersigned by the Land Acquisition Collector shall be handed over to the affected families.

(5)Consent shall be obtained as per holding of land and the persons interested in the same holding of land can give combined consent.

(6)The affected families shall not be compelled to file their consent and consent once given cannot be withdrawn.

(7)Notice shall be issued by registered post to the affected families who fail to attend the meeting to submit their consent before the Land Acquisition Collector by registered post within a period of thirty days from the date of affected families meeting and non-receipt of consent within such stipulated time shall imply that the affected families has no consent to the proposed acquisition.

(8)Where acquisition is spread across multiple locations consent shall be obtained in all affected areas proposed to be included in the preliminary notification.

CHAPTER-III

22. Approximate cost of land acquisition. — The District Collector, on getting required inputs from the Administrator, R and R, shall prepare an estimate of land acquisition on the basis of the components as defined under clause (i) of section 3.

23. Valuation of structures, trees etc.— There shall be a Single Window Valuation Committee under the Chairmanship of Additional District Magistrate with Executive Engineer, Works, District Agriculture Officer, District Forest Officer, District Horticulture Officer and Soil Conservation Officer as members and Land Acquisition Collector as member Convener, which shall estimate the valuation of structures, trees etc. and submit the report to the District Collector for reference by the Land Acquisition Collector in assessing the cost of acquisition.

24. Administrative cost. — (1) The Requiring Body shall deposit such percentage of the cost of acquisition towards administrative cost as to be specified by the State Government by notification, to be revised, from time to time.

(2) The administrative cost shall be deposited by the Requiring Body with the District Collector, fifty percentum of the administrative cost shall be kept in the joint Savings Bank Account of District Collector and Land Acquisition Collector in any Scheduled Bank for meeting the day to day expenditures on account of land acquisition, rehabilitation and resettlement works as per guidelines to be issued by the State Government, from time to time , and the balance fifty percentum shall be

deposited in the Government Treasury under the appropriate receipt Head of Account.

(3) Out of fifty percentum kept in the Savings Bank Account, the District Collector shall transfer ten percentum to the State Government to meet the expenses on monitoring of land acquisition, R and R.

(4) Interest accrued on such Savings Bank Account shall be credited to the appropriate receipt Head of Account of the State Government.

25. Actual estimation of cost of land acquisition. — The District Collector shall prepare the actual estimate of cost of land acquisition taking into consideration all the components as required under the Act for the said acquisition and after following the method and manner in which the Land Acquisition, R and R award shall be made including the investment to be made for food security as required under sub-section (3) of section 10 and the Land Acquisition Collector shall then send the cost of land acquisition to the concerned Department to which the project relates and to the Requiring Body for sanction of the estimate.

26. Deposits to be made by the Requiring Body before Declaration.— (1) Before the declaration under sub-section (1) of section 19 is made, the Requiring Body shall deposit the cost of acquisition with the District Collector and where the land is required for any private company or under Public Private Partnership mode, the Requiring Body, instead of depositing the cost assessed towards constructions under R and R Scheme, shall retain it and execute and complete the constructions as per the timeline given in the Scheme and deliver the same to the Administrator for compliance of R and R award.

(2)Where the Requiring Body is the State Government; the cost of all acquisition shall be deposited with the District Collector who shall execute

the work through available executing agencies, as deemed proper to complete the work in time.

27. Submission of draft Declaration paper.— The District Collector shall send draft Declaration papers along with the estimated cost of acquisition to the Administrative Department with advance copy thereof to the Revenue and Disaster Management Department.

28. Compensation.– (1) The compensation shall be determined and award shall be made as per the provisions laid down under sections 26 to 30 read with the First Schedule of the Act and paid to all parties whose land or other immovable property has been acquired.

(2)Compensation shall be given to agricultural labourers, tenants, share croppers or artisans and others as referred to in sub-clause (ii) of clause (c) of section 3 at the following rates, namely: –

(a) In case of an agricultural labourer, a lump sum amount equivalent to the current minimum wages of two hundred days;

(b) In case of the tenants and share croppers, a lump sum amount of rupees twenty five thousand per acre of the land they cultivate as tenants or share croppers;

(c) In case of artisans who may be working in the affected area for three years prior to the acquisition of the land, a lump sum amount of Rupees twenty five thousand, per each such artisan.

(3)The payment of compensation shall be made within a period of fifteen days of passing of the awards by organizing disbursement camps and through account payee cheques or by way of electronic transfer of funds to the bank accounts of the awardees, whichever is preferable.

(4)The date of determination of the market value shall be the date on which the preliminary notification was issued under section 11.

(5) For an acquisition process that takes place in phases and where land is acquired sequentially, the base rate as calculated under section 26 shall be taken to be effective rate for all affected families to be compensated across the entire area to be acquired for the said acquisition.

29. Land Acquisition Award. — (1) The District Collector, after enquiry into and disposal of the objections, if any, raised by the interested persons in pursuance of the public notice published and given under sub-section (1) of section 21, shall make land acquisition award under section 23 in Form K.

(2) The District Collector, while calling the claims of the persons interested in the land to be acquired as per section 21, shall give a notice to the Requiring Body and the Requiring Body may express its opinion with the Collector regarding the amount of the compensation of the land to be acquired.

CHAPTER-IV

REHABILITATION AND RESETTLEMENT

30. Survey and census of affected families. — (1) The Administrator, Rehabilitation and Resettlement, under the provisions of sub-section (1) of section 16, shall conduct survey and undertake census of the affected families either by his own staff or by out-sourcing the work to any agency by way of collecting data from the Social Impact Assessment Study report and the Government records and verification of data by field survey and door to door visit of the affected families which shall be completed within a period of sixty days from the date of publication of the preliminary notification.

(2) Where the option of choosing alternative Rehabilitation and

Resettlement entitlement is available, option of the affected families shall be obtained during the survey in writing and where the affected family comprised of more than one member, the option shall be obtained from the head of the family.

31. Preparation of draft R and R Scheme.— (1)The Administrator, R and R shall prepare the draft R and R Scheme within a period of sixty days from the date of completion of survey.

(2)Where consent is involved, the draft R and R Scheme shall be prepared by taking into account the negotiated terms and conditions of R and R reached between the Requiring Body and the affected families.

32. Power, duties and responsibilities of the Administrator.— The Administrator shall exercise the powers and perform the duties and have the responsibilities as follows , namely:-

(a) to conduct a survey and undertake a census of the affected families in the manner and within the time as provided under these rules;
(b) to prepare a draft R and R scheme;
(c) to publish the draft scheme by the mode provided under these rules;
(d) to make the draft scheme available to the concerned persons and authorities;
(e) to organize and conduct public hearings on the draft scheme;
(f) to provide an opportunity to the Requiring Body to make suggestions and comments on the draft scheme;
(g) to submit the draft scheme to the District Collector;
(h) to publish the approved scheme in the affected area;
(i) to help and assist the District Collector in preparing the scheme;
(j) to monitor and supervise the implementation of the rehabilitation award;
(k) to assist in post-implementation audit of R and R; and
(l) to do any other work required to be done for R and R.

33. Public hearing on draft R and R scheme. — The Administrator, R and R or an officer authorized by him shall conduct a public hearing in the affected areas on such date, time and venue as deem fit but not earlier than fifteen days of the publication of the draft scheme and the provisions of rule 14 relating to the public hearing shall, mutatis mutandis, apply to the public hearing in this case also.

34. Publication of approved R and R Scheme in the affected area. — R and R Scheme approved by the Commissioner shall be published by the Administrator, R and R in the same manner as laid down in rule 15.

35. R and R Award. — The District Collector shall make R and R Award for each affected family in accordance with the Second Schedule of the Act or as per the negotiated agreement reached with the affected families where consent is involved and hand over family-wise awards to each affected family in Form— L.

36. R and R Committee at Project level. — (1) where the proposed acquisition is more than one hundred acres, the Government shall constitute the R and R Committee at the Project Level after publication of the preliminary notification under sub-section (1) of section 11.

(2)The member-convenor, while intimating the date , time and venue of the meeting, shall supply a copy of the draft scheme for R and R to all the members.

(3)The quorum of the meeting shall be not less than two thirds of all members.

(4)The meeting shall be held at least once in every three months.

(5) The first meeting shall be convened before award is made under section 31 and successive meetings will review the payment

entitlements and work out the displacement work plan on agreed terms.

(6)After completion of resettlement process, the R and R Committee shall suggest the name of an organisation to undertake an

independent social audit at the cost payable by the District Collector.

37. Constitution of State Monitoring Committee for R and R. — (1) The State Government shall issue guidelines for the constitution and functioning of a State Monitoring Committee for reviewing and monitoring the implementation of R and R schemes or plans under the Act.

(2) The Committee shall meet at least once in every year to review and monitor implementation of R and R schemes or plans in all projects under the Act.

38. Publication of declaration. — The Secretary to Government of the Department, dealing with the subject matters of land acquisition or his authorised officer on receipt of the sanction estimate from the Department, to which the project relates, shall issue a declaration under sub-section (*1*) of section 19 along with the summary of draft R and R scheme.

Provided that no such declaration shall be made unless the Requiring Body has deposited the actual amount of acquisition of the land.

39. Fixation of limits for acquisition of agricultural land.—The Government in Agriculture Department shall fix up and separately specify by way of notification the limits of acquisition of irrigated Double cropped land and percentage of the limits of net sown area in any district for acquisition of the agricultural land in aggregate for all projects in that district.

40. Transfer of land and deposit of cost of reclamation for investment in agriculture.— (1) Where irrigated Double cropped land is under acquisition, the Requiring Body shall provide equal extent of alternative land to the District Collector by way of registered deed of transfer and deposit reclamation cost as assessed by the Agriculture Department for investment in agriculture.

(2)The District Collector shall, in all such cases, transfer the said land including the reclamation cost to the Agriculture Department for investment to enhance food security.

(3)The land so transferred shall be brought to the record of the Agriculture Department in the record of rights to be updated by the Tahasildar and accordingly, special mention regarding transfer of land for food security be made in the remarks column of the record of rights.

(4) Where the Requiring Body is unable to provide equal extent of land, it shall deposit the market value of the land with the District Collector who shall deposit the same in appropriate Head of Account of the Agriculture Department.

41. Prior consent of Gram Sabha.— In all cases of acquisition or alienation of any land in Scheduled Areas, consent of the concerned Gram Sabha and the Panchayats shall be obtained in Form-M before publication of notification under sub-section (1) of section 11.

42. Formation of Land Bank.— (1) The State Government may, by notification, form a Land Bank ,(a Governmental entity) in charge of local Tahasildar that focuses on the conversion of the Government owned waste land, vacant, abandoned, unutilized acquired lands and tax-delinquent properties into productive use.

(2)To ensure acquisition of minimum amount of land and to facilitate utilization of unutilized public lands including land acquired earlier and not

utilized and to ensure food security, the Tahasildar shall maintain a village-wise Land Bank of all Government waste land, unutilized acquired land and land to be deposited by the Requiring Body in case of acquired irrigated double-cropped land, which shall be made available to the SIA team and expert group as per their requirement.

43. Reversion of acquired land to State.— (1) Land acquired and possession taken over but not utilized within a period of five years from the date of possession shall, in all cases, revert back to the State and deposited in the Land Bank automatically.

(2) The Requiring Body shall deliver possession of the land to the Tahasildar and on failure to deliver the possession and occupation by the Requiring Body the same shall be treated as unauthorized and the Requiring Body shall be evicted in due course of law.

(3) The Land Acquisition Officers shall furnish this information to local Tahasildars at the end of every six months in a calendar year and Tahasildars shall update the database of the Land Bank.

44. Recovery of excess amount. — For the purpose of sub section (3) of section 33 the awardee shall furnish an Indemnity Bond to the Land Acquisition Collector for refund of excess amount and in case of any default, or in case of availing benefit fraudulently as mentioned in sub section (2) of section 84 or refusal to refund, such amount shall be recovered as arrears of land revenue under the provisions of the Odisha Public Demands Recovery Act, 1962.

45. Web-based Work Flow and Management Information System (MIS) for Land Acquisition and Rehabilitation and Resettlement.— The State Government shall create a dedicated, user-friendly website that may serve as a public platform on which the entire work flow of each land acquisition

case will be hosted, beginning with the notification of the SIA and tracking each step of decision-making, implementation and audit.

46. Land to be taken on lease.— Where land is taken on lease by the State Government under section 104 on consent of the land owners such lease may be for a period of 99 years, and thereafter can be renewed.

47 Limits on extent of land for applicability of rehabilitation and resettlement. – The limits on extent of land, beyond which provisions of Rehabilitation and Resettlement under the Act shall apply in cases of purchase by a private company through negotiation with the owner of the land, shall be two hundred (200) acres of dry land or equivalent extent of irrigated or wet lands in rural areas and fifty (50) acres in urban areas subject to any further notification as may be issued by the Government, from time to time.

FORM-A

(See rule 3 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Proposal for Acquisition of Land

1. Name of Requiring Body :
2. Address of Requiring Body :
   i) Telephone No. :
   ii) E-mail ID :
   iii) Fax No. :
3. Name or Location of the Project :
4. Filed under
   (Section 2(*1*) or 2(2) (a) or 2(2) (b)):
5. Whether proposal is filed u/s 40
   (If, yes, reasons thereof) :
6. Purpose of acquisition of land:
7. Project Details :
   i) Village :
   ii) Gram Panchayat :
   iii) Block or Municipality or NAC :
   iv) Tahasil :
   v) District :
8. Whether the area is coming under Scheduled Area. : Yes No
9. Total Area covered in the project :

Sl. No.	Name of village	Private Land (Area in Acre)			Govt. Land (Area in acre)		Total (Area in Acre)
		Private land for acquisition	Private land purchased	Private land to be purchased	For lease / alienation	Already leased out/ alienated	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total							

10. Area of irrigated multi cropped land or agricultural land other than irrigated multi cropped land:

Extent of irrigated multi cropped land (in acres)	Extent of agricultural land other than irrigated double cropped land (in acres)	Extent of land other than those mentioned in columns (1) & (2) (in acres)	Total extent of land for acquisition
(1)	(2)	(3)	(4)

11. Reasons for inclusion of agricultural and irrigated double -cropped land :

12. Land details:

District	Tahasil	Village	Khata No.	Plot No.	Total area	Area to be acquired	Boundaries of land to be acquired N/S/E/W
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Classification of land	Name of Recorded raiyat	Name of present raiyat with full address	No of residential house	No of commercial house	No. of trees	Tanks	Ponds	wells	Remarks
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

13. Whether the certified copies of RoRs are enclosed:

14. Whether the acquisition would be done in different stages:

15. Whether the Detailed Project Report is enclosed:

16. Estimated cost of acquisition component wise as provided under clause (i) of section 3 of the Act:
17. Three copies of map showing total project area including proposed acquired area, purchased area and Government land, if any :
18. List of documents attached to the application;

We declare that any subsequent liability arising out of this land acquisition proposal will be borne by us.

Place:
Date:

Signature of the Authorized Officer
of the Requiring Body with seal

Form- B

(See rule 7 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Terms of Reference for the SIA

The project-specific Terms of Reference (ToR) shall include the followings, namely:-

(1) A brief description of the project, project area and the extent of lands proposed for acquisition;

(2) The objectives of the SIA and all the activities that must be carried out by the SIA team;

(3) Sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and land owners is required to be sought;

(4) The appropriate size and profile of the SIA team required (including field surveyors if needed) to conduct the SIA for the specific project;

(5) A project-specific budget based on the ToR, with a clear break-up of costs for each item or activity;

(6) The schedule for the disbursement of funds to the SIA team tied to clearly defined deliverables in the SIA process;

(7) The processing fee will be determined based on the ToR and budget developed for each specific project and will be based on the size and location of the project and the land proposed for acquisition.

Authorized Officer of the State SIA unit

FORM – C

(See rule 8 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Government of Odisha
Revenue & Disaster Management Department

Notification

Notification No. **Date:**

Whereas the State Government intends to acquire the following lands in consultation with the concerned Panchayat or Municipality or Municipal Corporation, as the case may be, at village or ward level, in the affected area and carry out a Social Impact Assessment study for public purpose.

And whereas study shall be undertaken as per the provisions of section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 8 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015, the State Government do hereby issue this notice for carrying out SIA Study for commencement of consultation and Social Impact Assessment study on the basis of the following information, namely;-

i) Name of project developer :
ii) Purpose of proposed acquisition of land:
iii) Organisation to undertake the study:
iv) Contact details of the Organisation:
v) Land details:

District	Tahasil	Village	Khata No.	Plot No.	Total area	Area to be acquired	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(a) Brief description of the proposed project:
(b) The project area and the affected areas:
(c) Whether consent of Gram Sabhas and land owners is required?
(d) The date of commencement of SIA.
(e) The date of completion of SIA:

By order of the Governor
Principal Secretary to Government
Revenue and Disaster Management Department.

FORM – D

(See sub-rule (2) of rule-9 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Table of Contents for SIA Report

Sl.No	Subject	Item	Contents
(1)	(2)	(3)	(4)
1	Executive Summary	i.	Name of the Project;
		ii.	Public purpose;
		iii.	Location;
		iv.	Area of the Project;
		v.	Alternatives considered;
		vi.	Social Impacts;
		vii.	Mitigation measures;
		viii.	Assessment of social costs and benefits.
2	Detailed description of the Project	i)	Background of the project, including developers background and governance;
		ii)	Management structure;
		iii)	Rationale for project including how the project fits the public purpose criteria;
		iv)	Details of project size, location, capacity, outputs, production targets, cost, risks;
		v)	Examination of alternatives;
		vi)	Phases of project construction;
		Vii)	Core design features and size and type of facilities;
		Viii)	Need for ancillary infrastructural facilities;
		ix)	Work force requirements a)temporary: b)permanent:
		x)	Details of SIA or EIA if already conducted and any technical feasibility reports;
		xi)	Applicable legislations and policies;

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
3	Team composition, approach, methodology and schedule of the SIA	i)	List of all team members with qualifications;
		ii)	Description and rationale for the methodology and tools used to collect information for the SIA;
		iii)	Sampling methodology used;
		iv)	Overview of information or data sources used; (Detailed reference must be included separately in the forms)
		v)	Schedule of consultations with public representatives and key stakeholders;
		vi)	Brief description of public hearings conducted;
		vii)	Specific feedback incorporated in the report.
4	Land Assessment	i)	Maps showing area of impact under the project (not limited to land area for acquisition);
		ii)	area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;
		iii)	extent and location of land proposed to be acquired for the project;
		iv)	if the land proposed for acquisition is the bare minimum requirement;
		v)	possible alternative sites for the project and their feasibility;
		vi)	whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
		vii)	land, if any, already purchased, alienated, leased or acquired and the intended use for each plot of land required for the project;
		viii)	the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
		ix)	nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;
		x)	whether the special provisions with respect to food security have been adhered to in the proposed land acquisition;
		xi)	size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
		xii)	land prices and recent changes in ownership, transfer and use of lands over the last three years.
5	Estimation and enumeration (where required) of affected families and assets	i)	Enumeration of the followings types of families:- a) Families whose land or other immovable properties have been acquired; b) Land under occupation of tenants; c) Families of the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights; d) Families of agricultural labourers, tenants or holding of usufructory right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land; e) Families who have been assigned land by the State Government or the Central Government under any of its schemes; f) Families who have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land; g) Families indirectly impacted by the project (Gatherers of forest produce, hunters, fisher folk, boat men, etc.) h) Inventory of productive assets and significant lands
6	Socio-economic and cultural profile (affected area and resettlement site)	i)	Demographic details of the population in the project area;
		ii)	Income and poverty levels;

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
		iii)	Vulnerable groups;
		iv)	Land use and livelihood:
		v)	Local economic activities:
		vi)	Factors that contribute to local livelihoods:
		vii)	Kinship patterns and social and cultural organization:
		viii)	Shrines and sacred places:
		ix)	Administrative organisations:
		x)	Political organisations:
		xi)	Community-based and civil society organisations;
		xii)	Regional dynamics and historical change processes:
		xiii)	Quality of the living environment:
7	Social impacts	i)	Framework and approach to identifying impacts:
		ii)	Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct or indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts;
		iii)	Indicative list of impact areas include--impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts.
8	Analysis of costs and benefits and recommendation on acquisition	i)	Final conclusions on-
		ii)	Assessment of public purpose:

Sl. No	**Subject**	**Item**	**Contents**
(1)	(2)	(3)	(4)
		iii)	Less-displacing alternatives and minimum requirements of land:
		iv)	Nature and intensity of social impacts:
		v)	Viability of the mitigation measures and extent to which mitigation measures described in the SIMP shall address the full range of social impacts and adverse social costs:

Form – E

(See sub rule (2) of rule 9 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Social Impact Management Plan

(1) Ameliorative measures required to be undertaken for addressing the impact of the project on ------

(i) livelihood of affected families;
(ii) public and community properties;
(iii) assets and infrastructure particularly roads, public transport;
(iv) drainage and sanitation;
(v) sources of drinking water;
(vi) sources of water for cattle;
(vii) community ponds;
(viii) grazing land;
(ix) plantations;
(x) public utilities such as post offices, fair price shops, food storage Godowns, electricity supply, health care facilities, schools and educational or training facilities, Anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds;

1) Measures that the Requiring Body has stated it will introduce in the Project Proposal.

2) Additional measures that the Requiring Body has stated it will undertake in response to the findings of the SIA process and public hearings.

(The SIM Plan shall also mention key persons responsible for each ameliorative measure and timelines and costs for each activity.)

Form – F

(See sub rule (4) of rule-11 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Socio-economic and cultural parameters

1. Demographic details of the population in the-project area:-
   (a) Age, sex, caste, religion;
   (b) Literacy, health and nutritional status;
2. Poverty levels;
3. Vulnerable groups:-
   (a) Women, (b) children, (c) the elderly,(d) women-headed households, (e) the differently abled;
4. Kinship patterns and women's role in the family:
5. Social and cultural organisation:
6. Administrative organisation:
7. Political organisation:
8. Civil society organisations and social movements:
9. Land use and livelihood:-
   (a) Agricultural and non-agricultural use;
   (b) Quality of land - soil, water, trees etc.;
   (c) Livestock;
   (d) Formal and informal work and employment;
   (e) Household division of labour and women's work;
   (f) Migration;
   (g) Household income levels;
   (h) Livelihood preferences; and
   (i) Food security.
10. Local economic activities:-
   (a) Formal and informal, local industries;

(b) Access to credit;

(c) Wage rates; and

(d) Specific livelihood activities women are involved in.

11. Factors that contribute to local livelihoods:-

(a) Access to natural resources;

(b) Common property resources;

(c) Private assets;

(d) Roads, transportation;

(j) Irrigation facilities;

(k) Access to markets;

(l) Tourist sites;

(m) Livelihood promotion programmes; and

(n) Co-operatives and other livelihood-related associations.

12. Quality of the living environment:-

(a) Perceptions, aesthetic qualities, attachments and aspirations;

(b) Settlement patterns;

(c) Houses;

(d) Community and civic spaces;

(e) Sites of religious and cultural meaning;

(f) Physical infrastructure (including water supply, sewage systems etc.);

(g) Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system);

(h) Safety, crime, violence; and

(i) social gathering points for women.

Form- G

(See sub rule (5) of rule 11 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Key impact areas

1. Impacts on land, livelihoods and income:---

   (a)Level and type of employment;

   (b)Intra-household employment patterns;

   (c)Income levels;

   (d)Food security;

   (e)Standard of living;

   (f) Access and control over productive resources;

   (g)Economic dependency or vulnerability;

   (h)Disruption of local economy;

   (i) Impoverishment risks; and

   (j) Women's access to livelihood alternatives.

2. Impacts on physical resources: ----

   (a)Impacts on natural resources, soil, air, water, forests ; and

   (b) Pressures on land and common property natural resources for livelihoods.

3. Impacts on private assets, public services and utilities: ---

   (a)Capacity of existing health and education facilities;

   (b)Capacity of housing facilities;

   (c)Pressure on supply of local services;

   (d)Adequacy of electrical and water supply, roads, sanitation and waste management system; and

   (e)Impact on private assets such as bore wells, temporary sheds etc.

4. Health impacts:---

   (a)Health impacts due to in-migration;

(b)Health impacts due to project activities with a special emphasis on impact on women's health and impact on the elderly.

5. Impacts on culture and social cohesion:----

(a)Transformation of local political structures;

(b)Demographic changes ;

(c)Shifts in the economy-ecology balance ;

(d)Impacts on the norms, beliefs, values and cultural life;

(e)Crime and illicit activities;

(f) Stress of dislocation ;

(g)Impact of separation of family cohesion ; and

(h)Violence against women

6. Impact at different stages of the project cycle:---

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts, namely:---

(a) Pre-construction phase-

i) Interruption in the delivery of services,

ii) Drop in productive investment,

iii) Land speculation, and

iv) Stress of uncertainty.

(b) Construction phase -

i) Displacement and relocation,

ii. Influx of migrant construction workforce , and

iii. Health impacts on those who continue to live close to the construction site.

(c) Operation phase:-

i) Reduction in employment opportunities compared to the construction phase,

ii) Economic benefits of the project ,

iii) Benefits on new infrastructure , and

iv) New patterns of social organisation.

(d) De-commissioning phase:-

i) Loss of economic opportunities and

ii) Environmental degradation and its impact on livelihoods.

(e) Direct and indirect impacts:-

i)"Direct impacts" will include all impacts that are likely to be experienced by the *affected families;*

ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land (i.e. Direct land and livelihood losers), but those living in the project area.

f) Differential impacts:-

(i) Impact on women, children, the elderly and the different abled ;

(ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping.

g) Cumulative impacts:-

(i) Measurable and potential impacts of other projects in the area along with the identified impacts for the project in question.

(ii) Impact on those not directly in the project area but based locally or even regionally.

Form- H

(See rule 18 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Government of Odisha
Revenue & Disaster Management Department
Preliminary Notification

No_____ **Date**_____

Whereas it appears to the Government of Odisha that a total of_____ acre land, details of which have been given below, is required to be acquired for _____ purpose. This notification is hereby given for information of the general public. Any person interested in any land which is notified hereunder may, within sixty days from the date of publication of this notification, object to the area and suitability of land proposed to be acquired, justification offered for public purpose and the findings of the Social Impact Assessment report to the Collector in writing.

1. Nature of the public purpose:
2. Name of the Requiring Body:
3. Reasons necessitating the displacement of affected persons:
4. Summary of the Social Impact Assessment Report:
5. Particulars of the Administrator appointed for the purposes of rehabilitation and resettlement:
6. Land Details:

District	Tahasil	Village	Rural / Urban	Khata No.	Plot No.	Total area	Area to be acquired	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

No person shall make any transaction or cause any transaction of land specified in this preliminary notification or create any encumbrance on such land from the date of publication of this notification without prior approval of the District Collector.

Objections to the acquisition, if any may be filed by the person interested within 60 (sixty) days from the date of publication of this notification as provided under section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 before the District Collector.

By order of the Governor,

Principal Secretary to Government

Form- I

(See rule 18 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Government of Odisha
Revenue & Disaster Management Department
DECLARATION

No_____ Date_____

It is hereby declared for information of all concerned that after consideration of the report of the Collector submitted in pursuance to provision of sub-section (2) of section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the State Government is satisfied that land to an extent of _____ acres in Village_____, PS_____, District_____ as scheduled below at "A" is needed for public purpose, as defined under sub-section (1) of section 2 of the Act i.e. for_____ Project (Government / Private / PPP Project) and by _____. (Name of the project developer and Requiring Body to be clearly specified)

Preliminary notification under sub-section (1) of section 11 of the Act was published vide Notification No_____ dated _____.

It is further declared that the land to an extent of _____ acres in village_____, PS_____, District_____ as scheduled below at "B" has been identified as the resettlement area for the purpose of rehabilitation and resettlement of the displaced families.

The summary of the Rehabilitation and Resettlement Scheme applicable to the affected and displaced families relating to the land covered under this Declaration is attached herewith.

The approved Rehabilitation and Resettlement Scheme is available in the office of the Collector and Administrator R&R and has also been uploaded on the website of the District_____ (website address to be specified) and on the website of State Government (website address to be specified) for public view. A plan of the land may be inspected in the office of the Land Acquisition Officer/_____ on any working day

Schedule-A

(Land under proposed acquisition)

District: Tahasil:

Name of the Village	Rural / Urban	Khata no.	Plot no.	Kissam	Total area	Area to be acquired	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Schedule-B

(Land identified as the resettlement area)

District: Tahasil:

Name of the Village	Rural / Urban	Khata no.	Plot no.	Kissam	Total area	Area selected for Rehabilitation	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Note:- In projects where land is acquired in stages, land covered under declarations in preceding stages to be specified along with the summary of R&R Scheme and implementation status relating to those stages.

By order of the Governor
Principal Secretary to Government / Authorised Officer
Revenue and Disaster Management Department.

Form- J

(See sub rule (4) of rule 21 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Prior written consent form

1. Name of the person(s) in whose name the land is registered:
2. Name of the spouse:
3. Name of father/ mother:
4. Address:
5. Village:
6. Gram Panchayat/Municipality/Township:
7. Tahasil:
8. District:
9. Name of other members in the family with age: (including children and adult dependents)
10. Caste Status (ST/SC/OBC/Others)
11. Extent of land owned:
12. Disputed lands if any:
13. Pattas/leases/grants, if any:
14. Any other right, including tenancy, if any:
15. Regarding acquisition of my land bearing Khata No._____, Plot No._____, measuring an area of Ac._____, in Village _____ of District _____by the government, I wish to state as follows: -

    a) I have *read/*readout the contents of this consent form and the terms and conditions of compensation, rehabilitation and resettlement benefits and other measures committed by the Requiring Body.

    b) *I do not agree to this acquisition.

    c) *I agree to this acquisition.

Signature/Thumb impression of the affected Family(s)
Date:

FORM K

(See rule 29 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Land Acquisition Award

Land Acquisition case No.:

1	Name of the project-					
2	Number and date of declaration under which the land is to be acquired					
3	Location and extent of the land in acres, the number of field plots with specification, the village in which situated					
4	Description of the land, i.e. whether fallow, cultivated, homestead, etc. if cultivated, how cultivated?					
5	Names of persons interested in the land and the nature of their respective interests.					
6	Amount allowed for the land itself, without trees, buildings etc. if any					
7	Amount allowed out of such sum as compensation for the tenants interest in the land					
8	Basis of calculation:					
9	Amount allowed for trees, houses or any other immovable things.					
10	Amount allowed for crops.					
11	Additional compensation on the market value under section 30(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) (hereinafter mentioned as the Act).					
12	Damages under section 28 of the Act.					
13	Solatium u/s 30(1) of the Act.					
14	Award under section 23 and 30 of the Act.					
15	Particulars of abatement of Government Revenue, or of the capitalized value paid, the date from which the abatement takes effect.					
16	Apportionment of the amount of compensation Area in (Ac.)	Serial No.	Name of claimants	Amount payable to each	Bank A/c No.	Remarks
17	Date on which possession was taken u/s-38(1) and 40(1) of the Act.					

If possession has been taken earlier in accordance with the provision under sub section (1) of section 40 of the Act , the number and date of the order of Government giving authority to do so may be mentioned here.

Date: **Signature**

FORM L

(See rule 35 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Award for Rehabilitation and Resettlement

Land Acquisition case No.

<table>
<tr><td>1</td><td colspan="8">Name of the project-</td></tr>
<tr><td>2</td><td colspan="8">Number and date of declaration under which the land is to be acquired</td></tr>
<tr><td>3</td><td colspan="8">Location and extent of the land in acres, the number of field plots with speciation, the village in which situated</td></tr>
<tr><td>4</td><td colspan="8">Description of the housing units, transportation cost, housing allowances, annuity, employment subsistence grant, cattle shed, petty shop, one time resettlement allowances etc.</td></tr>
<tr><td>5</td><td colspan="8">Name /Names of persons interested in the land and the nature of their respective claim for rehabilitation and resettlement.</td></tr>
<tr><td>6</td><td>Apportionment of the amount of compensation Area(in acres)</td><td>Sl. No.</td><td>Name of claimants /affected family</td><td>R&R entitlements</td><td>Bank Ac. No.</td><td>Amount payable to each</td><td>Non monetary entitlements</td><td>Remarks</td></tr>
<tr><td></td><td colspan="2"></td><td></td><td></td><td>(a) House to be allotted
(b) Land to be allotted
(c) Fishing rights
(d) Annuity
(e) Employment
(f) Transportation cost,
(g) Housing allowances,
(h) Employment
(i) Subsistence grant
(j) Cattle shed,
(k) Petty shop,
(l) One time resettlement allowances</td><td></td><td></td><td></td></tr>
<tr><td>7</td><td colspan="8">Date on which R&R entitlements given to the affected family.</td></tr>
</table>

Date: **Signature**

Form – M

(See rule 41 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Format for Gram Sabha Resolution

We, the undersigned members of the Gram Sabha of _____ within_____ Panchayat of _____ Tahasil in District _____ wish to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect and/or if any consent has been obtained through any use of threats, fraud or misrepresentation, it is null and void. On this basis this Gram Sabha hereby certifies that it *consents / *refuses to consent to the proposed _____ project, which will involve;

1. acquisition of _____ acres of private land,
2. transfer of _____acres of government land to the project, and
3. transfer of _____ acres of forest land to the project.

The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body (state the name) are attached.

The Gram Sabha also states that any consent is subject to all of its residents receiving title to all of their individual and community rights over forests and forests lands, including their titles for forest land that they have been cultivating, ownership titles for all forms of minor forest produce that they use, and titles to protect and manage their community forests. [Note: This will have to be certified by this Gram Sabha separately.]

Date:

Signatures/ thumb impressions

of Gram Sabha members

Date:

Signature of Designated District Officer

on receipt of the Resolution

N.B.- *-Strike out whichever is not applicable.

----------x----------x----------x----------x----------x----------x----------x----------

By Order of the Governor

Mana Shama

Principal Secretary to Government

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

*****

File No.R&REH-24/2015- 4246 **/R&DM., dated** 8-2-16

Memo No. **/R&DM, dated**

Copy along with soft copy forwarded to the Secretariat Gazette Cell, Commerce & Transport (Commerce) Department, *Odisha / Director, Printing, Stationary and* Publication, Odisha, Madhupatana, cuttack for information and necessary action.

They are requested to publish this Notification in an extra ordinary issue of Odisha Gazette immediately and copies of the Gazette Notification be forwarded to all Department of Government / all Heads of Department of Government / All RDCs / All Collectors for information and supply 100(one hundred) copies to this Department.

This Notification shall bear SRO Number as it is a statutory one.

Mona Sharma

(Dr. Mona Sharma)

Principal Secretary to Government

Memo No. 4247 **/R&DM, dated** 8-2-16

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

8/2/16

Additional Secretary to Government

Memo No. 4248 **/R&DM, dated** 8-2-16

Copy forwarded to the Additional Chief Secretary to Hon'ble Chief Minister, Odisha for kind information / Private Secretary to the Hon'ble Minister, Revenue & Disaster Management, Odisha / OSD to the Chief Secretary, Odisha for kind information of Hon'ble Minister, Revenue & Disaster Management, Odisha and Chief Secretary, Odisha.

8/2/16

Additional Secretary to Government

Memo No. 4249 **/R&DM, dated** 8-2-16

Copy forwarded to C.M.D , IDCO / C.M.D, IPICOL for information and necessary action.

8/2/16

Additional Secretary to Government

Memo No. 4250 **/R&DM, dated** 8-2-16

Copy forwarded to Director, Nabakrushna Choudhury Centre for Development Studies, Bhubaneswar for information and necessary action.

8/2/16

Additional Secretary to Government

Memo No. 4251 **/R&DM, dated** 8-2-16

Copy forwarded to LA (A) / LA (B) / LA (C) / LR (A) / LR (B) / LRGE (A) / Registration / CH&S Branches of Revenue & Disaster Management Department for information and necessary action.

Additional Secretary to Government

Memo No. 4252 **/R&DM, dated** 8-2-16

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

Additional Secretary to Government

Memo No. 4253 **/R&DM, dated** 8-2-16

Copy to Guard file of R&R Cell (5) copies.

Additional Secretary to Government

16

By fax/ e-mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. GE(GL)-S- 01/2015/ 10841 ******* **/R&D.M Dated the** 5/17 **April, 2016**

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors,

Sub: Instructions regarding direct purchase of private land through bilateral negotiation for infrastructure and Industrial projects

Ref: This Department Circular No.10241 dated 31.03.2014 and No.2846 dated 27.01.2016

Sir,

Further to this Department Government Orders under reference, I am directed to say that doubts have arisen at different levels regarding applicability of above circulars particularly pertaining to social infrastructure, infrastructure and industrial projects. Different Executing Departments and Collectors have sought clarifications on certain issues relating to direct purchase of private land through bilateral negotiations.

2. In order to clarify the doubts raised, after careful consideration, following issues are clarified as below for smooth implementation of the guidelines issued on direct purchase of private land through bilateral negotiations for different projects.

Sl	Issues	Clarifications
1	Whether the instruction on direct purchase is under OS&S Act or LA Act	The instructions issued on direct purchase is as per the provisions f the RFCTLAR&R Act,2013
2	R&DM Dept Circular No.10241 dated 31.03.2014 relates to social/ infrastructure projects and the Circular No. 2846 dated 27.01.2016 is for infrastructure and industrial projects. Both speak of infrastructure projects. Hence confusing.	The R&DM Dept Circular No.10241 dated 31.03.2014 relates to small social infrastructure projects like schools, anganwadi centres, hospitals etc. The purchase limit under this Circular is 10 ha per revenue village. Whereas, the circular No.2846 dated 27.01.2016 meant for Industries and linear/ Infrastructure projects like Railways, NH, State highways, Irrigation channels, sewerage lines and other infrastructures. If the area purchased is equal to or more than Ac.50.00 in urban areas and Ac.200.00 in rural areas, **for the entire project**, the R&R entitlements has to be paid and procedure as under Section 46 of the Act is to be followed.

3	Whether Order u/s 73(c) of the OLR ACT,1960 is required for direct purchase.	No. The circular is in conformity to the provisions of the RFCTLAR&R Act, 2013 which is a central Act. Permission of direct purchase under OLR Act is not required. However, to extend any other benefit under OLR Act, Government can pass order under section 73© of the OLR Act.
4	Who is competent for filing requisition and attending negotiation for direct purchase.	It is expressly provided that Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to file requisition and purchase land under these guidelines.
5	District Administration should play a key role in the process of negotiation for direct purchase.	For purchase of land equal to or more than the limit i.e Ac.50.00 in urban areas and AC.200.00 in rural areas for the entire project, the procedure u/s 46 is to be followed, where Collector of the District has defined role to play. For direct negotiation with private land owners, local Tahasildar shall be involved. A District Level Committee under the chairmanship of Collector & DM may be constituted with following members; ADM(Revenue) as Member Convenor, DSR, LAO/ SLAO, concerned Tahasildar, Requisitioning Officer of the Department/ Organisation, Line Dept officers like EE, R&B/ RD for valuation of structures, DFO for valuation of trees, as members shall be constituted to advise and guide the Collector in approving the negotiated price and for Awards under the Act, wherever necessary. In the Districts, where District Level Compensation Advisory Committees have been constituted, such committee may take up the matter, however, the above mentioned Officers may be taken as co-opted members for the meeting in which direct purchase agenda will be discussed.
6	Whether the guidelines can be adopted by Municipalities, urban local bodies (ULBs) and other Authorities/ corporations	Yes, Government has no objection if the instructions are followed by Municipalities, ULBs, Companies and Corporations.
7	Whether the process of negotiation should be video-recorded.	All steps should be taken to maintain transparency in the negotiations. Video recording, if required by any Requisitioning Authority, may be taken up at the cost of the Requisitioning Authority.

Yours faithfully,

Principal Secretary to Government

Memo No. 10812 /RDM dated 5.4.16

Copy forwarded to Ps to ACS to Chief Minister for kind perusal of Hon'ble CM/ PS to Minister, R&DM for kind perusal of Hon'ble Minister/ OSD to CS for kind perusal of Chief Secretary

Principal Secretary to Government.

Memo No. 10813 /RDM dated 5.4.16

Copy forwarded to Principal Secretary/ Commissioner cum Secretary to Government, DoWR/ Comm & Transport/H& UD/ RD and Works Department for information and necessary action.

Principal Secretary to Government

Memo No. 10814 /RDM dated 5.4.16

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

Principal Secretary to Government

Memo No. 10815 /RDM dated 5.4.16

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/LR &GE (A)/(B)/(C)/LA(A)/(B)/(C)/R&R Cell/LR(A)/(B)/Registration Branch/CH&S Branch of Revenue &DM Department for information and necessary action.

5/4/16

Joint Secretary to Government.

Fax / e-Mail

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

No. LA (A) - 23/ 2014 Misc.- 12420 / R &DM dtd. 23.04.16

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collector/ All LAOs.

Sub: Clarification regarding exclusion of Government land on acquisition of private land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Sir,

I am directed to say that in the Land Acquisition proposals submitted by Collectors/ LAOs for preliminary Notification, it is seen that patches of Government land such as Gochar, Smasan, Debasthali, Bastijogya, Jawan Sarankhita, Melanapadia, playground etc. along with the private land are also included in the proposal. Lease or alienation of Government land is sanctioned as per OGLS Act and it is done separately. Inclusion of both private and Government land in the LA proposal may lead to double computation of land value in the Project Estimate (once for LA proposal and again for lease proposal).

After careful consideration Government have been pleased to clarify that Govt. Land should not be included in the proposal for Land Acquisition under LA Act or RFCTLAR&R Act. However, the private land to be provided in lieu of communal land may be acquired and included in the list. Separate proposal for alienation / lease of Govt. land may be furnished to be dealt under OGLS Act & Rules.

Yours faithfully,

Mona Sharma

Principal Secretary to Government

Memo No. 12421 /RDM, dated 23.04.16

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

23/4/16

Joint Secretary to Government

Memo No. 12422 /RDM, dated 23.04.16

Copy forwarded to the Deputy Secretary to Govt. (in charge of IMU Cell)/ LR &GE (A/B/C) Branch/ LA (B/C) Branch/ R&R Cell/ LR (A/B) Branch/ Registration Branch/ CH&S Branch of Revenue & DM Deptt./ G.F (5 copies) for information and necessary action.

23/4/16

Joint Secretary to Government

Fax, e-Mail & Post

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

No. RDM-RRC-POLICY-0012-2017- 22038 /R&DM., dated 10.7.17
10.7.17

From: Sri Ashok Kumar Naik, OAS(SAG),
Director, R&R & Ex-Officio Additional Secretary to Government

To

The Chairman,
Odisha Mining Corporation Limited,
Bhubaneswar.

Sub: **Payment of Compensation for Land Acquisition and R&R issue in respect of Baitarani-west Coal mine in Chhendipada Tahsil of Angul District.**

Sir,

In inviting a reference to Letter No.4229 dated 27.03.2017 of OMC Limited on the subject noted above vide which certain clarifications were sought, I am directed to communicate the following clarifications:

Sl No	Points on which clarifications sought vide letter No. 4229 dated 27.03.2017 of OMC Limited	Clarifications
1	Whether the State R&R Policy, 2006 and the new RFCTLAR&R Policy, 2016 are simultaneously in operation or the State Policy, 2006 has been inoperative after coming into force of the Rules, 2016.	Sub- Section (2) of Section 108 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 201312, provides that where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under the RFCTLARR Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State Law or such policy of the State instead of under the RFCTLARR Act. In view of the above provision under Sub- Section (2) of Section 108 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, it has been provided under Sub-Rule (2) of Rule 30 of the Odisha Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Rules, 2016123, that where the option of choosing alternative R&R entitlement is available, the option of the affected families shall be

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		obtained during the survey and census of the affected families. Therefore, even after the coming into force of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013,the Odisha R&R Policy, 2006, has not lost its relevance and its implementation is continuing being blended with the RFCTLARR Act, 2013.
2	If only the new rules, 2016 are in operation, then whether an institutional mechanism such as the District Compensation Advisory Committee (DCAC) under the chairmanship of Collector which is a feature of State R&R Policy, 2006 (to decide a negotiated price) can be constituted by the appropriate Government to arrive at the compensation, as per the methodology laid down in the RFCTLAR&R Act, 2013.	Guidelines for constitution and functioning of District Compensation Advisory Committee(DCAC) issued vide this Department Order No. 39321 dated 13.10.2006 are in relation to negotiated price where the concerned Project Authorities opt for direct purchase of land on the basis of negotiated price in pursuance of the provisions laid down in para 6 of the Odisha R&R Policy, 2006. Therefore, the mechanism of DCAC will not be applicable for determination of compensation for acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957. Implementation of the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957, lies entirely with the Central Government and Central Government is the appropriate Government for the purpose of implementation of the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957. Therefore, OMC Ltd. may seek clarifications relating to the implementation of the Coal Bearing Areas (Acquisition and Development) Act, 1957, from the Ministry of Coal, GOI.

Yours faithfully,

10/7/17

Director, R&R & Ex-Officio
Additional Secretary to Government

Scanned by CamScanner

By e-Mail/FAX

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

No. RDM-LAA-CLRFIC-0003-2017-28118 /R&DM dated 24-8-17

From

Avaya Kumar Nayak
Joint Secretary to Govt.

To

All Collectors

Sub: Clarification on applicability of the First, Second and Third Schedules of the RFCTLAR & R Act in cases of Acquisition of Land under the Coal bearing areas (Acquisition and development Act 1957 hereinafter CBA Act).

Sir,

I am directed to enclose herewith a copy of the letter No. 43020/25/2015- IA & IR dtd.04.08.2017 received from the Under Secretary to the Govt. of India, Ministry of Coal, New Delhi on the subject noted above and to request you to take necessary action in the matter as per the clarification issued by the Govt. of India.

Yours faithfully,

Joint Secretary to Govt

Memo No. 28119 dtd. 24-8-17

Copy forwarded to Steel and Mines Department, Govt. of Odisha for information and necessary action.

Joint Secretary to Govt.

Memo No. 28120 dtd. 24-8-17

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

Joint Secretary to Govt.

Memo No. 28121 dtd. 24-8-17

Copy forwarded to the L.A.-B Br./ L.A.- C Br./R & R Cell/IMU Cell, Revenue & D.M. Department for information and necessary action.

Joint Secretary to Govt.

(21)

LA(A)

F. No. 43020/25/2015-LA&IR
Government of India
Ministry of Coal
****

PRINCIPAL SECRETARY TO GOVT. * DISASTER MANAGEMENT DEPTT. * 19 AUG 2017

New Delhi, the 4th August, 2017.

To,
The Chairman-cum-Managing Director,
Coal India Limited,
Coal Bhawan, Premise No-04 MAR,
Plot No. AF-III, Action Area-1A, Newtown,
Rajarhat, Kolkata-700156.

Subject: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act in cases of acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Sir,

I am directed to say that consequent upon enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter 'RFCTLARR Act') and Order SO No. 2368(E) notified on 28.08.2015 by Ministry of Rural Development, Coal India Limited and its subsidiaries have sought clarifications regarding payment of compensation for land acquired prior to 01.09.2015 under Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter the 'CBA Act').

2. As multiple stages are involved in the land acquisition process, including that of determination of compensation, this Ministry sought advice from Ministry of Law & Justice. Ministry of Law & Justice has given their advice that if the compensation has not been determined before 01.09.2015 under Section 13(5) of the CBA Act, then the provisions of First Schedule, Second Schedule and Third Schedule of the RFCTLARR Act will be applicable. In remaining cases where the compensation has already been determined under Section 13(5) of the CBA Act before 01.09.2015, then such cases will not be reopened.

contd.... P. 2

3. In accordance with the above, the clarifications on different cases are as follows:-

Sl. No.	Cases for Clarifications	Clarification
1	Where prior to 01.09.2015, declaration of acquisition under Section 9 of CBA Act has been published, determination of compensation has been made under Sec. 13(5) of the CBA Act, possession of land has been taken, and payment of compensation has been made. In other words, all the proceedings have completed under the CBA Act before 01.09.2015.	Cannot be reopened.
2	Where prior to 01.09.2015, declaration of acquisition under CBA Act has been published and determination of compensation has been made under Sec. 13(5) of the CBA Act, irrespective of the fact that possession of land has been taken or not.	Cannot be reopened.
3	Where prior to 01.09.2015, declaration of acquisition under the CBA Act has been published, possession of the land has been taken but determination of compensation has not been made under Sec. 13(5) of the CBA Act.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.
4	Where prior to 01.09.2015, declaration of acquisition has been published under CBA Act, but determination of compensation has not been made under Sec. 13(5) of the CBA Act, and possession of land has not been taken.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.

4. In view of the above clarifications, previous order letter no. 43020/26/88-LSW dated 12.05.1989 issued by then Ministry of Energy, Department of Coal shall stand modified. The above clarifications may be followed in determination of compensation for land acquired under CBA Act.

5. This issues with the approval of competent authority.

Yours faithfully,

(R S SAROJ)
Under Secretary to the Govt. of India

Contd.... P.3

(10

Tel: 011-24651785

Copy to:

1. Chairman-cum-Managing Director, Mahanadi Coalfields Ltd. (MCL), Post Office-JagritiVihar, Burla, District – Sambalpur(Odisha)-768020.

2. Chairman-cum-Managing Director,Northern Coalfields Ltd. (NCL), PO-Singrauli, District -Sidhi, (M.P.)-786889.

3 Chairman-cum-Managing Director,South Eastern Coalfields Ltd. (SECL), Seepat Road, Post Box No. 60, District – Bilaspur(Chhattisgarh) – 495006.

4. Chairman-cum-Managing Director,Eastern Coalfields Ltd. (ECL), Sanctoria, PO-Dishergarh, District-Burdwan(West Bengal) – 713333.

5. Chairman-cum-Managing Director,Central Coalfields Ltd. (CCL), Darbhanga House, Ranchi(Jharkhand) – 834029.

6. Chairman-cum-Managing Director,Bharat Coking Coal Ltd. (BCCL), KoylaBhawan, Koyla Nagar, Dhanbad(Jharkhand)-826005.

7. Chairman-cum-Managing Director,Western Coalfields Ltd. (WCL), Coal Estate, Civil Lines, Nagpur(Maharashtra) – 440001.

8. Chairman-cum-Managing Director,Neyvelli Lignite Corporation Ltd. (NLC) India Limited, Block-1, Neyvely, District -Cuddalore(Tamilnadu)-607801.

9. Chairman-cum-Managing Director,Singareni Collieries Company Ltd.(SCCL), Kothagudem Collieries,Bhadradri, District-Kothagudem(Telangana)-507101.

10. Deputy Secretary (LR), Department of Land Resources, Ministry of Rural Development, NBO Building, G Wing, Nirman Bhawan, Moulana Azad Road, New Delhi – 110011.

11. IF Section, Ministry of Coal.

(R S SAROJ)
Under Secretary to the Govt. of India

Copy to:

PS to chief Secretary, Govt of Odisha for information.

By Fax/ e-mail

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

No. RDM-LAA-CLARFIC-0002-2015 29747 **/R&DM Dated** 7.09.2017

From
Avaya Kumar Nayak
Joint Secretary to Government

To
All Collectors
(except Collector, Jharsuguda).

Sub- Calculation of solatium u/s 30 (1) on & over Additional market value calculated under section 30 (3) of RFCTLAR&R Act, 2013 and section 23 (1-A) & 23 (II) of LA Act,1894.

Sir,

Inviting a reference to the letter No. 11679, dated 31.12.2016 of the Collector, Jharsuguda on the subject cited above, I am directed to say that views of Law Department was obtained on the issue as to whether the solatium will be calculated on and above 12% additional market value or not and the Law Department, after examination of the statutory provisions and the principles laid down by the Hon'ble Courts, have furnished their views as below;

"the additional market value shall be payable only on the market value of the land determined u/s 26 of the (RFCTLAR&R) Act and not on the solatium."

In view of the above, it is clarified that solatium shall be calculated on the market value of the land, not on the 12% additional market value.

Yours faithfully,

6/9/17
Joint Secretary to Government

Memo No. 29748 /R&DM Dated 7.09.2017
Copy forwarded to Department of Water Resources, Odisha for information w.r.t this Deptt. Memo No. 8262 dtd. 14.03.2017 .

6/9/17
Joint Secretary to Government

Memo No. 29749 /R&DM Dated 7.09.2017
Copy forwarded to Chief of Project Infrastructure, OPGC, Zone-A, 7th Floor, Fortune Tower, Chandrasekharpur, Bhubaneswar-751023 for information and necessary action w.r.t this Deptt. Memo No. 8263 dtd. 14.03.2017.

6/9/17
Joint Secretary to Government

Memo No. 29750 /R&DM Dated 7.09.2017
Copy forwarded to Collector, Jharsuguda for information w.r.t this Deptt. letter No. 8261 dtd. 14.03.2017.

6/9/17
Joint Secretary to Government

Memo No. 29751 /R&DM Dated 7.09.2017
Copy forwarded to LA(B)/ LA(C)/ R&R Cell for information and necessary action.

6/9/17
Joint Secretary to Government

Fax/Email

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

No. RDM-LAA-CLRFIC-0004-2017/43583 /R&DM, Dated. 16-12-17

From

Dr. C. S. Kumar, IAS
Principal Secretary to Government

To

Secretary, Board of Revenue, Odisha, Cuttack
All RDCs
All Collectors

Sub: Delegation of powers and functions of Appropriate Government under the RFCTLAR&R Act, 2013 in favour of Collectors.

Sir,

In inviting a reference to the above cited subject, I am directed to say that the State Government, in exercise of the power conferred by the proviso to clause (e) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 (30 of 2013), and in supersession of the Notification No. 21636/ R&DM dated the 24th July, 2014 issued by the Revenue and Disaster Management Department, published in the extraordinary issue of the Odisha Gazette No.1223, dated the 31st July, 2014, the State Government have been pleased to notify that in relation to acquisition of land for public purpose situated within a district of the State for an area not exceeding **one thousand acres**, the Collector of such District shall be deemed to be the appropriate Government. A copy of such Notification is enclosed.

2. In this connection, the State Government have also been pleased to delineate the role and functions of the Appropriate Government, as prescribed under different sections of the RFCTLAR&R Act, 2013 between the State Government in R&DM Department and the Collector of the concerned district in respect of acquisition of land situated within a district for the stipulated area, as detailed below;

Sl. No	Relevant section of the Act	Contents	To be dealt at	
			Govt. in R&DM Dept	Collector
(i)	(ii)	(iii)	(iv)	(v)
1	4 (1)	SIA Study	Govt.	-
2	4(2) -7(1)	SIA Study publication and appraisal	-	Collector

3	8(1) & 8(2)	Decision of the appro. Govt after examination of the report of Collector & Expert Group on SIA Study	Govt.	-
4	8(3)	Publication of the decision	-	Collector
5	9	Exemption from SIA	Govt	-
6	11(1)	Preliminary notification for LA	-	Collector
7	12	Preliminary survey of land	-	Collector
8	14	Lapse of SIA Report	Govt in consultation with RO	-
9	15	Hearing of objections	-	Collector
10	19(1)-19(6)	Declaration for LA and summary of R&R	-	Collector
11	19(7)	Power of the appropriate Govt to extend the period of 12 months	Govt.	-
12	24(2)	Lapse of LA proceeding	Govt.	-
13	25	Power to extend period of 12 months	Govt	-
14	26	Determination of market value	-	Collector
15	31	R&R Award	-	Collector
16	31(2)(k)-proviso	Notification to increase rate of R&R on the basis of rise in price index	Govt.	-
17	33	Recovery of excess amount paid	-	Collector
18	40	Special powers in case of urgency	Govt	-
19	43	Appointment of Administrator	Govt	Other functions by Collector
20	45	To Constitute project level R&R Committee	Govt	-
21	51	Establishment of LA R&R Authority	Govt	-
22	81	Temporary occupation of waste or arable land	-	Collector
23	82	Power to take possession and compensation on restoration	-	Collector
24	84(2)	Recovery of R&R benefits availed by making false claims or through fraudulent means	-	Collector
25	90	Authorization for filing complaint for offences to be cognizable	-	Collector
26	93	Withdrawal from acquisition	Govt	-
27	99	No change of purpose to be allowed	Govt	-
28	100	No change of ownership without permission to be allowed	Govt	-
29	101	Return of unutilized land	Govt	-
30	104	Option of appropriate Govt to lease	Govt	-
31	109	Power to make Rules	Govt	-
32	First	Proportionate apportionment of	-	Collector

	Schedule	compensation among the affected families u/s 3 (c)		
33	Second Schedule	Determination of R&R entitlements	Govt	

3. The functions of appropriate Government in respect of acquisition of land for public purpose situated within a district of the State for an area exceeding one thousand acres shall be dealt by the R&DM Department at the State level.

4. The functions of the appropriate Government which have not been delegated to Collectors as above shall continue to remain with the State Government.

5. All statutory requirements under the RFCTLAR&R Act, 2013 and the Rules made there under like publication in the extra ordinary issue of Odisha Gazette and Newspaper etc. shall be undertaken by the Collector in the delegated cases.

6. Collector shall maintain due diligence and transparency in LA process and shall upload all information in detail in the district website as well as in MIS under intimation to Revenue & Disaster Management Department at every stage of LA process.

7. Since land acquisition is done for public purposes, a strict timeline, as detailed below shall be followed for processing the LA matters at the District level.

Sl	Activities	Timeline
1	For SIA Study	Timeline as given in this Department circular No.9068 dated 19.03.2016
2	Issue of Notification u/s 11(1)	Within 30 days from declaration u/s 8(2)
3	Disposal of objections, if any u/s 15(2) received during the stipulated period of 60 days	Within 30 days after stipulated period
4	Issue of Notification u/s 19(1)	Within 7 days of receipt of fund certificate or before the validity period is over, which ever is earlier.

8. The proposal, which can be addressed at the District level shall not be sent to Government after 31.12.2017. The proposals/ documents pending at this level shall be returned to the concerned Collectors.

Yours faithfully,

Principal Secretary to Government

Memo No. 43584 /R&DM Dt. 16-12-17

Copy forwarded to All Departments of Government / All Heads of Departments/ C.M.D, IDCO / C.M.D, IPICOL / All Special LAOs/ All LAOs for information and necessary action.

16/12/17
Joint Secretary to Government

Memo No. 43585 /R&DM Dt. 16-12-17

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

16/12/17
Joint Secretary to Government

Memo No. 43586 / R&DM, Dated 16-12-17

Copy forwarded to All Officers/All Branches of Revenue & D.M. Department for information and necessary action. Deputy Secretary, IMU Cell is requested to upload the same in the Department website.

16/12/17
Joint Secretary to Government

By e-Mail/FAX

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

No. RDM-LAA-CLRFIC-0004-2017 - 7016 /R&DM dated 22 FEB 2018

From

Dr. Chandra Shekhar Kumar, IAS
Principal Secretary to Government

To

All Collectors
All Spl. LAOs/ LAOs

Sub: Clarification on delegation of powers and functions of Appropriate Government under the RFCTLAR&R Act, 2013 in favour of Collectors.

Madam / Sir,

In inviting a reference to the subject mention above, I am directed to say that DoWR had requested to clarify as to whether the delegation of power to Collectors with area limitation up to one thousand acres in a district relates to the project coming up within the District or it relates to one notification, where village is the unit.

In this connection, it is clarified that as the limit of 1000 acres within one village is not feasible, the limit of 1000 acres is for the entire District for one project only. This may be in multiple notifications, if more than one village in the same district is concerned.

However, if the project involves more than 1000 acres, while submitting the proposal, the project proponent has to furnish the copy of the approval of the project which reflects the total requirement of lands for the project within the District along with name of villages and area involved for land acquisition. The project proponent has to furnish a certificate to the effect that " this project involves land acquisition of _____acres (more than 1000 acres) within _____ District." While forwarding the same to Government for Notification u/s 11(1) of the Act, Collector has to be satisfied and recommend to this Department furnishing a similar certificate.

Necessary follow up action may be taken up accordingly.

This may be brought to the notice of all concerned.

Yours faithfully,

22.2.2018

Principal Secretary to Government

Memo No. 7017 dtd. 22 FEB 2018

Copy forwarded to Principal Secretary to Government, W.R. Deptt. for information and necessary action w.r.f to his U.O.I Note No. 38/SWR dtd. 31.01.2018.

22/2/18

Joint Secretary to Government

Memo No. 7018 dtd. 22 FEB 2018

Copy forwarded to All Departments of Government / C.M.D, IDCO / C.M.D, IPICOL for information and necessary action .

22/2/18

Joint Secretary to Government

Memo No. 7019 dtd. 22 FEB 2018

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

22/2/18

Joint Secretary to Government

Memo No. 7020 dtd. 22 FEB 2018

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

22/2/18

Joint Secretary to Government

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

*****

NOTIFICATION

No RDM-LAA-CLRFIC-0002-2015 - 14131 **/R&DM, Dated** 19.04.2018

Whereas, as per sub-section (1) of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (herein referred to as "the Act"), the Collector has to determine the market value of the land to be acquired under the Act;

And whereas as per sub-section (2) of section 26, the market value so calculated under sub-section(1) of section 26 of the Act shall be multiplied by a factor as specified in the first schedule of the Act;

And whereas, as per the first schedule of the act, the appropriate Governmentt. is to notify the "factor" by which the market value is to be multiplied in case of rural area from 1(one) to 2(two) based on distance of the project from urban area;

And whereas, as per sub-clause (i) of clause (e) of section 3 of the Act, the Appropriate Government of Odisha is the Appropriate Government in relation to the land situated within the territory of State of Odisha;

Now, therefore, in exercise of the power conferred under sub-section (1) and (2) of section 26 readwith the first schedule of the Act, the Government of Odisha hereby notifies that when land to be acquired is situated in rural areas, the market value of such land calculated by the Collector as per sub-section (1) of section 26 of the Act shall be multiplied by the following factor based on the radial distance from the nearest urban area, namely:-

Radial Distance from Urban area in Km	Multiplier factor
From 0 Km up to 10 K.M.	1.00
More than 10 up to 20 K.M.	1.20
More than 20 up to 30 K.M.	1.40
More than 30 up to 40 K.M.	1.80
More than 40 K.M	2.00

(a) The radial distance shall be calculated from the out skirt of the nearest urban area:

Provided that the factor for every parcel of land in a mouza shall be same and equivalent to the factor applicable to the farthest point of that mouza as per the above sliding scale.

(b) All places within a Municipality, Municipal Corporation or Notified Area Council shall be considered as an urban area for the purpose of this notification.

(c) This notification shall be applicable for acquisition of land in rural areas within the Sate of Odisha under the Act.

By order of the Governor

Principal Secretary to Government

Memo No. 14132 /R&DM Date 19.04.2018

Copy forwarded to the Odisha Secretariat Gazette Cell, Commerce and Transport (Commerce) Department for information with a request to publish the same in the extraordinary issue of the Odisha Gazette and furnish 20 copies to this Department.

Joint Secretary to Government

Memo No. 14133 /R&DM Date 19.04.2018

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ NCDS, Bhubaneswar/ All RDCs/ All Collector/ All Spl. LAOs/ All LAOs/ All Tahasildars information and necessary action.

Joint Secretary to Government

Memo No. 14134 /R&DM Date 19.04.2018

Copy forwarded to Deputy Secretary to Government, IMU Cell/ LR & GE (A)/(B)/(C)/ L.A. (A)/(B)/(C)/ R&R Cell/ LR (A)/(B)/ Registration Branch/ CH & S Branch of Revenue & DM Department for information and necessary action.

Joint Secretary to Government

Fax/Email

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

No. RDM-LAA-CLRFIC-0002-2015(part)/ 22485/R&DM, Dated. 22 JUN 2018

From

Dr. C. S. Kumar, IAS
Principal Secretary to Government

To

All RDCs
All Collectors
All LAOs/ Spl LAOs

Sub: Calculation of solatium for determuination of compensation under RFCTLAR&R Act, 2013: Clarification regarding

Ref: This Department letter No.4030 dated 07.02.2014/ Lt No 29747 dated 7.09.2017 and Notification No.14131 dated19.04.2018

Sir/ Madam,

In inviting a reference to the subject cited above, I am directed to say that confusion regarding calculation of compensation under the RFCTLAR&R Act still persists in certain quarters in the field. In this connection, Commerce and Transport Department has sought clarification as to whether 100% solatium will be paid on the cost of land alone or on the cost of land and the cost of structure and or trees attached to the land taken together.

2. In this connection, the relevant provision of the RFCTLAR&R Act, 2013 were examined. The term 'Land' is defined under Section-3(p) of the Act as that "Land includes benefits to arise out of the land and things attached to the earth or permanently fastened to anything attached the earth". Section-27 of the Act provides that "The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land". Similarly, Section-30(1) of the Act envisages that "The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred percent of the compensation amount. In the explanation, it further states that "For the removal of doubts it is hereby declared that

solatium amount shall be in addition to the compensation payable to any person whose land has been acquired." Further the First Schedule of the Act at sl No 5 while prescribing the manner of determination of value of Solatium states that solatium is " equivalent to one hundred percent of the market value of land mentioned against serial No.1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column 2."

3. It is relevant to reiterate that the State Government in the Notification under reference has prescribed the following sliding scale (from 1 to 2 in urban- rural continuum) on the basis of the radial distance from the nearest urban area to determine the multiplying factor.

Radial Distance from nearest Urban area (in Km)	Multiplying factor
0-10	1
>10- 20	1.2
>20-30	1.4
>30-40	1.8
Above 40	2

4. In careful consideration of the facts above, the Government have been pleased to clarify that solatium will be calculated on the cost of land and cost of building taken together, but not on the additional market value.

5. For better appreciation, the calculation of total compensation to be awarded, supposing the cost of market value of land as Rs.1,00,000/-, multiplying factor being 2 supposing that the land issituated beyond 40 km from the nearest urban area and cost of structure being Rs.1,00,000/-is illustrated below;

Sl	Items (supposing the land value to be Rs.1.00 lakh)	Amount
1	Market Value	1,00,000/-
2	Multiplied factor as per distance- 2	X 2
3	Total	2,00,000/-

4	Cost of structure, trees etc	1,00,000/-
5	Total (3+4)	3,00,000/-
6	100% Solatium	3,00,000/-
7	Additional Market value on cost of land @ 12% per year for two years (cut off date being the date of preliminary notification, from 11(1) to 19(1) one year and from 19(1) to Award maxm one year)	24,000/-
8	Grand total (5+6+7)	6,24,000/-

Yours faithfully,

22.6.2018

Principal Secretary to Government

22486
Memo No._____/R&DM Date 22 JUN 2018

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

22/6/18

Joint Secretary to Government

22487
Memo No._____/R&DM Date 22 JUN 2018

Copy forwarded to CRC-cum-Special Secretary to Government, C&T Department for information and necessary action.

22/6/18

Joint Secretary to Government

22488
Memo No._____/R&DM Date 22 JUN 2018

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

22/6/18

Joint Secretary to Government

22489
Memo No._____/R&DM Date 22 JUN 2018

Copy forwarded to Joint Secretary, LA(B) and (C) Branch, R&R Cell/ IMU Cell for information and necessary action. Joint Secretary, IMU Cell with a request to upload the circular in the Department website.

22/6/18

Joint Secretary to Government

By e-Mail/FAX

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

No.RDM-RRC-POLICY-0007-2018- 39019 **/R&DM., dated** 15 OCT 2018

From

Sri Ashok Kumar Naik,
Special Secretary to Government
& Director, R&R

To

The Collector, Sundargarh

Sub: Clarification on R&R benefits to the project displaced family undergoing multiple displacement

Sir,

In inviting a reference to your letter No.692 dated 25.04.2018, on the above subject, I am directed to say that after careful consideration and legal opinion furnished by Law Department, Government have been pleased to issue the following clarifications as requested in the letter under reference.

Sl. No	Points on which clarification sought vide letter No. of	Clarifications
1	Whether normal compensation means for land acquisition which consists of land compensation along with rate of land so acquired and solatium of 30% with interest of 47.39% and escalation price etc.	Compensation is to be determined by the Collector as per the market value of the land to be acquired including all assets attached to it as per the provisions u/s 27 of the RFCTLAR&R Act, 2013. Further, section 28 of the said Act, 2013 speaks about certain parameters to be considered by the Collector in determination of the award. In view of the same, the Collector shall take into consideration the market value of the land to be acquired so also the damage sustained by the person interested by reason of taking of any standing crops and trees which may be on the land at the time of Collector's taking possession thereof and five other factors for determining the award. It is worth mentioning here that the Collector having determined the total compensation to be paid, shall arrive at the final
2	Whether normal compensation includes assets or not(trees and structures); if it includes assets then whether it will include the solatium part.	

		award; additionally, impose a solatium amount equivalent to 100% of the compensation amount together with 12% additional market value of the land calculated covering the period from the date of preliminary notification u/s 11(1) up to the date of actual award. These are in addition to the compensation payable to any person whose land has been acquired. So, the question of determining compensation for the acquired land alongwith the solatium of 30% with interest of 47.39% and escalation price etc., does not arise. This calculation and determination of award has nothing to do with the compensation relating to rehabilitation and resettlement award. The affected persons shall be entitled for rehabilitation and resettlement award as provided under Chapter-V of the Act, 2013 separately, which is to be awarded by the Collector over and above the calculation of normal compensation made under chapter-IV of the Act, 2013.
3	Whether normal compensation includes R&R compensation or not. If yes, then what part of R&R package is included or excluded.	Although the land for the project has been acquired by NTPC under the Coal bearing Act, 1957, yet the provisions of the Act, 2013 shall apply relating to determination of compensation, resettlement, rehabilitation and infrastructural amenities. Therefore, the negotiated price of Rs. 15.00 lakhs for one acre of land irrespective of its kisam for Dulinga Coal Mining Project and the calculation made vide Annexure-1&2 have no applicability to the case in hand owing to RFCTLAR&R (Removal of Difficulties) Order, 2015 on 28.08.2015.
4	Whether sons and married daughters, as survivors of recorded tenant of the acquired land are eligible to	It can be stated that if they are residing within the project area and are being displaced again, have to be relocated and resettled from the affected area to the resettlement area for the acquisition

	get benefit of multiple displacement.	of Dulinga Coal Mining Project of NTPC, certainly they shall be entitled to all the statutory benefits. However, the sons or daughters who are not residing within the project area and are not affected by this successive displacement, they shall not get the benefits envisaged under the Act, 2013. As per section 3(m) of the Act, 2013, "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. The married daughters are admittedly not coming within the definition of "family". But, they are entitled to be granted patta rights on the land under the law of the State including assigned land, as explained under section 3(r)(iii) of the Act, 2013 while defining the term "land owner" for receiving any benefit of multiple displacements, if such married daughters are residing within the project area and are being displaced now from Dulinga Coal Mining Project of NTPC.

The above clarification may be brought to the notice of all concerned and necessary follow up action may please be taken accordingly..

Yours faithfully,

15/10/18

Special Secretary to Government
& Director, R&R

Memo No. 39020 /Rev., Dated in charge of IMU Cell, 15 OCT 2018

Copy forwarded to the Joint Secretary to Government, Revenue & Disaster Management Department with a request to upload the said clarification in the Revenue & Disaster Management Department website for information of all concerned.

15/10/18

Special Secretary to Government
& Director, R&R

Government of Odisha
Revenue and Disaster Management Department
Notification

No. R&REH – 11/2017- 29900 /R&DM Date: 13 AUG 2018

Whereas the draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) was published, as required under section 112 of the said Act, in the Extraordinary issue of the Odisha Gazette No. 832 dated the 25th April, 2017, bearing SRO No.186/2017 issued under the notification of the Government of Odisha in the Revenue and Disaster Management Department, No.13443-R&REH-11/2017, dated the 25th April, 2017, inviting objections and suggestions from all persons likely to be affected thereby before expiry of the period of thirty days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the State Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the State Government do hereby make the following rules, namely:—

1. Short title and commencement. -- (1) These rules may be called the Odisha Land Acquisition, Rehabilitation and Resettlement Authority Rules, 2018.

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

2. Definitions. -- (1) In these rules, unless the context otherwise requires,--

(a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(30 of 2013);

(b) "Government" means the Government of Odisha; and

(c) "Presiding Officer" means Presiding Officer of the Authority.

(2) All other words and expressions, used and not defined in these rules but defined in the Act, shall have the meaning as respectively assigned to them in the Act.

3. Establishment of the Land Acquisition, Rehabilitation and Resettlement Authority.--- The Government shall establish, by notification in the Odisha Gazette, at least one Authority to be known as "The Land Acquisition, Rehabilitation and Resettlement Authority" (hereinafter referred to as "the Authority") for each Revenue Division for speedy disposal of disputes relating to Land Acquisition, Compensation, Rehabilitation and Resettlement.

4. Salary, allowances, other terms and conditions of Presiding Officers.- The salary, allowances and other terms and conditions of service of the Presiding Officer shall be as follows, namely:---

(a) In case of a District Judge, the Service Rules as applicable to such rank and status in the District Judge Cadre of the State of Odisha shall be made applicable.

(b) In case of a retired District Judge, the total emoluments and allowances last drawn at the time of retirement minus gross pension shall be payable as consolidated pay which shall also include other benefits accrued to such officer under the relevant rules.

(c)There shall not be any entitlement to pension for service rendered as the Presiding Officer.

(d) In case of a qualified legal practitioner, the salary, allowances and other conditions of service shall be such as may be determined by the Government, from time to time.

5. Appointment of the employees of the Authority.- (1) The Government shall appoint an officer as Registrar of the Authority from the officers of the Odisha Administrative Service, not below the rank of Joint Secretary.

(2) The pay, allowances and other terms and conditions of the Registrar, shall be regulated by the service rules as applicable to the Government Servants in the rank of Joint Secretary in the Odisha Administrative Service.

(3) Beside the Registrar, the Authority may have the following other employees, namely:---

(a) One Head Clerk or Senior Clerk;

(b) Two Junior Clerks;

(c) One Stenographer; and

(d) Four Group – D employees:

(4) The employees mentioned in sub-rule (3) shall be on deployment basis by the Revenue Divisional Commissioner from among the staff in position in different offices coming under the jurisdiction of the concerned Revenue Divisional Commissioner.

(5) The salary, allowances and conditions of service of the employees mentioned in sub-rule (3) shall be as per the service rules applicable to the Government Servants of the same rank and status.

(6) The Government may create additional posts for the Authority as and when felt necessary.

6. Presiding Officer shall be the Head of the Authority.- (1) The Presiding Officer shall be the Head of the Authority.

(2) The Registrar shall be responsible for the proper administration of the affairs of the Authority and its day- to- day management and shall exercise and discharge such other powers and perform such other duties as may be assigned by the Presiding Officer.

7. Leave Sanctioning Authority.--- (1) Provisions of Leave Rules of the Government shall be applicable to the Authority.

(2)The Government shall have the power to sanction leave of the Presiding Officers of the Authority set up under their respective Revenue Divisions.

(3)The Presiding Officer shall have the power to sanction leave of the Registrar and other employees of the Authority.

8. Working days and office hours.-- The working days and the office hours of the Authority shall be the same as that of the working days and the office hours of the offices of the Government.

9. Procedure for investigation of allegation of misbehavior and incapacity.---

(1) If a written complaint alleging any definite charges of misbehavior or incapacity to perform the functions of the office in respect of Presiding Officer is received by the Government, it shall make a preliminary scrutiny of such complaint.

(2) If the Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any imputation of misbehavior or incapacity of the Presiding Officer, it shall make a reference to the Chief Justice of the High Court of Orissa, requesting him to appoint a Judge of the High Court to conduct the inquiry.

(3) The Chief Justice of the High Court of Orissa shall, by order, appoint a Judge of the High Court to conduct the inquiry and the Government shall forward the copy of –

(i) the articles of charges against the Presiding Officer concerned and the statement of imputation,

(ii) the statement of witnesses, if any, and

(iii) material documents relevant to the inquiry.

(4) The Judge appointed under sub-rule (3) shall conduct the inquiry in accordance with the procedure and shall complete the inquiry within such time, as specified in the order issued by the Chief Justice of the High Court of Orissa.

(5) The Judge shall be guided by the principles of natural justice and shall have power to fix the places and times of his inquiry.

(6) After the conclusion of the investigation, the Judge shall submit his report to the Chief Justice of the High Court of Orissa, stating therein his findings and the reasons thereof on each of the articles of charges separately and the Chief Justice of the High Court of Orissa shall forward it to the Government along with his recommendation.

(7) On receiving the report of investigation, the Government shall take appropriate decision, according to sub-section (2) of section 58 of the Act.

10. **Interpretation.--** If any question arises relating to the interpretation of these rules, the same shall be referred to the Government for its decision.

By order of the Governor

13.8.2018

Principal Secretary to Government

Memo No. 29901 / R&DM, Dated 13 AUG 2018

Copy along with soft copy forwarded to the Joint Secretary to Government, Secretariat Gazette Cell, Commerce and Transport (Commerce) Department /Director, Printing, Stationery and Publication, Odisha, Madhupatna, Cuttack for information and necessary action.

They are requested to publish this Notification in an extra ordinary issue of Odisha Gazette immediately and copies of the Gazette Notification be forwarded to all Departments of Government/ All Heads of Department/ All RDCs/ All Collectors for information and supply 100(One Hundred) copies to this Department.

This Notification shall bear SRO Number as it is a statutory one.

13/08/18
Special Secretary to Government
& Director, R&R

Memo No. 29902 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Secretary to His Excellency, the Governor of Odisha for kind information.

13/08/18
Special Secretary to Government
& Director, R&R

Memo No. 29903 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Addl. Chief Secretary to Hon'ble Chief Minister, Odisha for kind information.

13/08/18
Special Secretary to Government
& Director, R&R

Memo No. 29904 / R&DM, Dated 13 AUG 2018

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

13/08/18

Special Secretary to Government
& Director, R&R

Memo No. 29905 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Secretary, Odisha Legislative Assembly, Bhubaneswar for kind information.

13/08/18

Special Secretary to Government
& Director, R&R

Memo No. 29906 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Advocate General, Odisha, Cuttack/ Registrar General, Orissa High Court for kind information.

13/08/18

Special Secretary to Government
& Director, R&R

Memo No. 29907 / R&DM, Dated 13 AUG 2018

Copy forwarded to All Departments of Government / Member, Board of Revenue, Odisha, Cuttack /All Heads of Department/ All RDCs / All Collectors & District Magistrates /All Sub- Collectors – Cum- Administrator , R&R/ All P.D, R&R/ All Special LAOs/All LAOs for information and necessary action.

13/08/18

Special Secretary to Government
& Director, R&R

Memo No. 29908 / R&DM, Dated 13 AUG 2018

Copy forwarded to C.M.D, IDCO / C.M.D, IPICOL for information and necessary action.

Special Secretary to Government
& Director, R&R

Memo No. 29909 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Director, Nabakrushna Choudhury Centre for Development Studies, Bhubaneswar for information and necessary action.

Special Secretary to Government
& Director, R&R

Memo No. 29910 / R&DM, Dated 13 AUG 2018

Copy forwarded to the FA-cum-Additional Secretary to Government, Revenue and D.M. Department for information.

Special Secretary to Government
& Director, R&R

Memo No. 29911 / R&DM, Dated 13 AUG 2018

Copy forwarded to all Branches of Revenue & D.M. Department for information and necessary action.

Special Secretary to Government
& Director, R&R

Memo No. 29912 / R&DM, Dated 13 AUG 2018

Copy forwarded to Deputy Secretary, IMU Cell for information and necessary action. It is requested that a copy of this Notification be uploaded on the website of this Department for the information of all concerned.

Special Secretary to Government
& Director, R&R

Memo No. 29913 / R&DM, Dated 13 AUG 2018

Copy to Guard file of R&R Cell (10) copies.

Special Secretary to Government
& Director, R&R

THE ORISSA FOREST ACT, 1972

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ORISSA ACT 14 OF 1972

*THE ORISSA FOREST ACT, 1972

[*Received the assent of the President on the 29th June 1972, first published in an extraordinary issue of the* Orissa Gazette, *dated the 14th July 1972*]

AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE PROTECTION AND MANAGEMENT OF FORESTS IN THE STATE

BE it enacted by the Legislature of the State of Orissa in the Twenty-third Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Orissa Forest Act, 1972

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

(3) It shall come into force at once

Definitions

2. In this Act, unless the context otherwise requires—

(*a*) "cattle" means cows, oxen, bulls, and calves and includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules. asses, pigs, rams, ewes, sheep, lambs, goats, kids and such other kind of animals as the State Government may, by notification, specify;

(*b*) "Chief Conservator of Forests " means the Forest Officer in charge of all the forests in the State who supervises and controls the work of other Forest Officers;

(*c*) "Conservator of Forests" means a Forest Officer in charge of a Forest Circle;

(*d*) "Divisional Forest Officer" means any Forest Officer in charge of any Forest Division;

(*e*) "forest offence" means an offence punishable under this Act or under the rules and includes the abetment of a forest offence;

(*f*) "forest officer" means any person appointed by the State Government or by any officer empowered by them in this behalf—

(*i*) to be a Chief Conservator of Forests, Conservator of Forests, Deputy Conservator of Forests, Assistant Conservator of Forests, Forest Ranger, Deputy Ranger, Forester or Forest Guard ; and

(*ii*) such other persons who are notified by the State Government to perform any function of a Forest Officer under this Act or any rule or order made thereunder but does not include a Forest Settlement Officer ;

*For the Bill see *Orissa Gazette* Extraordinary, dated the 23rd July 1971 (908) and for Select Committee Report see *Orissa Gazette* Extraordinary, dated the 3rd January 1972 (5-A),

(*g*) "forest produce" includes—

(*i*) the following whether found in, or brought from a forest or not, that is to say—

(*a*) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, Tussar Cocoon, lac, gums, roots of Patal Garuda, mahua flowers, mohua seeds, myrabolans, kendu leaves, sandalwood, tamarind, hill-broom, siali leaves, siali fibres, sal seeds;

(*b*) wild animals and wild birds, skins, tusks, horns, bones and all other parts or produce of wild life; and

(*c*) such other produce as may be notified by the State Government; and

(*ii*) the following when found in or brought from a forest, that is to say—

(*a*) trees and leaves, flowers and fruits and all other parts or produce of trees not hereinbefore mentioned;

(*b*) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants;

(*c*) honey, wax and arrowroot;

(*d*) peat, surface soil, rock, sand and minerals (including limestone, laterite, mineral oils and all products of mines or quarries);

(*h*) "owner" in relation to a forest includes a mortgagee in possession, lessee or other person having right to the possession of and enjoyment of the forest;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "Range Officer" means a forest officer in charge of a forest range;

(*k*) "river" includes streams, canals, back-waters, creeks and other channels, natural or artificial;

(*l*) "rule" means any rule made under this Act;

(*m*) "sandalwood" means the wood derived out of any part of Chandan tree and includes chips, dust or powder of such wood;

(*n*) "timber" includes trees fallen or felled and all wood cut-up or sawn; and

(*o*) "tree" includes palms, bamboos, stumps, brushwood and canes.

CHAPTER II

OF RESERVED FORESTS

Power to reserve forests.

3. The State Government may constitute any land which is the property of Government, or over which the Government have proprietary rights a reserved forest in the manner hereinafter provided.

Notification by State Government.

4. (1) Whenever it is proposed to constitute any land a reserved forest, the State Government shall issue a notification in the official gazette—

(*a*) declaring that it is proposed to constitute such land a reserve forest ;

(*b*) specifying, as nearly as possible, the situation and limits of such lands ; and

(*c*) appointing an officer (hereinafter called "The Forest Settlement Officer") to inquire into and determine the existence, nature and extent of any rights or privileges alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest produce, and to deal with the same as provided in this Chapter.

Explanation—For the purpose of clause (*b*), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (*c*) of sub-section (1) shall ordinarily be a person not holding any forest office except that of a Forest Settlement Officer.

(3) The Divisional Forest Officer or any Forest Officer not below the rank of a Range Officer authorised by him in that behalf may represent the Forest Department at the enquiry conducted under this Chapter.

Bar to accrual of forest rights and bar of suits.

5. (1) After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the State Government or some person in whom such right was vested when the notification was issued; and no fresh clearings or breaking of land for cultivation or for any other purpose or construction of shed or other structures shall be made in such land except in accordance with such rules as may be made by the State Government in that behalf.

(2) Save as otherwise provided in this Act no Civil Court shall between the dates of publication of the notification under section 4 and of the notification to be issued under section 21, entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification published under section 4.

Proclamation by Forest Settlement Officer.

6. When a notification has been issued under section 4, the Forest Settlement Officer shall, in the prescribed manner, publish in Oriya in every town and village in the neighbourhood of the land comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and limits of the proposed forest,

(*b*) explaining the consequences which, as hereinafter provided will ensue on the reservation of such forest; and

(*c*) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement Officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by the Forest Settlement Officer.

7. (1) The Forest Settlement Officer shall take down in writing all statements made under section 6 and shall at some convenient place in the locality inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

(2) The Forest Settlement Officer shall also record any representation which the Forest Officer, if any, representing the Forest Department under sub-section (3) of section 4 or the Divisional Forest Officer may make in respect of any such objection or claim.

Powers of Forest Settlement Officer.

8. For the purpose of such enquiry, the Forest Settlement Officer may exercise the following powers, that is to say—

(*a*) power to enter or to authorise any person to enter upon any land, and to survey, demarcate and make a map of the same ; and

(*b*) the powers of a Civil Court in the trial of suits.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 6 and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before, the publication of the notification under section 21, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Claims relating to practice of shifting cultivation.

10. (1) Claims relating to the practice of shifting cultivation in any land notified under section 4 shall not be admitted but if the Forest Settlement Officer considers that some portion of the land under settlement needs to be excluded to provide sufficient land for cultivation he may, after considering the objections

of the Forest Officer, if any, representing the Forest Department under sub-section (3) of section 4 or the Divisional Forest Officer, make a report to the State Government containing his recommendations for alteration of the limits of the land.

(2) The State Government may, after considering the recommendations so made, sanction the alteration proposed by the Forest Settlement Officer either in whole or with such modifications as they deem fit and thereupon the Forest Settlement Officer shall pass an order altering the limits of the land as sanctioned by the State Government.

(3) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction, and abolition by the State Government.

Power to acquire land over which right is claimed.

11. (1) In the case of a claim to a right in or over any land, other than a right-of-way or right of pasture, or a right to forest produce or a water course or to use of water the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part after considering the particulars of such claims and the objection of the Forest Officer, if any, representing the Forest Department under sub-section (3) of section 4 or the Divisional Forest Officer.

(2) If such claim is admitted in whole or in part, the Forest Settlement Officer shall either—

(*i*) exclude such land from the limits of the proposed forest;

(*ii*) come to an agreement with the owner thereof for the surrender of his rights; or

(*iii*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894. 1 of 1894

(3) For the purpose of such acquisition—

(*a*) the Forest Settlement Officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894; 1 of 1894

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(*c*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ; and

(*d*) the Collector, with the consent of the claimant or with the consent of both parties, may award compensation in the form of land, or partly in the form of land and partly in money.

(4) The Forest Settlement Officer shall serve a copy of every order passed under this section on the claimant and also on the Forest Officer who attended the enquiry under sub-section (3) of section 4 or if no such officer attended, on the Divisional Forest Officer.

Claims to right of way, right to water course or to use of water, etc.

12. (1) In the case of a claim to right of way, right to water course or to use of water the Forest Settlement Officer shall after considering the objections of the Forest Officer, if any, representing the Forest Department under sub-section (3) of section 4 or the Divisional Forest Officer either come to an agreement with the claimant for the surrender of the right or pass an order for the continuance of the exercise of such right subject to such conditions as may be agreed upon between the Forest Department and the claimant or where no such agreement is reached, as the Forest Settlement Officer may impose.

(2) In the case of claims to rights of pasture or to forest produce the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part after considering the objections of the Forest Officer representing the Forest Department under sub-section (3) of section 4 or of the Divisional Forest Officer.

(3) A copy of every order passed under this section shall be served on the claimant by the Forest Settlement Officer and another copy shall be forwarded to the Forest Officer who attended the enquiry or if no such officer attended, to the Divisional Forest Officer.

Record to be made by the Forest Settlement Officer.

13. The Forest Settlement Officer, when passing any order under section 12, shall record in as precise terms as possible and so far as may be practicable—

(*a*) the name, father's name, residence and occupation of the person claiming the right; and

(*b*) the designation, position and area of all fields or groups of fields, if any, and the designation and position of all buildings, if any, in respect of which the exercise of such rights is claimed.

Record where he admits claims.

14 If the Forest Settlement Officer admits in whole or in part any claim under sub-section (2) of section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is, from time to time, entitled to graze in the forest, the season during which such pasture is admitted, the quantity of timber and other forest produce which he is, from time to time, authorised to take or receive, and such other particulars as the case may require. He shall further record whether the timber or other forest produce obtained on such authorisation may be sold or bartered.

Exercise of rights admitted.

15. (1) After making such records the Forest Settlement Officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For the said purpose the Forest Settlement Officer may—

(*a*) set out some other forest tract of sufficient extent, and in a locality reasonably convenient for the purposes of such claimants, and make an order conferring upon them a right of pasture or to forest produce, as the case may be, to the extent so admitted; or

(*b*) so alter the limits of the proposed forest as to exclude: forest land of sufficient extent, and in a locality reasonably convenient for the purposes of the claimants or

(*c*) make an order continuing in favour of such claimants a right of pasture or to forest produce, as the case may be to, the extent so admitted, during such seasons and within such portions of the proposed forests as he may fix and subject to such rules as may be made in this behalf.

(3) A copy of every order passed under this section shall be served on the claimants by the Forest Settlement Officer and another copy shall be forwarded to the Forest Officer who attended the enquiry or if no such officer attended, to the Divisional Forest Officer.

Commutation of rights.

16. If on the representation of the Divisional Forest Officer the Forest Settlement Officer is satisfied that the exercise of any private right is inconsistent with the maintenance, preservation or development of a reserve forest, he shall proceed to acquire such right and shall, subject to such rules as the State Government may make in this behalf, commute such rights by the payment to such persons of a sum of money in lieu thereof or by the grant of land, or in such other manner as he thinks fit.

Appeal from orders passed under sections 11, 12 15 or 16.

17. Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under sections 11, 12, 15 or 16, present an appeal from such order to the Collector of the district who may dispose of the appeal himself or may transfer the same to the Additional District Magistrate for disposal.

Appeal under section 17.

18. (1) Every appeal under section 17 shall be made by a memorandum in writing and may be delivered to the Forest Settlement Officer, who shall forward it forthwith to the authority competent to hear the same.

(2) The procedure for filing and disposal of appeals shall be the same as is provided under Order XLI of the Code of Civil Procedure, 1908. 5 of 1908

Power of revision.

19. (1) The Board of Revenue may, on an application made in that behalf by any person aggrieved by an appellate order under section 18 within three months from the date of the order, confirm, modify or set aside such order :

Provided that no orders under this sub-section shall be made without giving the parties concerned a reasonable opportunity of being heard.

(2) The Board of Revenue may, by order in writing and subject to such conditions, as may be specified therein, delegate its powers under this section to any officer not below in rank to the Revenue Divisional Commissioner and may in like manner withdraw the powers so delegated.

Pleaders

20. The State Government or any person who has made a claim under this Act, may appoint any person to appear, plead and act on their or his behalf before the Forest Settlement Officer or the appellate or revisional authority in the course of any inquiry, appeal or revision under this Act.

Notification declaring forest reserved.

21. (1) When the following events have occurred, namely:—

(*a*) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement Officer ;

(*b*) if any such claims have been made, the period limited by section 17 for preferring appeals from the orders passed on such claims has elapsed, and all appeals, if any, presented within such period have been disposed of by the appellate authority ;

(*c*) if any such appeals have been presented, the period limited by section 19 for making an application for revision of the appellate order has elapsed, and all applications, if any, made within such period have been disposed of by the revisional authority ; and

(*d*) lands, if any, to be included in the proposed forest, which the Forest Settlement Officer has under section 11, elected to acquire under the Land Acquisition Act, 1894, have become vested in the State Government under section 16 of that Act, 1 of 1894

the State Government may publish a notification specifying according to boundary marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved with effect from a date to be specified in the notification.

(2) From the date so specified such forest shall be deemed to be a reserved forest.

Publication of translation of such notification in neighbourhood of forests.

22. The Divisional Forest Officer shall, before the date specified in the notification issued under section 21, cause a translation thereof into Oriya to be published at a conspicuous place in every town and village in the neighbourhood of the forest and also in such other manner as may be prescribed.

Power to revise arrangement made under section 15 or section 18.

23. The State Government may, at any time after the publication of any notification under section 21, revise any arrangement made under section 15, section 18, or section 19, and may for this purpose rescind or modify any order made under section 15, section 18, or section 19, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16:

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

No right to be acquired over reserved forest except as herein provided.

24. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the State Government or some person in whom such right was vested when the notification under section 21 was issued.

Rights not to be alienated without sanction.

25. (1) Notwithstanding anything contained in section 24, no right continued under clause (*c*) of sub-section (2) of section 15, shall be alienated by way of grant, sale, lease, mortgage or otherwise without the sanction of the State Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated alongwith such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

Power to stop ways and water courses in reserved forests.

26. The Divisional Forest Officer, may, in the interests of the general public and with the previous sanction of the State Government or of any officer duly authorised by them in this behalf, close any public or private way or water course or stop the use of water in a reserved forest, provided that a substitute for the way or water course so closed or, as the case may be, an alternative arrangement for the use of water so stopped, which the State Government deems to be reasonably convenient, already exists, or has been provided for or constructed by the Divisional Forest Officer in lieu thereof.

Offences

27. (1) Any person who—

(*a*) makes any fresh clearing or causes breaking of land which is prohibited under section 5 ;

(*b*) sets fire to a reserved forest or to a forest land in respect of which a notification under section 4 has been issued or in contravention of any rule made by the State Government in this behalf, kindles any fire in such forest or leaves any fire burning in such manner as to endanger such forest or forest land ; or

(*c*) in a reserved forest kindles, keeps, or carries any fire except at such season as the Forest Officer may notify in this behalf,

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) Any person who in a reserved forest—

(*a*) trespasses or pastures cattle or permits cattle to trespass ; or

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber or removing any forest produce,

shall be punishable with fine which may extend to one thousand rupees in addition to such compensation for the damage done to the forest, which in no case shall be less than the value of the property damaged, as the convicting court may direct to be paid.

(3) Any person who in a reserved forest

(*a*) fells, girdles, lops, taps or burns any tree or plant or strips off the bark or leaves from or otherwise damages the same or causes damage to any forest produce ;

(*b*) quarries stone, burns lime or charcoal or collects, subjects to manufacturing process or removes any forest produce ;

(*c*) clears or breaks up any land for cultivation or for any other purpose, or cultivates or attempts to cultivate any land in any manner or puts up any sheds or other structure ; or

(*d*) in contravention of any rule made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(4) When a person is convicted for an offence under clause (*a*) of sub-section (1) or clause (*c*) of sub-section (3) the Court shall order eviction of the offender from the land in relation to which the offence has been committed and on such order being made all sheds or structures on such land shall be demolished and if the Court so orders the crop, if any, standing on the land shall be seized and confiscated to the State Government.

(5) Orders passed and actions to be taken under sub-section (4) may be executed by a Police Officer not below the rank of a Sub-Inspector or a Forest Officer not below the rank of a Range Officer as the Court may direct.

(6) Nothing in this section shall be deemed to prohibit—

(*a*) any act done by permission in writing of the Divisional Forest Officer or any officer authorised by him in that behalf or under any rule made by State Government; or

(*b*) the exercise of any right continued under clause (*c*) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the State Government as is referred to in section 24.

Suspension of rights in reserved forests.

28. Whenever in a reserved forest—

(*a*) fire is caused wilfully or by gross negligence, or

(*b*) theft of forest produce occurs and such theft is, in the opinion of the State Government on such a scale as to be likely to imperil the future yield of such forest,

the State Government may, on the recommendation of the Collector of the district, direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as they may think fit :

Provided that before making any recommendation to the State Government, the Collector shall give the persons concerned a reasonable opportunity of being heard.

Power to declare forest no longer reserved.

29. (1) The State Government may, by notification, direct that with effect from such date as may be specified therein any forest declared to be a reserved forest under this Act or any portion thereof shall cease to be a reserved forest.

(2) With effect from the aforesaid date such forest or portion of the forest shall cease to be reserved; but the rights therein, if any, which have been extinguished shall not revive in consequence of such cessation.

(3) Whenever any reserved forest or any portion thereof ceases to be a reserved forest by virtue of a notification issued under sub-section (1) the State Government shall, as far as practicable, constitute other lands equal in area to the reserved forest so notified, to be a reserved forest in accordance with the provisions of this Chapter.

CHAPTER III

Of Village Forests

Constitution of village forests.

30. (1) The State Government may, by notification, constitute any land at their disposal to be a village forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such notification.

(2) Every such notification shall specify the limits of such village forest.

Explanation—"Land at the disposal of Government" includes all unoccupied land, all temporarily occupied land or occupied without permission, whether assessed or unassessed, and all communal forests but does not include land recorded in the name of any private person or institution in the record-of-rights in force which is prepared and maintained or is deemed to be prepared and maintained under the Orissa Survey and Settlement Act, 1958. Orissa Act 1 of 1959.

Power to make rules for village forests.

31. (1) The State Government may make rules for regulating the management of village forests and for prescribing the conditions under which the community or group of communities for the benefit of which any such village forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

(2) The State Government may, by such rules, declare all or any of the provisions of Chapter II to be applicable to village forests.

Inquiry into and settlement of rights.

32. All claims to any rights, other than the rights of the village community or group of village communities for the benefit of which such village forest is constituted, shall be inquired into, recorded and provided for in such manner as may be prescribed.

CHAPTER IV

Of Protected Forests

Protected forests.

33. (1) The State Government may, by notification, declare the provisions of this Chapter applicable to any land which is not included in a reserved forest, but which is the property of Government, or over which the Government have proprietary rights.

(2) The lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be issued unless the nature and extent of the rights of Government and of private persons and village communities in or over the land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as may be prescribed and every such record shall be presumed to be correct until the contrary is proved:

Provided that, if in the case of any land, the State Government are of the opinion that the inquiry and recording as aforesaid are likely to occupy such length of time as in the meantime to endanger the rights of Government, they may, pending such inquiry and recording, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

(4) Lands at the disposal of Government to which the provisions contained in Chapter III of the Madras Forest Act, 1882 were applicable immediately prior to the coming into force of this Act shall be deemed to be "protected forest" under this Act. Madras Act 5 of 1882.

Power to issue notification reserving trees, etc.

34. The State Government may, by notification—

(*a*) declare any trees or class of trees in a protected forest to be reserved from a date to be specified in the notification;

(*b*) prohibit, from a date to be specified as aforesaid the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process or removal of any forest produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

(*c*) declare that any portion of such forest as may be specified in the notification shall be closed to grazing and removal of any forest produce for such term as the State Government think fit for the plantation and natural growth of the forest:

Provided that in making a declaration under clause (*c*), the State Government shall have due regard to the grazing facility of cattle.

Publication or translation of such notification in neighbourhood.

35. The Divisional Forest Officer shall cause a translation into Oriya of every notification issued under section 34 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Powers to make rules for protected forests.

36. The State Government may make rules to control and regulate the following matters, namely :—

(*a*) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest produce, from protected forests;

(*b*) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest produce for their own use, and the production and return of such licences by such persons;

(*c*) the granting of licences to persons for felling or removing trees or timber or other forest produce from such forests for the purposes of trade, and the production and return of such licences by such persons;

(*d*) the payments, if any, to be made by the persons mentioned in clauses (*b*) and (*c*) for permission to cut such trees, or to collect and remove such timber or other forest produce;

(*e*) the other payments, if any, to be made by them in respect of such trees, timber and other forest produce, and the places where such payment shall be made ;

(*f*) the examination of forest produce passing out of such forests;

(*g*) the alienation, clearing and breaking up of land for cultivation or other purposes in such forests;

(*h*) the protection from fire of timber lying in such forests and of trees reserved under section 34 ;

(*i*) the cutting of grass and pasturing of cattle in such forests;

(*j*) hunting, shooting, poisoning water, setting traps or snares and collection of wild life in such forests;

(*k*) the protection and management of any portion of a forest notified under section 34; and

(*l*) the exercise of rights referred to in section 33.

Penalties for acts in contravention of notification under section 34 or of rules under section 36.

37. (1) Any person who—

(*a*) fells, girdles, lops, taps or burns any tree reserved under section 34, or strips off the bark or leaves from, or otherwise damages, any such tree;

(*b*) contrary to any prohibition under section 34, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce;

(*c*) contrary to any prohibition under section 34, breaks up or clears for cultivation or any other purpose any land in any protected forest or cultivates or attempts to cultivate any such land in any manner ;

(*d*) sets fire to such forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 34, whether standing, fallen or felled, or to any portion of such forest notified under the said section ;

(*e*) fells any tree or drags any timber so as to damage any tree reserved as aforesaid ;

(*f*) permits cattle to damage any such tree ; or

(*g*) infringes any rule made under section 36

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both and shall also be liable to pay such compensation not being less than the value of the damage caused to the forest as the convicting court may direct to be paid.

(2) When a person is convicted of an offence under clause (*c*) of sub-section (1) the court shall order eviction of the offender from the forest land or the land in relation to which the offence has been committed and on such order being made all sheds or structures on such land shall be demolished and if the court so orders the crop, if any, standing on the land shall be seized and confiscated to the State Government.

(3) The order of eviction may be executed by a police officer not below the rank of Sub-Inspector or a forest officer not below the rank of a Range Officer or a Revenue Officer not below the rank of a Revenue Inspector as the court may direct.

(4) Whenever in a protected forest—

(*a*) fire is caused wilfully or by gross negligence ; or

(*b*) theft of forest produce occurs and such theft is in the opinion of the State Government on such a scale as to be likely to imperil the future yield of such forest,

the State Government may, on the recommendation of the Collector of the district and notwithstanding that any penalty has been inflicted under this section or under any other law for any act referred to in clause (*a*) or clause (*b*), direct that in such forest or any portion thereof the exercise of any right of pasture or to forest produce shall be suspended for such period as they think fit:

Provided that before making any recommendation to the State Government, the Collector shall give the persons concerned a reasonable opportunity of being heard.

Nothing in this Chapter to prohibit acts done in certain cases.

38. Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest Officer who is authorised by the Chief Conservator of Forests to accord such permission or done in accordance with rules made under section 36 or, except as regards any portion of a forest notified under section 34, or as regards any rights the exercise of which has been suspended under section 37 or done in the exercise of any right recorded under section 33.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT OR OVER WHICH GOVERNMENT HAVE JOINT INTEREST

Protection of Forest for special purposes.

39. (1) The State Government may by notification, regulate or prohibit in any forest or waste land—

(*a*) the breaking up or clearing of land for cultivation ;

(*b*) the pasturing of cattle ; or

(*c*) setting fire to or clearing of the vegetation, when such regulation or prohibition appears necessary for any of the following purposes, namely:—

(*i*) for protection against storms, winds, rolling stones, floods and avalanches;

(*ii*) for the preservation of the soil on the ridges and slopes and in the valleys or hilly tracts, the prevention of land-slips or of the formation of ravines and torrents or the protection of land against erosion or the deposit thereon of sand, stones or gravel ;

(*iii*) for the maintenance of a water-supply in springs, rivers, tanks, reservoirs and irrigation projects ;

(*iv*) for the protection of roads, bridges, railways and other lines of communication;

(*v*) for the preservation of public health and of places of worship.

(2) The State Government may, for any such purpose, construct at its own expense, in or upon any forest or waste land, such work as they think fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification shall not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf by the State Government and have been considered by the State Government.

Power to assume management of forests.

40. (1) In case of neglect of or wilful disobedience to any regulation made or prohibition imposed under section 39; or if the purposes of any work to be constructed under that section so require, the State Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest Officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

Acquisition of forests in certain cases.

41. (1) In any case under this Chapter in which the State Government consider that, in lieu of placing the forest or land under the control of a Forest Officer the same should be taken on lease or acquired for public purposes, the State Government may proceed to take on lease on agreed terms or to acquire it in the manner provided under the Land Acquisition Act, 1894.

10 of 1894

(2) The owner of any forest or land comprised in any notification under section 39 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes and the State Government shall acquire such forest or land accordingly.

Prohibition of cutting fruit-bearing trees.

42. The State Government may, by notification, from time to time, prohibit the cutting of fruit-bearing trees specified in the notification which are standing on any land (other than land which is the property of Government or over which the Government have proprietary rights) and the cutting of which is likely to lead to a fall in agricultural or industrial production.

Protection of forests at request of owners.

43. (1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the State Government their desire—

(*a*) that such land be managed on their behalf by the Forest Officer as a reserved or a protected forest on such terms as may be mutually agreed upon ; or

(*b*) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the State Government may, by notification, apply to such land such provisions of this Act as they think suitable to the circumstances thereof and as may be desired by the applicants.

Management of forests, the joint property of Government and other persons.

44. (1) If the State Government and any person be jointly interested in any forest or waste land or in the whole or any part of the produce thereof, the State Government may either—

(*a*) undertake the management of such forests, waste land or produce accounting to such person for his interest in the same; or

(*b*) issue such regulations for the management of the forests, waste land or produce by the person so jointly interested as they deem necessary for the management thereof and the interest of all parties therein.

(2) When the State Government undertake under clause (*a*) of sub-section (1) the management of any forest, waste land or produce, they may, by notification, declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste land or produce, and thereupon such provisions shall apply accordingly.

CHAPTER VI

OF THE CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT OR POSSESSION

Power to make rules to regulate transit of forest produce.

45. (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest produce in transit by land or water shall be vested in the State Government, and they may make rules to regulate the transit and possession of all timber and other forest produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) prescribe the routes by which alone timber or other forest produce may be imported, exported or moved into, from or within the State ;

(*b*) prohibit the import or export or moving of such timber or other forest produce without a pass from an officer duly authorised to issue the same and otherwise than in accordance with the conditions of such pass:

(*c*) provide for the issue, production and return of such passes and for the payment of fees therefor;

(*d*) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof or on account of any fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark ;

(*e*) provide for the establishment and regulation of depots to which such timber or other forest produce shall be taken by the person in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots ;

(*f*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce, the throwing of grass, brushwood branches or leaves into any such river or any act which may cause such river to be closed or obstructed ;

(*g*) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same ;

(*h*) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw mills, or saw pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same or the possession or carrying of marking hammers or other implements used for marking timber ;

(*i*) regulate the use of property marks for timber, and the registration of such marks, prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration;

(*j*) provide for maintenance of accounts of timber received at or despatched from the saw mills ;

(*k*) regulate the possession and transit of valuable produce like sandalwood, tusks and wild life trophies.

(3) The State Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

Penalty for breach of rules made under section 45.

46. (1) In making any rule under section 45 the State Government may provide that a breach thereof shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence.

Government and Forest Officers not liable for damage to forest produce at depot.

47. The State Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot established under a rule made under section 45, or while detained elsewhere, for the purposes of this Act ; and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

All persons bound to aid in case of accident at depot.

48. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the State Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

Certain kinds of timber to be deemed property of Government until title thereto is proved and may be collected accordingly.

49. (1) The following shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto as provided in this Chapter, namely :—

(*a*) all timber found adrift, breached, stranded or sunk;

(*b*) all wood or timber bearing marks which have not been registered in accordance with the rules made under section 45, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

(*c*) in such areas as the State Government may direct, all unmarked wood and timber.

(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 55, and may be brought to any depot which the Divisional Forest Officer may specify as a depot for the reception of drift timber and the officer or person so collecting shall forthwith make a report to the Divisional Forest Officer.

(3) The State Government may, by notification, exempt any class of timber from the provisions of this section.

Notice to claimants of drift timber.

50. Public notice shall, from time to time, be given by the Divisional Forest Officer of timber collected under section 49 and every such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer within a period not less than two months from the date of such notice, a written statement of such claim.

Procedure on claim preferred to such timber.

51. (1) When any such statement is presented as aforesaid, the Divisional Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Divisional Forest Officer may either make an order declaring the person entitled to the timber and deliver the same to him or may refer the claimant to the Civil Court having jurisdiction and retain the timber pending the receipt of an order from any such court for its disposal:

Provided that no such delivery of timber shall be made under this sub-section until the expiry of a period of three months from the date of the order made by the Divisional Forest Officer.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall be entitled to any compensation or costs against the State Government, or against any Forest Officer, on account of such rejection, or the retention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to any process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought as provided in this section.

Disposal of unclaimed timber.

52. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 50, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the period fixed by section 51, the ownership of such timber shall vest in the State Government, or when such timber has been delivered to another person under section 51, in such other person free from all encumbrances not created by him.

Government and its officers not liable for damage to such timber.

53. The State Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 49, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

Payments to be made by claimant before timber is delivered to him.

54. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Divisional Forest Officer or other persons entitled to receive it, such sum on account thereof as may be due under any rule made under section 55.

Power to make rules and prescribe penalties.

55. (1) The State Government may make rules to regulate the following matters, namely:—

(*a*) the salving, collection and disposal of all timber mentioned in section 49;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and

(*d*) the use and registration of hammers and other instruments to be used for marking such timber.

(2) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.

CHAPTER VIII

PENALTIES AND PROCEDURE

Seizure of property liable to confiscation.

56. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, ropes, chains, boats, vehicles or cattle used in committing any such offence may be seized by any forest officer or police officer.

(2) Every officer seizing any property under this section shall place, on such property a mark indicating that the same has been so seized and shall as soon as may be, except where the offender agrees n writing to get the offence compounded, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior and the Divisional Forest Officer.

(3) The property seized under this section shall be kept in the custody of a Forest Officer or with any third party, until the compensation for compounding the offence, is paid or until an order of the Magistrate directing its disposal is received.

Explanation—For the purposes of this section and section 59, cattle shall not include buffaloes, bulls, cows, calves and oxen.

Power to release property seized under section 56.

57. Any Forest Officer of a rank not inferior to that of a Range Officer who or whose subordinate has seized any tools, ropes, chains, boats, vehicles or cattle under section 56, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Action after seizure.

58. Upon the receipt of any such report, the Magistrate shall, except where the offence has been compounded, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

Forest produce, tools, etc., liable to confiscation.

59. (1) All timber or forest produce which is not the property of Government and in respect of which a forest offence has been committed, and all tools, ropes, chains, boats, vehicles and cattle used in committing any forest offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment provided for such offence.

Disposal on conclusion of trial for forest offence of produce in respect of which it was committed.

60. When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by or under the authority of the Divisional Forest Officer, and in any other case, may be disposed of in such manner as the Court may direct.

Procedure when offender not known, or cannot be found.

61. Where the Magistrate is of opinion that a forest offence was committed, but the offender is not known or cannot be found, he may on an application made in this behalf, order the property in respect of which the offence was committed and which was seized to be confiscated and taken possession of by or under the authority of the Divisional Forest Officer or to be made over to any person whom the Magistrate considers to be entitled to the same:

Provided that before making any such order, the Magistrate shall cause a notice of any application made under this section to be served upon any person who, he has reason to believe is interested in the property seized, or shall publish such notice in such manner as he thinks fit:

Provided further that no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person, if any, claiming any right thereto, and the evidence if any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 56.

62. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 56 which is subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold :

Provided that if in the opinion of the officer seizing such property, it is not possible to obtain the orders of the Magistrate in time, such officer may sell the property, remit the sale proceeds to the nearest Government treasury and make a report to the Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trial of the accused:

Provided further that no officer below the rank of a Range Officer shall have power to dispose of property under the preceding proviso.

Appeal from orders under sections 59, 60 or 61.

63. The officer who made the seizure under section 56 or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 59, section 60 or section 61, prefer an appeal to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government.

64. When an order for the confiscation of any property has been passed under section 59 or section 61, as the case may be, and the period limited by section 63 for filing an appeal from such order has elapsed, and no such appeal has been preferred or when, on such an appeal being preferred, the appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the State Government free from all encumbrances. 5 of 1898

Saving of power to release property seized.

65. Nothing in this Act shall be deemed to prevent the Divisional Forest Officer from directing at any time the immediate release of any property seized under section 56 and the withdrawal of any charge made in respect of such property in accordance with the provisions of section 494 of the Code of Criminal Procedure, 1898:

Provided that where a report has been made to the Magistrate of the property seized under section 56, the Divisional Forest Officer shall not release the property without the consent in writing of such Magistrate if a case is pending before him, and in other cases, without previous intimation to him.

Punishment for wrongful seizure.

66. Any Forest Officer or Police Officer who vexatiously or frivolously seizes any property on pretence of seizing property liable to confiscation under this Act or vexatiously or frivolously arrest any person under section 68 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

67. Whoever, with intent to cause damage or injury to the public or to any person or to cause wrongful gain as defined in the Indian Penal Code—

(*a*) knowingly counterfeits or unlawfully affixes upon any timber or standing trees a mark used by Forest Officers to indicate that such timber or tree is the property of Government or of some person, or that it may lawfully be cut or removed by some person ; or

(*b*) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of Forest Officer, or

(*c*) alters, moves, destroys or defaces any boundary mark of any forest or waste land to which the provisions of this Act are applied

shall be punishable with imprisonment for a term which may extend to three years and with fine.

Powers to arrest without warrant.

68.(1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest and detain in custody any person if the officer knows or has reason to believe that such person is committing or has committed any forest offence or if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false or if there is reason to believe that he will abscond.

(2) Every person arrested and detained in custody under this section shall be informed, as soon as may be, of the grounds for such arrest and detention and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest

excluding the time necessary for the journey from the place of arrest to the court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

Power to release on a bond a person arrested.

69. Any Forest Officer of a rank not inferior to that of a Range Officer, who or whose subordinate, has arrested any person under the provisions of section 68, may release such person on his executing a bond to appear, except when the offence is non-bailable, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the concerned police-station.

Power to prevent commission of offence.

70. Every Forest Officer and Police Officer shall prevent, and may interpose for the purpose of preventing, the commission of any forest offence.

Power to try offences summarily.

71. Any Magistrate of the First Classs specially empowered in this behalf by the State Government may try summarily under the Code of Criminal Procedure, 1898, any forest offence punishable with imprisonment for a term not exceeding one year, or with fine not exceeding one thousand rupees, or with both. 5 of 1898

Power to compound offences.

72. (1) Any forest officer specially empowered in this behalf by the State Government may accept as compensation from any person who committed or in respect of whom it can be reasonably inferred that he has committed, any forest offence other than an offence under section 66 or section 67—

(*i*) a sum of money not exceeding fifty rupees where such offence is of a trivial nature and involves forest produce the market value of which does not exceed twenty-five rupees;

(*ii*) a sum of money which shall not in any case be less than the market value of the forest produce, or more than four times such value as estimated by such forest officer, in addition to the market value of the forest produce, where such offence involves any forest produce which in the opinion of the forest officer may be released;

(*iii*) a sum of money which shall not in any case be less than the market value of the forest produce or more than four times such value as estimated by such forest officer, where such offence involves forest produce which in the opinion of the forest officer should be retained by the Government.

(2) On receipt of the sum of money referred to in sub-section (1) by such officer—

(*i*) the accused person, if in custody, shall be discharged;

(*ii*) the property seized shall, if it is not to be so retained, be released; and

(*iii*) no further proceedings shall be taken against such person or property.

Presumption that forest produce belongs to Government.

73. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the property of Government, such produce shall be presumed to be the property of Government until the contrary is proved.

Operation of other laws not barred.

74. Nothing in this Act shall be deemed to bar the prosecution of any person under any other law for any act or omission which constitutes a forest offence or from being liable under such other law to any higher punishment or penalty than that provided under this Act or the rules thereunder :

Provided that no person shall be prosecuted and punished for the same offence more than once.

CHAPTER IX

CATTLE TRESPASS

Cattle Trespass Act, 1871 to apply.

75. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871, and may be seized and impounded as such by any Forest Officer or Police Officer. 1 of 1871

Power to alter fines fixed under the Cattle Trespass Act, 1871.

76. The State Government may, by notification, direct that, in lieu of the fines fixed under section 12 of the Cattle Trespass Act, 1871, there shall be levied for each head of cattle impounded under section 75 such fines as they think fit, but not exceeding the following, that is to say— 1 of 1871

For each elephant	..	Fifty rupees
For each buffalo or camel	..	Ten rupees
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer.		Five rupees
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid.		Two rupees

CHAPTER X

OF FOREST OFFICERS

State Government may invest Forest Officers with certain powers.

77. (1) The State Government may invest any Forest Officer with all or any of the following powers, that is to say—

(*a*) power to enter upon any land and to survey, demarcate and prepare a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects ;

(*c*) powers to issue a search warrant under the Code of Criminal Procedure, 1898; and 45 of 1898

(*d*) powers to hold an inquiry into forest offences, and in the course of such inquiry to receive and record evidence.

(2) Any evidence recorded under clause (*d*) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Forest Officer deemed to be Public servants.

78. All Forest Officers shall be deemed to be—

(*a*) public servants within the meaning of the Indian Penal Code, 45 of 1860

(*b*) Police Officers for execution of search warrants issued in exercise of powers conferred under clause (*c*) of sub-section (1) of section 77.

Indemnity for acts done in good faith.

79. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Forest Officers not to trade.

80. Except with the permission in writing of the State Government no Forest Officer shall as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside the State.

CHAPTER XI

MISCELLANEOUS

Special provision for reserved forests in the merged territories.

81. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, any forest land or waste land in the merged territories, which had been recognised by the Ruler of any merged State immediately before the date of merger as a reserved forest in pursuance of any law, custom, rule, regulation, order or notification for the time being in force or which has been dealt with as such in any administration report or in accordance with any working plan, or register maintained and acted upon immediately before the said date and has been continued to be so dealt with thereafter, shall be deemed to be reserved forests for the purposes of this Act.

(2) In the absence of any rule, order or notification under this Act, applicable to the area in question, any law, custom, rule, regulation, order or notification mentioned in sub-section (1) shall anything in any law to the contrary notwithstanding, be deemed to, be validly in force as if the same had the force and effect of rules, orders and notifications made under the provisions of this Act and shall continue to so remain in force until superseded, altered or modified in accordance therewith.

(3) No report, working plan, or register as aforesaid or any entry therein shall be questioned in any court of law provided that the State Government have duly certified that such report, working plan, or register had been prepared under the authority of the said Ruler before the date of merger and has been under the authority of the State Government continued to be recognised, maintained or acted upon thereafter.

(4) Forests recognised in the merged territories, as Khesra forests village forests or protected forests, or forests other than reserved forests by whatever name designated or locally known, shall be deemed to be protected forests within the meaning of this Act and provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply.

Explanation I—"Working plan" includes any plan, scheme project, maps, drawings and lay-outs prepared for the purpose of carrying out the operations in course of the working and management of forests.

Explanation II—"Ruler" includes the Darbar administration prior to the date of the merger and "State Government" includes the successor Governments after the said date.

Additional powers to make rules.

82. (1) The State Government may make rules—

(*a*) to prescribe and limit the powers and duties of any Forest Officer under this Act;

(*b*) to regulate the rewards to be paid to officers and informants out of the proceeds of fines and confiscations under this Act;

(*c*) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and

(*d*) generally, to carry out the provisions of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if during the said period, the State Legislature makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

Penalties for offences not otherwise provided for.

83. Any person contravening any provision of this Act or the rules made thereunder for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to one thousand rupees, or with both.

Persons bound to assist Forest Officers and Police Officers and duties of such officers.

84. (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest produce or to cut and remove timber from or to pasture cattle in, such forest and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish with due despatch to the nearest Forest Officer or Police Officer any information he may possess respecting the commission of, or the intention to commit any forest offence, and shall forthwith take steps, whether so required by any Forest Officer or Police Officer or not,—

(*a*) to extinguish any forest fire in such forest of which he has knowledge or information ; and

(*b*) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest ;

and shall assist any Forest Officer or Police Officer demanding his aid ;

(i) in preventing the commission in such forest of any forest offence ; and

(ii) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse, fails—

(*a*) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information as required by sub-section (1) ;

(*b*) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest ;

(*c*) to prevent, as required by sub-section (1) any fire in the vicinity of such forest from spreading to such forest ; or

(*d*) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender;

shall be punishable with fine which may extend to two hundred rupees.

(3) On receipt of any such information as is referred to in sub-section (1) the Forest Officer or Police Officer, as the case may be, shall forthwith take such action as may be appropriate in the circumstances.

Punishment for abetment of forest offences.

85. Whoever abets the commission of a forest offence shall be punished with the punishment provided for the offence.

Failure to perform service for which a share in produce of Government forest is enjoyed.

86. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary right or to any part of the forest produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the State Government being satisfied that such service is not being duly performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service have been heard by any officer duly appointed in that behalf by the State Government.

Recovery of money due to Government.

87. All money, other than fines, payable to the State Government under this Act, or the rules, or on account of timber or other forest produce or of expenses incurred in the execution of this Act in respect of timber or other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable thereunder for the breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of tenders, issued by or under the authority of a Forest Officer and all compensation awarded to the State Government under this Act, may, if not paid when due, be recovered, as if it were an arrear of public demand.

Lien on forest produce for such money.

88. (1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer until such amount has been paid.

(2) If such money is not paid when due, the Forest Officer may order such produce to be confiscated and thereupon he may sell such produce by public auction or by calling tenders.

(3) The proceeds of the sale as aforesaid shall be applied first in discharging the aforesaid dues and the balance of the dues, if any, shall be recovered, as if it were an arrear of public demand.

Recovery of penalties due under bond.

89. When any person in accordance with any provisions of this Act, or in compliance with any rule, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his employees and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of public demand. 9 of 1872

Power of Government to apply the provisions of the Act to certain lands of Government or local authority.

90. The State Government may, by notification, declare that any of the provisions of this Act shall apply to any land on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.

Repeal and Savings.

91. The Indian Forest Act, 1927 and the Madras Forest Act 1882 (hereinafter referred to as the said Acts) in their application to the State of Orissa are hereby repealed : 16 of 1927 Madras Act 5 of 1882.

Provided that—

(*a*) any forest or land declared or deemed to be a reserved forest or protected forest or village forest under any of the said Acts shall be deemed to be a reserved forest, protected forest or, as the case may be, village forest under this Act; and

(*b*) all rules and orders made, notifications and notices issued, licences' passes and permits granted, fees levied, imposed or assessed, proceedings instituted and all actions taken and things done under any of the said Acts shall be deemed to have been respectively made, issued, granted, levied, imposed or assessed, instituted, taken or done under this Act and shall continue in force until new provisions are made under this Act.

Forest (Conservation) Act, 1980 with Amendments Made in 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the porpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. Constitution of Advisory Committee.

The Central Government may constitute a Committee consisting of such number of persons as h may deem fit to advise that Government with regard to-

(i) the grant of approval. under Section 2; and

(ii) any other matter connected with the conservation of forests which may be referred to h by the Central Government.

3A. Penalty for contravention of the provisions of the Act.

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3B. Offences by the Authorities and Government Departments.

(1) Where any offence under this Act has been committed -

(a) by any department of Government, the head of the department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

4. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, makes rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeal and saving.

(1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

International Environmental
Law Research Centre

The Orissa Timber and Other Forest Produce Transit Rules, 1980

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The ORISSA TIMBER AND OTHER FOREST PRODUCE TRANSIT RULES, 1980*

Notification No. S.R.O. 165/80, dated 1st February, 1980. In exercise of the powers conferred by Ss. 45 and 46 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government hereby make the following rules to regulate the transit of timber and other forest produce, namely:

1. Short title and commencement. (1) These rules may be called the Orissa Timber and other Forest Produce Transit Rules, 1980.

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

2. Definitions. (1) In these rules, unless the context otherwise requires—

(a) "Act" means the Orissa Forest Act, 1972 (Orissa Act 14 of 1972).

(b) “Contract area” means area covered by a forest contract.

(c) "Checking station" means any place specified in this behalf to be a checking station and notified by the Divisional Forest Officer in the official Gazette.

(d) “Firewood” means wood which is unfit for any purpose other than fuel.

(e) "Foreign transit permit" means a permit issued by a competent authority of another State or Union territory for movement of forest produce originating from that State or Union territory.

(f) “Forest contract” means a contract whereby Government agree to sell and the purchaser agrees to buy the forest produce under the Orissa Forest Contract Rules.

(g) "Form" means a form appended to these rules.

(h) “Minor forest produce” means forest produce other than timber, fire-wood , charcoal and bamboos.

(i) "Schedule" means the Schedule appended to these rules.

(2) All words and expressions used but not defined in these rules shall have meaning respectively assigned to them in the Act.

(3) Route. (1) *Land routes*. The Chief Conservator of Forests shall notify from time to time in the official Gazette, the routes in the State of Orissa through which forest produce may be imported, exported or moved into, from or within the State.

(2) *Water routes.* (a) The rivers and their banks as specified in Schedule shall be available for transport of forest produce.

(b) No person shall cause any diversion to the water routes or cause obstruction in the channels or on banks of the river specified in Schedule I.

(c) The Collector of the district shall have the power to order the removal of any obstruction on the banks or the channels or destruction of unauthorized diversions of any river specified in Schedule I and to recover the cost thereof from the person or persons responsible for such construction or diversion.

(d) The Divisional Forest Officer shall notify in the official Gazette the names of places on the river banks selected by him as checking stations.

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* Published in the Orissa Gazette, Extraordinary No. 453, dated 21-4-1980.

4. Transit permit. Except as provided in R.5, all forest produce in transit by land, rail or water shall be covered by a permit, hereinafter called the "Transit Permit" to be issued free of cost by the Divisional Forest Officer or by the Assistant Conservator of Forests, authorized by him in that behalf:

Provided that the Range Officer or a Forester, when duly authorized in that behalf by the Divisional Forest Officer may issue transit permit in cases where no verification at the stump site is necessary;

Provided further that in respect of a minor forest produce collected by the Orissa State Tribal Development Co-operative Corporation Ltd., a Branch Manager or a Divisional Manager and in respect of tassar cocoon collected by the State Tassar Co-operative Society Ltd., Orissa, the Assistant Director of Sericulture can issue transit permits;

Provided also that for removal of timber and other forest produce from the depots of the Orissa Forest Corporation Limited including those at railheads, the Divisional Manager of the said Corporation and any other officer subordinate to him not below the rank of Deputy Sub-divisional Manager when duly authorized by him in that behalf may issue transit permit.

5. Cases in which permit shall not be required. (1) No transit permit shall be required to cover transit of forest produce in the following cases namely:

(a) for the transit from the contract area of forest produce purchased by the Forest Contractors whose contracts are governed by the Orissa Forest Contract Rules and duly covered by a coupe permit;
(b) for the transit of forest produce whose removal is covered by Forest Department permits;
(c) for the transit of minerals leased out under the Mineral Concession Rules;
(d) for the transport of bamboo, timber and fire wood bearing Orissa Forest Department's hammer mark where removal is covered by depot permit;
(e) for removal of forest produce other than timber, bamboos and minerals of any description required by transits having recognized rights under any law in force for their *bonafide* domestic use but not for trade or barter subject to the condition that tribals can transport or possess up to fifty Kgs. of tamarind and ten bundles of hill brooms without transit permit.
(f) for timbers not grown in India;
(g) for timber that is cut or fashioned otherwise than is usually done before timber is removed from the forests or the saw mills and saw pits;
(h) for firewood not exceeding one head-load;
(i) for transport of minor forest produce within the district except lac, tassar, myrabolans, gums and resin, root or patalgaruda, sal seed, tamarind and hill brooms, subject to such limit of transport and storage without transit permit as may be notified by State Government in the official Gazette for different items.

(2) When any forest produce removed by permits referred to in Cls. (a), (b) and (d) of sub-R. (1), are unloaded at their destinations, they cannot be retransported under the authority of the said permits unless transit permits are obtained under R.4.

The word "bamboo" in Cl. (d) of sub-R. (1) of R. 5 has been inserted *vide* Orissa Gazette, Extraordinary No. 384, dated 3-4-1981.

6. Form of permit. The transit permit shall be in Form No. 1.

7. **Application for permit and orders thereon.** (1) Persons desiring to remove forest produce under R. 4 shall apply for transit permit to the Forest Officer having jurisdiction in Form II or Form III, as the case may be, together with the declaration and undertaking as embodied therein.

(2) On receipt of application, the Forest Officer having jurisdiction shall cause an enquiry, where necessary, in the manner prescribed hereinafter, before issue or refusal of transit permit.

(3) An appeal may be preferred against the order of refusal passed by the •Forest Officer under sub-R. (2) within thirty days from the date of receipt of the order, before the Conservator of Forests of that Circle, if the order appealed against is that of the Divisional Forest Officer or before the Divisional Forest Officer of that Division, if the order appealed against is that of the Assistant Conservator of Forests or Range Officer or the Forester, and the decision of the appellate authority in the matter shall be final.

(4) In the case of an application for removal of forest produce from one's own private holding for *bonafide* domestic use, if no order is passed either refusing the permit within forty-five days of the receipt of the application, the applicant shall be at liberty to file a representation before the Conservator of Forests of that Circle who shall pass order within sixty days of the date of receipt of such representation and such order shall be final.

(5) All orders refusing to grant transit permit shall be in writing and shall state the reasons of the refusal, and shall be communicated to the applicant.

(6) Any person who furnishes incorrect information or false declaration in Form II or Form III shall be deemed to have contravened the provisions of these rules.

(7) Acceptance of the declaration of the applicant by the Forest Officer shall be deemed to be an act done in good faith.

(8) In the case of application for removal of timber, firewood and bamboos from private holdings, and in case of applications of timber, firewood and bamboos from such holdings, the following provisions shall apply, namely:

(a) When required by the Divisional Forest Officer or the Assistant Conservator of Forests duly authorised in that behalf, the applicant shall bear the Amin's fees, if any, prescribed for requisitioning the services of an Amin from Tahsil Office for joint verification by Revenue and Forest Officials of plots and trees and bamboos mentioned in the application for transit permit filed by him.

(b) On completion of such joint verification, if no discrepancies are noticed in the field, the Divisional Officer may direct the applicant to submit a list of conversions of trees and bamboos felled and converted by him over those plots in triplicate, and to put the facsimile of his registered property mark on either ends of all timber including round wood billets.

(c) On receipt of conversion list the Divisional Forest Officer shall get it verified and shall get the timber including round wood billets branded with the Forest Department hammer mark bearing the letter “P.T”.

(d) After the conversion list has been verified in the field and timber including round wood billets branded with the hammer marks as referred to in Cl. (c), the Divisional Forest Officer shall issue the transit permit in Form I.

8. Depot permit. The Divisional Forest Officer may, from time to time, notify the places other than rail heads, river banks, saw mills and factory premises, wherefrom owners having depots of bamboo, timber or firewood bearing Forest Department hammer mark, may remove such material by using permits called "depot permits", issued previously by or with the permission of the Divisional Forest Officer.

9. Form of depot permit. "Depot Permit" shall be in Form IV. Permits shall be in triplicate and bound in books. Each book shall bear an identifying number and the permits in each book shall be numbered serially. Before issue, each page of the permit book shall be rubber stamped with the name of the produce "Bamboo", "Timber" or "Firewood", as the case may be, for which it shall be used.

10. Conditions regulating use of depot permits. An owner of the depot to whom permission is given under R. 8, shall abide by the following conditions, namely:

(a) He shall pay security deposit duly pledged to the said Divisional Forest Officer at 5 per cent of the market value of the maximum quantity of timber, bamboo or firewood or all of these three major forest produces that he may store at any time subject to a minimum of rupees one thousand for the due observance of the provisions of these rules:

Provided that the Chief Conservator of Forests may exempt wholly or partly any Government Department or any State-owned Undertaking or Corporation or any co-operative society from payment of security deposit prescribed under this rule.

(b) He shall not bring or store at his depot any forest produce other than bamboo or timber or firewood—
  (i) which do not bear the Forest Department hammer mark;
  (ii) which are not checked enroute; and
  (iii) whose transit from the source of collection or origin up to the depot is not covered by permit issued under R. 4 or depot permit under R. 8.

(c) The permits referred to in Cl. (b) shall be retained by him up to six months from the date of complete disposal or removal from the depot of all the forest produce brought under such permits and shall be produced for inspection within that period on demand by a Forest Officer having jurisdiction.

(d) He shall not remove from the depot any bamboo, timber or firewood unless accompanied by a depot permit signed by himself or by his authorised agent approved by the Divisional Forest Officer.

(e) He shall obtain the depot permits on payment from the Range Officer in whose jurisdiction the depot is located. Each depot permit shall bear the official seal of the Divisional Forest Officer of the Division.

(f) He or his authorised agent, as the case may be, shall issue the original permit to the person removing the forest produce and send the first carbon copy to the Range Officer having jurisdiction on the same day of issue of the permit and retain the second carbon copy in the book as a counterfoil. All corrections or rewritings shall be duly attested by the person issuing he depot permits.

(g) He shall return the permit book as soon as it is completely used up or after the forest produce for the removal of which, the permit book was issued, is disposed of, whichever is earlier, and on cancellation of the permission under R. 11, all partially used permit books shall be returned to the Range Officer and receipt obtained to this effect from him.

(h) He shall at all times allow Forest Officer having jurisdiction over the area to inspect the premises and the bamboo or timber or firewood for which permission is granted under R.8 and shall produce the permits referred to in Cl.(b) for inspection on demand by the said officer.

(i) He shall maintain a register in Form V showing correct account of the bamboo: timber and firewood brought to (with reference to the transit permits or the coupe permits concerned) and removed from the depot, and such register of

accounts shall be open to inspection at any time by the Divisional Forest Officer or by any Forest Officer duly authorized in this behalf by the Divisional Forest Officer.

(j) He shall be subject to the general supervision of the Divisional Forest Officer in respect of issue of depot permits and the quantity of bamboo or timber or firewood covered by each, and the Divisional Forest Officer may pass written order to regulate the manner in which such permits shall be written and may vary such regulations.

(k) The permit book issued for a particular forest produce shall be used only for that produce whether for bamboo or timber or firewood. The permit book is not transferable and shall only be used by the person to whom it is issued or by his authorized agent.

11. In case of contravention of any of the provisions of R.10 by any person who has been permitted by the Divisional Forest Officer to use depot permit, such permission is liable to be cancelled and the security deposit paid by such person may in whole or in part, be forfeited by the Divisional forest Officer without prejudice to any action that may be taken against him under R. 21 :

Provided that, before the order of forfeiture is passed, the owner of the depot shall be given a reasonable opportunity of being heard.

12. Retention-of Transit Permit. Any person to whom a Transit Permit is issued under these rules shall be bound to follow the direction given in the Transit Permit and to retain it with him so long as the forest produce covered by the Transit Permit remain in his possession and to produce it for inspection at any time before it is disposed of if and when required by any Forest Officer, not below the rank of a Forester.

13. Checking of Transit Permit. (1) Forest Produce in transit by land, rail or water is liable to inspection by any Forest Officer, or Police Officer not below the rank of Sub-Inspector, or by a Revenue Officer not below the rank of a Tahasildar, or by the Divisional Manager of the Orissa Tribal Development Co-operative Society Ltd., or by the Assistant Director of Sericulture of the State Tassar Co-operative Society Ltd., Orissa, for formal prosecution and handing over the cases to the Forest Officer and the Transit Permits shall be produced on demand before any such Officer. All boats, cart, vehicle or other means of conveyance used for transportation of such forest produce shall be stopped by the person-in-charge under demand by any such officer, who may open and search any baggage or other things in the possession of such person or transported in the same conveyance, where these are reasonable grounds for believing that an offence under rules has been committed.

(2) It shall be incumbent on the person transporting forest produce to present the Transit Permit or coupe permit or depot permit or any forest department permit, for examination at such checking stations, as may be notified by the Divisional Forest Officer of the division in the official Gazette. It will be illegal to take any forest produce by a route which avoids any route at which a checking station has been established.

(3) Checking station shall remain closed from 10 p m to 5 a.m. No forest produce shall pass a checking station when it is closed between these hours except with the previous permission in writing of the Divisional Forest Officer, in whose jurisdiction, the checking station is located :

Provided that checking stations on National Highways shall remain open throughout the day and night.

(4) As soon as the forest produce has been checked and found correct, the concerned permit under the authority of which the forest produce is carried, shall be endorsed by the Forest Officer in charge of the checking station under his signature and date with the word "CHECKED". When timber and round-wood billets are checked at the checking station, the Forest Officer shall brand the exposed ends of the timber and the billets with Forest Department hammer marks. If the forest produce exceeds the quantity stated in the transit permit or is not of the kind or description given in the transit permit and the timber and round-wood billets do not bear the Orissa Forest Department hammer mark and the owner's registered property mark as required under R. 14, the forest produce shall be liable for seizure. If the forest produce is less than the quantity stated in the transit permit, the said permit shall not be used again to cover the deficit.

Note. All forest produce shall be liable to be unloaded for proper checking, if so required by the checking officer not below the rank of a Forester.

14. Hammer and property mark. (1) Subject to sub-R. (1) of R. 15 all timber including round wood billets of and above sixty cm. midgirth and ninety cm. length which are also fit for purposes other than fire-wood, while on transit should bear the Orissa forest Department hammer mark and registered property mark of the owner.

(2) When the ownership of timber and round-wood billets of the specifications mentioned in sub-R. (1) above is changed, it shall be indicated by a fresh registered property mark; if not, it will be sufficient if it bears the registered property marks of the original owner; provided that the transferee can prove by production of receipts that he is in the legal possession of such produce.

15. Registration of property mark. (1) All property mark shall be registered in the office of the Divisional Forest Officer of the division from whose jurisdiction the timber, including round-wood billets move and shall be subject to the previous approval of the said Forest Officer; provided that if the timber including the round-wood billets are moved within the jurisdiction of more than one Forest Division, it shall suffice for the registration to be made in the office of the Divisional Forest Officer of the division, from whose jurisdiction the timber including round-wood billets first move:

Provided that sufficient copies of facsimiles of such property mark are sent to the Divisional Forest Officer under whose jurisdiction the timber and round wood billets pass.

(2) Application for registration of property mark shall give particulars of the origin of the timber including round wood billets, the approximate quantity to be removed, the destination and the route by which it will be transported and shall be accompanied by the facsimiles of the mark to be registered.

Note. This sub-rule does not apply to forest contractors while transporting timber and firewood from their contract areas for which separate provision exists.

(3) The fee for registration or renewal of registration of property mark shall be rupees five for the period up to the year ending 31st July and rupees ten for any period up to three years thereafter ending 3lst July.

16. Checking of timber raft enroute. Each timber raft floated in a river shall bear the Orissa Forest Department hammer mark and registered property mark on either ends of the logs and also on the upper surface of each log in the raft to facilitate checking enroute.

17. Import of forest produce from outside. All forest produce imported into the State of Orissa shall be covered by a transit permit issued by the Divisional Forest Officer of the division from which the forest produce is exported and in case of timber including round wood billets, it should bear the checking hammer impression of the exporting State and the registered property mark of the owner of the produce under R. 18 below.

18. Registration fee for import of forest produce. The property mark for all cases referred to in R. 17 above should be registered in the office of the Divisional Forest Officer of the division through which the timber and round wood billets shall move at the first instance, on payment of registration fee of rupees ten for one year.

19. Foreign Transit Permit. Any forest produce imported into the State of Orissa may be transported under foreign transit permit within the limit of the State of Orissa subject to the following conditions, namely :

(a) in case of transport by road—up to first checking station in the border;
(b) in case of transport by rail—up to railway depot of the destination Railway Station;
(c) in case of transport by sea —up to the limits of the destination port area; and
(d) in case of transport by air—up to limit of destination air-port.

20. Issue of fresh transit permit in lieu of foreign transit permit.

(1) When forest produce is sought to be removed from the area mentioned in R. 19, the Divisional Forest Officer of the division in which the area lies shall on application by the owner issue transit permit free of charge in lieu of the foreign transit permit after necessary verification, for movement of the produce within the State of Orissa.

(2) Certified copies of the form in which transit permit is issued by the exporting Divisional Forest Officer along with the certified impressions of the seal under which the transit permits will be issued, shall be sent to the Divisional Forest Officer mentioned in R. 17 for records in the offices of the concerned Divisional Forest Officers.

21. Penalties. Whoever contravenes any of the provisions of these rules shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both:

Provided that double the amount of penalty as aforesaid may be inflicted in cases where the offence is committed after 10 p.m. and before 5 a.m. or after making preparation for resistance to lawful authority or where the offender has been previously convicted for a similar offence.

22. Savings and repeals. (1) The Orissa Timber and Other Forest Produce Transit Rules, 1967 and Transit Rules framed under the Madras Forest Act, 1882 (hereinafter called the said rules) in their application to the State of Orissa are hereby repealed, with effect from the date these rules come into force.

(2) Notwithstanding such repeals, all acts done, proceedings taken, and orders issued, under the said rules, before the commencement of these rules, shall continue to have force and effect as if these rules have not come into force.

SCHEDULE
[Vide Rule 3 (2) (a)]
Name of rivers

Mahanadi, Kathjori, Kuakhai, Bhargavi, Brahmani, Ramial, Tikiria, Maku Nalla, Jautuk, Gohira, Samakoi, Baitarani, Salandi, Kusai, Kusal, Budhabalang, Sona, Gangadhar, Deo Jambhira, Tel, Baghanadi, Salunki, Mahuani, Ib, Aung, Tanta, Jira Kharasrota, Devi, Vansadhra, Rusikulya, Sileru, Saberi, Nagavali, Indravati, Kolab, Machkund with all its branches and tributaries.

FORM I
[Vide Rule 6]
Transit Permit

Book No……
Transit Permit No……
Name and address of the person in whose favour Transit Permit issued — Shri/Smt……

Name of locality from where removed———
Village ————
Plot No.—— —

Name or names of carters or drivers	Description of the produce	Number/quantity

Route:
Designation:
Date of Issue
Date of Expiry

Signature of Forest Officer
Stamp of Office

N.B. The permit shall be presented at the checking station on the route(s) specified.

FORM II
[*Vide* Rule 7 (a)]
Form of application for removal of forest produce

(a) Particulars of forest produce sought to be removed.....
(b) Place from which sought to be removed.....
(c) Certified copy of the documents regarding the ownership of the produce.....
(d) The route through which the forest produce will be taken to the destination market or depot to be specified.....

Signature of the applicant

Declaration

I, Shri... ... ...aged... ... ... son of..... village... ... ...pollice-station... ...district... ..... , do hereby declare that the particulars furnished in the above application are true to the best of my knowledge and belief and that I am absolute owner of the forest produce sought to be removed. I hereby declare that the forest produce is neither Government property nor any one else's property and I do hereby undertake to indemnify the State Government for any liability that may accrue on them on acceptance of the aforesaid declaration.

Signature of the applicant

Date

FORM III

[Vide Rule 7 (a)]

Form of application for removal of forest produce from recorded holdings

(a) (i) Name of village, Plot No. and Khata No. from which trees or bamboos or other forest produce are to be removed.....

(ii) Description of boundaries of the plot.....

(b) Particulars regarding ownership of the land……

(c) Certified copy of the documents regarding ownership and value of trees/ bamboos standing on the plots referred to in (a) above when the applicant is not the owner of such plot of land.

(d) The route by which the timber, bamboos, firewood or other forest produce will be taken to the destination, market or depot.

(e) A list in triplicate specifying the number, species, size of timber and/ or quantity of firewood or bamboos and /or quantity of other forest produce proposed to be removed.

Signature of the applicant

Declaration

I, Shri... ... ...aged.....son of.....village ..... police-station .....district....., do hereby declare that the particulars furnished in the above application are true to the best of my knowledge and belief and that I am the absolute owner of the timbers and/or firewood or bamboos or other forest produce sought to be removed. I hereby declare that the timber or firewood or other forest produce detailed above are neither Government property nor any one else's property. I do hereby undertake to indemnify the State Government for any liability that may accrue on them on acceptance of the aforesaid declaration.

Signature of the Applicant

Date

N. B. The boundary of the forest when it abuts a reserved or protected forest shall be deleniated in the ground to a clear width of one metre.

FORM IV
[Vide Rule 9]
Depot Permit

Book No..... Page No. .....
Name of the depot owner.....
No. and date of order of the D.F.O permitting use of depot permits.....
Name of purchaser ... ...
Purchaser's address ...

Name of carters or drivers	Description of produce	Rate	Total Value
1	2	3	4

Route :
Destination :
Date of issue :
Date of expiry :

Signature of depot owner/
authorised agent

Date

N. B. The permit shall be presented at the checking stations on the route(s) specified.

FORM V
[Vide Rule 10 (1)]
Depot Register

Book No…….. Page No……..
Receipts and disposal of firewood/ timber……
Name of depot owner…….
No. and date of order of the D.F.O. permitting use of depot permits……

Date of Receipt	From where received	Permit No. under which received	Description of produce (mention species in case of timber)	Date of disposal	To whom disposed	Description of produce disposed of	Permit No. under which disposed
1	2	3	4	5	6	7	8

FORM M

[*See* Rule 8 (4)]

Quarterly return of accounts of specified forest produce to be submitted to the Divisional Forest Officer

Return for the quarter ending……

1. (a) Name and address of the manufacturer/industrial consumer……..
   (b) Place of business……..
2. Registration number……
3. Stocks from previous year……..(in M. T.)
4. (a) Quantity allotted……(in M. T.)
   (b) Order No……..Dated
5. Stocks lifted…….. ……. … ….(in M.T.)

From the Agent/Depot at (1)	Quantity (2)	To the place of storage-Godown at/Plant at (3)
(1)		
(2)		

6. Particulars of utilization/disposal :

Place of Storage	Opening balance of stock at the beginning of the quarter in metric ton	Stock received during the quarter in metric ton	Total of columns (2) and (3)	Stock utilised during the quarter in metric ton	purpose for which utilised	Balance stock in metric ton	Quantity of finished products obtained
1	2	3	4	5	6	7	8
(1)							
(2)							
(3)							
(4)							

Date…….

Signature of the Manufacturer/
Industrial Consumer

Place

Forwarded to the Divisional Forest Officer.

Signature of the Manufacturer/
Industrial Consumer

/

386
8/5/98

GOVERNMENT OF ORISSA
REVENUE AND EXCISE DEPARTMENT

NO.CE(Coal)-6/96. 18758/R
Bhubaneswar, dated 7.4.98

F - Impt. circulars

From

Sri D. K. Das, O.A.S.,
Deputy Secretary to Govt.

To

All Collectors.

Sub:- Payment of premium by the user agencies including M.C.L. for use of forest land for mining, industrial and other purposes.

S i r,

I am directed to say that the question of payment of premium in respect of forest land used for mining, industries and other purposes by the user agencies had engaged the attention of Government for some time past. After careful consideration of the issue, Government have been pleased to decide as follows :-

1. For mining purposes, the user agencies have to pay the market value of the land or the rate prescribed in the prevailing I.P.R., whichever is less. In case of forest land taken over for mining purpose under C.B.A. Act, the cost of the land would be determined by taking into consideration the date of notification u/s 7 (1) of the Act as the reference date. In other cases, the actual date of handing over of possession would be reckoned as the reference date for determination of the cost to be paid by the user agencies.

2. In case of the forest land diverted for establishment of industry, the rate prescribed in the prevailing I.P.R. would be applicable.

3. In case of land transferred for purposes other than those enumerated above, market value at the prevailing rate would be charged.

Suitable instructions may be issued accordingly to all concerned.

Yours faithfully,

Memo No. 18759 /R., Dated 7/4/90

Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack/All Revenue Divisional Commissioners for information and necessary action.

Memo No. 18760 /R., Dated 7/4/90

DEPUTY SECRETARY TO GOVERNMENT

Copy forwarded to LRGE (A)/LRGE (B)/Coordination Branch for compilation of circulars/25 copies to Guard File for information and necessary action.

Memo No. 18761 /R., Dated 7/4/90

DEPUTY SECRETARY TO GOVERNMENT

Copy forwarded to the Mahanadi Coal Field Limited, Nand Vihar, P.O. U.C.E., Burla, Dist-Sambalpur - 768018 (Orissa) for information and necessary action.

DEPUTY SECRETARY TO GOVERNMENT

BIJAYA/-

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2006—08 REGISTERED NO. DL—(N)04/0007/2006—08

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/*Pausa* 12, 1928 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:—

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 OF 2007

[29*th December,* 2006]

An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(*b*) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (*1*) and (*2*) of section 4;

(*c*) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(*d*) "forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(*e*) "forest rights" means the forest rights referred to in section 3;

(*f*) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(*g*) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(*h*) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(*i*) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(*j*) "nodal agency" means the nodal agency specified in section 11;

(*k*) "notification" means a notification published in the Official Gazette;

(*l*) "prescribed" means prescribed by rules made under this Act;

(*m*) "Scheduled Areas" means the Scheduled Areas referred to in clause (*1*) of article 244 of the Constitution;

(*n*) "sustainable use" shall have the same meaning as assigned to it in clause (*o*) of section 2 of the Biological Diversity Act, 2002; 18 of 2003.

(*o*) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation.—For the purpose of this clause, "generation" means a period comprising of twenty-five years;

(*p*) "village" means—

(*i*) a village referred to in clause (*b*) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or 40 of 1996.

(*ii*) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(*iii*) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(*iv*) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

(*q*) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature. 53 of 1972.

CHAPTER II

FOREST RIGHTS

Forest rights of Forest dwelling Scheduled Tribes and other tradional forest dwellers.

3. (*1*) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:—

(*a*) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(*b*) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(*c*) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(*d*) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(*e*) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(*f*) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(*g*) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(*h*) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(*i*) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(*j*) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (*a*) to *(k)* but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, nemely:— 69 of 1980.

(a) schools;

(b) dispensary or hospital;

(c) anganwadis;

(d) fair price shops;

(*e*) electric and telecommunication lines;

(f) tanks and other minor water bodies;

(g) drinking water supply and water pipelines;

(h) water or rain water harvesting structures;

(i) minor irrigation canals;

(j) non-conventional source of energy;

(k) skill upgradation or vocational training centres;

(l) roads; and

(m) community centres:

Provided that such diversion of forest land shall be allowed only if,—

(i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

4. *(1)* Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in—

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:—

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

53 of 1972.

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package:

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section *(1)* shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of- kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section *(1)* are in respect of land mentioned in clause *(a)* of sub-section *(1)* of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act. 69 of 1980.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

Duties of holders of forest rights.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to—

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV

AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

6. *(1)* The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section *(3)* and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

Offences by members or officers of authorities and Committees under this Act.

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Cognizance of offences.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI

MISCELLANEOUS

Members of authorities, etc., to be public servants.

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith.

10. *(1)* No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of Central Government to issue directions.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in derogation of any other law.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. 40 of 1996.

Power to make rules.

14. *(1)* The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section *(1)* of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section *(2)* of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section *(8)* of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section *(9)* of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive

sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

K. N. CHATURVEDI,
Secy. to the Govt. of India.

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F. No. 17014/02/2007-PC&V
Government of India
Ministry of Tribal Affairs
…

Shastri Bhavan, New Delhi-110001
Dated, the 12th February 2007

ORDER

Sub: Constitution of a Technical Support Group for framing Rules under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

*****

Consequent on the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, published in the Gazette of India, Extraordinary, Part II – Section 1 on January 2, 2007, the Central Government hereby constitutes a Technical Support Group under the convenorship of the Ministry of Tribal Affairs, for framing Rules under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for carrying out the provisions of the Act. The composition of the Technical Support Group shall be as under:

Non-official

1.	Shri S.R. Sankaran,	…	Chairman
2.	Prof. Madhav Gadgil,	…	Member
3.	Shri Raman Sukumar,	…	Member
4.	Shri Ram Dayal Munda,	…	Member
5.	Prof. K.C. Malhotra,	…	Member
6.	Shri Sanjay Upadhyaya,	…	Member
7.	Shri Rangan Dutta,	…	Member
8.	Prof. Nandini Sundar	…	Member
9.	Shri D. Bandopadhyay	…	Member
10.	Smt. Smita Gupta	…	Member
11.	Shri Kumar Shiralkar	…	Member

Official

12.	Director General, ICFRE, Dehradun	…	Member
13.	Representative of Ministry of Environment & Forests (not below the rank of Joint Secretary)	…	Member
14.	Representative of Department of Land Resources (not below the rank of Joint Secretary)	…	Member
15.	Representative of Ministry of Law & Justice (Legislative Department) (not below the rank of Joint Secretary)	…	Member
16.	Representative of Ministry of Panchayati Raj (not below the rank of Joint Secretary)	…	Member
17.	Shri Serjius Minz, Principal Secretary, Forest, Government of Chhattisgarh	…	Member
18.	Shri S.C. Negi, Secretary, Tribal Development, Government of Himachal Pradesh	…	Member

19.	Commissioner & Secretary, Welfare of Plain Tribes and Backward Classes, Government Asom, Guwahati	…	Member
20.	Commissioner & Secretary, Hill Areas Department, Government of Asom, Dispur, Guwahati	…	Member
21.	Joint Secretary, Ministry of Tribal Affairs	…	Member-Convenor

2. The Technical Support Group shall prepare the draft Rules for carrying out the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 within a period of 3 months from the date of constitution of the Group and submit the same to the Government.

3. The Technical Support Group shall meet and work out its action plan for drafting the proposed Rules. For this purpose, the Technical Support Group may hold consultations with the State Governments/ Union Territory Administrations individually to take care of State specific differences. The Technical Support Group may also hold regional conferences with experts to finalise the draft rules.

4. For the purposes of TA/ DA, the non-official Members of the Technical Support Group will be treated as equivalent to Grade-I officers of the Central Government entitled to travel by air.

(Dr. Bachittar Singh)
Joint Secretary to the Government of India
Tele 011-2307 3817

Copy to:

All Official and Non-Official Members of the Technical Support Group.

Copy for information to:

1. Prime Minister's Office (Shri R. Gopalakrishnan, JS to PM), South Block, New Delhi;
2. Cabinet Secretariat (Shri Vijai Sharma, Additional Secretary), Rashtrapati Bhavan, New Delhi
3. Secretary, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, New Delhi
4. Secretary, Ministry of Panchayati Raj, Krishi Bhavan, New Delhi
5. Secretary, Ministry of Rural Development (Department of Land Reforms), Krishi Bhavan, New Delhi
6. Secretary, Ministry of Law & Justice (Legislative Department), Shastri Bhavan, New Delhi
7. Chief Secretary, Government of Chhattisgarh, Raipur
8. Chief Secretary, Government of Himachal Pradesh, Shimla
9. Chief Secretary, Government of Asom, Dispur, Guwahati.

(Dr. Bachittar Singh)
Joint Secretary to the Government of India

BY FAX

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

No.GE(GL)-S- 76/2010- 43968 **/ R & DM. Dtd.** 24/10/2011

From
Shri R. K. Sharma, IAS
Commissioner-cum- Secretary to Government

To
All Collectors

Sub: Government land recorded in non-forest kisam with a note of "Sabik Kisam Jungle" in the RoR finally published after 25.10.1980 but which was forest kisam in Sabik record – application of Forest (Conservation) Act, 1980 – Clarification regarding.

Madam/Sir,

There have been doubts about the applicability of Forest (Conservation) Act, 1980 to the lands recorded as non-forest kisam in RoR published after 25.10.1980 but which carry an entry of 'Sabik kisam jungle' in the remarks column.

This matter has been examined in consultation with Forest & Environment Department and it is noted that section 2 of the Forest (Conservation)Act, 1980 restricts the dereservation of forests or use of forest land for non-forest purpose except with prior approval of Government of India, MoEF for such non-forest use.

Further, the Hon'ble Supreme Court, in their order Dt. 12.12.1996 passed in WP(C) No. 202/1995 have observed that

" ..... The term 'forest land' occurring in section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected

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therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof ....."

In consideration of this position, Government have been pleased to clarify that the provisions of Forest (Conservation) Act, 1980 would be applicable to any type of forest land including the land recorded as non-forest land in Hal records published after 25.10.1980 which was of "Jungle" kisam in its respective Sabik record as on 25.10.1980 irrespective of the fact that the said non-forest kisam land in Hal record does not find place in the District Level Committee Report which formed the basis for the affidavit filed by the State Government before the Apex Court.

You are, therefore, requested to take appropriate action in the matter accordingly.

Yours faithfully,

Commissioner-cum- Secretary to Government

Memo No. 43969 /R&D.M. dtd. 24/10/2011

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

Commissioner-cum- Secretary to Government

Memo No. 43970 /R&D.M. dtd. 24/10/2011

Copy forwarded to Forest & Environment (Forest) Department/ CMD, IDCO for information and necessary action.

Commissioner-cum-Secretary to Government

Memo No. 43971 /R&D.M. dtd. 24/10/2011

Copy forwarded to OIC, IMU Cell/ LR&GE(A)/(B)/(C) Branch of Revenue & D.M. Department for information and necessary action.

24/X/11

Deputy Secretary to Government

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F. No. 11-9/ 98-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510
Dated: 1st February, 2013

To

The Principal Secretary (Forests),
All State / Union Territory Governments

Sub: General approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure by Government Departments involving not more than 5.00 hectares of forest land in each case in 60 Left Wing Extremism (LWE) affected districts-reg.

Sir,

I am directed to refer to this Ministry's letters of even number dated 13.05.2011 and 10.12.2012, read with this Ministry's letter of even number dated 16.06.2011, on the above-mentioned subject, wherein this Ministry accorded general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure of 13 categories, specified in this Ministry's said letter dated 13.05.2011, by Government departments involving not more than 5.00 hectares of forest land, in each case in 82 Left Wing Extremism (LWE) affected districts identified by the Planning Commission and the Ministry of Home Affairs for implementation of the Integration Action Plan (IAP). The 13 categories of infrastructure projects covered by the said general approval include **rural roads.**

This Ministry has received representation from State Governments and Ministries in the Central Government to extend the said general approval to all categories of roads. This Ministry has also received representations to extend the said general approval to **quarrying of materials used in construction of public roads.**

The matter has been examined in its entirety in considerable depth by this Ministry and after careful consideration; this Ministry hereby decides to extend the said general approval to **all categories of public roads and quarrying of materials used in construction of public roads.**

Forest
FC1a.

01/02/2013

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The general approval for roads other than rural roads and quarrying of materials used in construction of public roads shall be subject to fulfillment of the conditions stipulated by this Ministry in its letters of even number dated 13.05.2011 and 10.12.2012 read with this Ministry's letter of even number dated 16.06.2011.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,

01/04/2013

(H.C. Chaudhary)
Assistant Inspector General of Forests

Copy to:-

1. The Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. The Secretary (Coordination), Cabinet Secretariat, New Delhi.
4. The Member-Secretary, Planning Commission, Government of India New Delhi.
5. The Secretray, Ministry of Rural Development, Government of India, New Delhi.
6. Principal Chief Conservator of Forests, all State/UT Governments.
7. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
8. All Regional Offices, Ministry of Environment & Forests.
9. Joint Secretray in-charge, Impact Assessment Division, MoEF.
10. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
11. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
12. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
13. Sr. PPS to the Secretray, Environment and Forests.
14. Sr. PPS to the Director General of Forests & Special Secretray, MoEF.
15. Guard File.

01/04/2013

(H.C. Chaudhary)
Assistant Inspector General of Forests

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Fax/e-Mail

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT

No. FS-51/2017- 21261 **/R&DM. Dated** 1.7.2017

From

Dr. Chandra Shekhar Kumar, IAS
Principal Secretary to Government

To

Secretary, Board of Revenue
All RDCs
All Collectors

Sub: Guidelines for taking up plantations in Government waste land

Sir,

In inviting a reference to the subject cited above, I am to say that during past several years, as a part of welfare measures, Government waste lands have been allotted/ permissive possession given to different agencies, individuals, NGOs and Departments of Government for raising plantation under different schemes of Government. In certain cases like ERRP Scheme, lands were allotted to Individuals for raising plantations and to enjoy the usufructory/ Dafayati rights. Guidelines have been issued by this Department from time to time for allotment of Government waste land for the purpose of the scheme. Such guidelines provide for temporary lease/ occupation permit for a fixed period with specified terms and conditions. However, in all cases, it has been provided that the lands can be resumed if any of the conditions is violated.

2. With passage of time, many such schemes have either been discontinued or renamed with a different package for benefit of general public. However, no database is available at this level regarding the status of the lands leased out and fate of the plantations raised thereon. The major schemes/ guidelines on plantation are as indicated below;

Sl	Programme	Letter No & date
1	Economic Rehabilitation of Rural poor (ERRP) through food for work programme. (Temporary allotment of one hectare of land for 3 years in favour of small/ marginal farmers/ agricultural labourers in selected areas of Boudh, Khandhamal/ Kalahandi	No.22057/R Dt 20.03.1979
2	Development fo Kantabada cluster of villages 96 villages namely	No.48808/R Dt

	Kantabada, Bhola, Deula, Giringaput, Bhagabatipur and Kujimahal) in Bhubaneswar tahasil for plantation & fodder Dev Scheme	3.07.1979
3	Measures against shifting cultivation-allotment of podu affected land for plantation	No.3755/R dt.18.01.1980
4	For coconut and other fruit bearing trees on/along canal/ flood protection embankments in favour of landless/ poor	No.33789/R dt.20.05.1981
5	Land based schemes for ERRP plantation in Abad Ajogya Anabadi lands	No.37565/R Dt.20.07.1981
6	Land for coffee plantation	No.62322/R dt.27.08.1979
7	Land for cashew plantation	No.4535/R dt.22.01.1980 & No.17392/R dt 11.03.1980
8	Non-cultivable waste land, village forest and Gochar lands under Swedish International Development Agency (SIDA) assisted social forestry projects in 9 districts namely Cuttack, Puri, Balasore, Ganjam, Mayurbhanja, Keonjhar, Dhenkanal, Bolangir and Sambalpur for raising fodder and other small timber species	No.37883/R dt.06.06.1984
9	Utilization of waste land for plantation under schemes formulated by National Waste Land Development Board/ State Waste Land Dev Board, through village community, NGOs etc	No35216/R dt.29.05.1986
10	Lease of land to Tree Growers' Cooperative Society (TGCS) sponsored by FF&AH Dept under SIDA/ NDDB assisted projects	No.46758/R dt.9.10.1990/ No.33323/R dt.26.06.1992/ No.63197/R dt.29.12.1992/ No.26633/R dt.14.06.1994
11	Temporary lease of land to the beneficiaries for plantation and enjoyment of usufructuary rights	No.8905/R dt.23.02.1991
12	Scheme for management of Gochar lands for fodder plantation under SIDA Assisted projects	No.42213/R dt.21.09.1991
13	Lease of land in favour of Gram Panchayats for plantation under "Utkal Sabuja Gramya Yojana"	No.1511/R dt.10.01.2003
14	Non-forest/ revenue forest lands for Compensatory afforestation in lieu of forest lands diverted for developmental/ industrial/ mining purposes	Forest Deptt. D.O No.197/ CS dt 01.11.2000

3. Rule 9-A of the OGLS Rules provide that permissive possession of land may be granted for the purpose of plantations subject to such terms and conditions and

on payment of ground rent, cess and such amount of fees as may be decided by the Government by general or special order. Collector, may, by a written order, cancel the permissive possession on violation of any of terms and conditions of the sanction of such possession or can terminate the permissive possession at any time if the land is required for the purpose of settlement for any purpose under these rules without payment of any compensation.

4. This being the position of law, it has come to the notice of Government that plantations are being taken up in vacant Government lands, without assessing the kisam of land, its status as regards its reservation for any developmental activities, etc.

- In many cases, no permission is taken from the Revenue Authorities before taking up plantations.
- It is also learnt that a portion of lands allotted to different organizations like Universities, Technical Institutes have been utilized for plantation purposes, without prior permission of the Lessor.
- Even instances have come to the notice that forest species like teak, sal etc and fruit bearing species like mango are being planted in vacant Government lands.

5. Plantation is a good effort to save the planet. However, the Government wasteland, which can be better utilized and more useful for the purpose other than agriculture, need to be properly managed also. In this Connection, it is relevant to mention that Government land is gradually becoming scarce, when the demand for such land has increased due to rapid industrial and infrastructure developments in the State. Indiscriminate plantations including forest species in available vacant non-forest Government land without permission has further narrowed the option of utilizing the wasteland for developmental, industrial and infrastructural requirements at present, which may be more acute in future.

6. Keeping in view the above facts, it is reiterated that following guidelines shall be followed while allotting revenue wasteland for plantation purposes.

- Collector may prepare a database of the Government waste land earlier allotted for plantation purposes to different agencies, organisations and individuals, along with its present status and furnish the soft & hard copy of the same to this Department.
- Fresh plantations shall be allowed only on depleted forest lands, revenue forest land covered under the DLC list and Abad Ajogya Lands, which are unfit not only for agriculture, but also for other developmental requirements. While identifying Abad Ajogya Lands, care should also be taken to ascertain if the land has future potential for agrarian or industrial use. However, allotment of Abad Ajogya Anabdi lands, closer to urban areas having high potential for future growth, to be avoided.
- Plantation on road side lands and canal embankments shall also be done with prior written permission of the Collector of the District. However, proposal for bulk plantation on any compact patch of revenue land may be submitted to Government in R&DM Department for sanction of permissive possession under Rule 9-A of the OGLS Rules, 1983.
- The species for plantation should be finalized in consultation with the officials of the Forest Department and Horticulture Department.

Yours faithfully,

1.7.2017

Principal Secretary to Government

21262

Memo No. / **R&DM** **Date** 1-7-2017

Copy forwarded to Addl Chief Secretary, Forest and Environment Department/ PCCF, Odisha for information and necessary action.

1.7

Principal Secretary to Government

21263

Memo No. / **R&DM** **Date** 1-7-2017

Copy forwarded to all Tahsildars for information and necessary action.

1/7/17

Joint Secretary to Government

Memo No. 21264 **/ R&DM** **Date** 1-7-2017

Copy forwarded to Dy Secretaruy, IMU Cell to upload the letter in the Department website.

1/7/17

Joint Secretary to Government

F. No. 5-2/2017- FC
Government of India
Ministry of Environment, forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 28th March, 2019

To,

The Principal Secretary/Secretary (Forests),
All State/UT Governments.

Sub: Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980.

Sir,

In supersession of all guidelines issued in the past, a handbook of guidelines is issued for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. All the provisions enshrined in these guidelines will be applicable from 8th March 2019 onwards. The copy of comprehensive guidelines is available on Ministry's website: www.parivesh.nic.in.

This issue with the approval of competent authority.

Yours faithfully,

(Sandeep Sharma)
Assistant Inspector General of Forest (FC)

Copy to:

1. Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Mines/Coal/Steel/MoRTH/MoPNG/MHA/MoP/MoTA, Government of India, New Delhi.
3. Principal Chief Conservator of Forests, all State/UT Governments.
4. Nodal Officer (FCA), all State/ UT Governments.
5. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI, New Delhi.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI, New Delhi.
7. All IGF/ DIGF/AIGF in MoEF&CC, GoI, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC **with a request to place a copy of the letter on website of this Ministry.**
9. PPS to Secretary (EF&CC)/DGF&SS/ADGF(FC)/ADGF(Wildlife), MoEF&CC, New Delhi.
10. Guard File.

(Sandeep Sharma)
Assistant Inspector General of Forest (FC)

1/4/19

Handbook of

Forest (Conservation) Act, 1980

and

Forest Conservation Rules, 2003

(Guidelines & Clarifications)

Ministry of Environment, Forest and Climate Change

Government of India

2019

2. Compensatory Afforestation

2.1 Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.

2.2 Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

2.3 Land for CA:

(i) Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.

(ii) As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.

(iii) Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format

(iv) In case, non-forest land for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.

(v) In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs.The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.

(vi) In cases where non-forest land for CA is to be acquired by the User Agency throughoutright purchase from the individual owners, uploading/ submission of copy of letter from each of present owners of the land stating their willingness to sell the land to the user agency for creation, at the time of submission of application for grant of Stage-I approval under the FC Act, will be sufficient for consideration for grant of Stage-I approval for diversion of forestland required by the User Agency. Similarly, in cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority

in the State Government stating that land identified for CA will be transferred and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.

2.4. Clarification:

(i) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jharka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

(ii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.

(iii) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval.This dispensation shall be applicable for the Central, State and Private sector projects.

(iv) Provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.

(v) Any non-forest land for the purpose of Compensatory afforestation (CA), selected by the State Government, in lieu of forest land to be diverted may be accepted by MoEF&CC irrespective of crown density. All such lands shall be mutated in favour of State forest department and declared as protected forest prior to stage I approval.

(vi) State government shall prepare a CA scheme with 1000 plants per ha for all such non-forest lands. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions. All forest lands which have crown density below 40 percent should only be treated as degraded forest land for the purpose of CA.

(vii) Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

(viii) In case of bifurcation of States, during processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, if the land identified for creation of CA is within the undivided State, and the forest land proposed to be diverted does not fall in the same newly created State, proposals shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the State in which the forest land proposed to be diverted is located. In such cases, if Central Government agrees In-principle for diversion of forest land for non-forest purpose, it shall be subject to a condition that amounts realized from the user agency for creation and maintenance of compensatory afforestation shall be transferred from the State with which the money has been deposited to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realized from the concerned user agency and transferred to the State where CA is proposed. All other levies realized from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located.

(ix) Non-forest land, not coming under the purview of FC Act, 1980 reclaimed by any user agency by planting native species of a minimum of 1000 trees per hectare and of minimum 10 cm diameter at breast height can be considered as CA in lieu of forest land to be diverted, without levying planting cost.The ownership of the non-forest land identified for the purpose of CA is to be transferred and mutated in favour of the State/UT Forest Department and declared as RF/PF under the Indian Forest Act, 1927 or State Forest Act / Rules / Regulations, before the Stage II approval.

2.5 Special provisions for CA for certain categories of projects:

(i) CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of:

a. Laying of transmission lines;

b. Laying of telephone/optical fibre lines;

c. Mulberry plantation undertaken for silkworm rearing,

d. Diversion of linear or ‘strip’ plantations declared as protected forest along road/ rail/canal sides for widening or expansion of road/rail/canal,

e. Extraction of minor materials from the river beds,

f. The projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs

g. Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the areain hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.

h. For construction of small hydro-electric project (up to 25 MW) duly approved by the competent authority in the Government which would directly benefit the people of the area, i.e. in hill districts of the country having forest area exceeding 50% of the total geographical area, provided diversion of the forest land doesn't exceed five (5) hectares

(ii) For extraction of minor minerals from the river beds, if forest area to be diverted is above 500 hectares, CA over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted, subject to a minimum of 1000 plants/hectare for compensatory afforestation.

(iii) CA shall be raised and maintained over an equivalent area proposed for diversion in a degraded forest in RFs or such other forest land which are already under administrative control of the State Forest Department at the cost of the user agency in cases of Strategic Defence projects including infra-structure and road projects undertaken by the BRO orfalling within 100 km aerial distance from the Line of Actual Control (LAC) along Indo-China border and undertaken by any user agency identified by the Ministry of Defence.

(iv) CA shall be raised over equivalent degraded forest land of the forest area being diverted for actual impact zone of the Field Firing Range (FFR). If diversion of forest land for Field Firing Rangeis for actual impact area, CA has to be over degraded forest equal in extent of the forest area diverted, otherwise, it has to be over 10% of the forest area diverted.

(v) In case of proposal for construction of zoobeing submitted by central Government agency, thenCA will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted. In case, the project is being submitted and constructed by State Government agencies /private agencies, then CA will be done over non-forest land equivalent to 15 per cent of total area being diverted. In such cases the non-forest land shall be transferred, mutated in the name of forest department and notified as Protected Forest/Reserved forest (PF/RF)prior to stage II approval.

vi) In the State of Maharashtra, in lieu of diversion/regularization of encroachment over 86,409 ha. of zudpi jungle land (which has already under various non-forestry use) under Forest (Conservation) Act 1980, CA shall not be insisted by the Central Government subject to the condition that:

(a) the State Government will ensure the notification of 92,115 ha of Zudpi Jungle as RF/PF (16, 309 ha already notified and 75,806 ha to be notified), which has been considered suitable for forestry management, development and conservation, by the High-Powered Committee.

(b) the State Government shall submit a 10 years perspective plan for greening of the zudpi jungle land being notified to the Ministry of Environment &Forests which may also include compensatory afforestation to be taken against future diversions of the forest lands for State Government's purpose.

2.6. Provision for plantation of specified number of trees by way of CA in certain cases:

(i) In the following cases, cost of plantation (including ten years maintenance)of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:

(a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation,

(b) Diversion of forest land up to one hectare,

(c) Underground mining in forest land without surface rights,

(d) Renewal of mining lease for the forest area for which CA has already been paid,

(e) Diversion of forest land under the General Approval (GA) up to one hectare,

(f) Diversion of forest land upto 5.0 ha. in accordance with the General Approvals granted for activities carried out by Govt. Dept. in notified LWE Districts.

(ii) In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount forafforestationondegradedforest land,tobeselected elsewhere measuringoneandahalftimetheareaofforestlandundersafetyzonewith the StateForestDepartment in additiontodepositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation .

2.7 Identification of land banks for CA

(i) The States and UTs shall create land bank for CA for speedy disposal of the FC proposals under FC Act 1980.

(ii) In addition to non-forest land, the degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA.

(iii) The category of lands as specified in para2.4areapplicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

To expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with the Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following and other such forest areas on priority for inclusion in the land bank:

(a) Areas falling in wildlife corridors to improve connectivity between habitats;

(b) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas to ensure consolidation of such areas;

(c) Habitat of rare, threatened and endangered species of flora and fauna to ensure long term conservation of such habitats;

(d) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.

(iv) To monitor the progress of creation of land bank for CA following committee,

at each Regional Offices of the MoEF&CC will be constituted:

(a) The Head of Regional Office - Chairman

(b) Representatives of the National Tiger Conservation Authority (NTCA)-Member,

(c) Representatives of the FSI-member

(d) The Nodal Officers (FCA) of States/UTs under each Regional Offices of MoEF&CC-Members

The committee will review the progress in creation of land bank for CA in the States/UTs falling under jurisdiction of the Regional Offices and submit annual report or as and when required to the MoEF&CC.

2.8. Elements of Schemes for Compensatory Afforestation:

(i) CA over Non-Forest Land (NFL): Number of plants to be planted over Non-Forest Land identified for CA, shall be at least 1000 plants per hectare.

If the requisite number of plants @ 1000/ha cannot be planted on the non-forest land identified for taking up CA, then the balance number of the plants will be planted in degraded forest land as perthe provisions of working plans. The State Government will intimate to the MoEF&CC the names of the R.F./P.F. in which the balance seedlings will be planted. The User Agency will deposit the cost of planting (including maintenance for ten years).

(ii) Scheme for CA: The scheme for CA, to be submitted/uploaded at the time of applying for diversion of forest land for non-forest purpose, should be site specific, and include the following details: -

a) Details of non-forest or degraded forest land, along with land kisam (NF land) forest type, crown density, etc. (degraded forest) identified for raising CA.

b) Map showing the proposed NF/degraded forest area for CA and that of the nearby forest area and map of degraded forest land proposed.

c) Geo-referenced digital maps of CA (Polygon map with DGPS coordinates).

d) KML file of CA site in polygon shape to be uploaded online.

e) Detailed work schedule including year wise operations including saplings to be planted along with soil & moisture conservation, regeneration cleaning, silvicultural and other activities as prescribed in the working plan,species to be planted, including maintenance for 10 years and annual total costs in conformity with cost norms of the State/UT.

f) Agency responsible for afforestation.

g) Details of proposed monitoring mechanism, including infrastructural facility, if any required by the State/UT Govt.

h) Technical and administrative approvals from the competent authority.

i) The cumulative achievement of the State/UT Governments in respect of compensatory afforestation.

j) Undertaking by the UA to bear the cost of raising and maintenance of compensatory afforestation, Additional CA and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme (undertaking to be enclosed).

No. 43022/17/2021--LA&IR
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi -110001.
Dated: 29th March, 2022

To,

Chairman-cum-Managing Director,
Coal India Limited,
Coal Bhawan, Premise No. 4 MAR,
Plot No. AF III, Action Area 1A, New Town Rajarhat,
Kolkata – 700 156.

Sub. Transfer and mutation of non-forest land (biologically/ technically reclaimed) acquired under CBA (A&D) Act, 1957 to the State Forest Department for Compensatory Afforestation purpose against subsidiaries' forest land use proposal.

Sir,

I am directed to refer to your letter No. CIL/CH/2476 dated 23rd November, 2021 on the above mentioned subject. You have mentioned in your letter that subsidiaries of CIL, post DGPS survey & KML file preparation have identified about 2900 Ha biologically/ technically reclaimed non-forest land which can be transferred to State Forest department for Compensatory Afforestation purposes. The identified lands were originally acquired under CBA (A&D) Act, 1957. Under Section 10 of the CBA (A&D) Act, 1957 vesting of land or rights in Central Government on publication of declaration under Section 9 of official gazette. Subsequently, under Section 11, Central Government vests the same right to the Government Company (here subsidiaries of CIL). There is no such provision (s) in the said Act for transfer and mutation of the said land in favour of State Forest Department. You have also requested for necessary amendments in the CBA (A&D) Act, 1957 to sort out this issue.

2. As you are also aware that Government has not yet taken any decision to amend the Coal Bearing Areas (Acquisition & Development) Act, 1957. However, this matter has again been referred to Department of Legal Affairs, Ministry of Law and Justice for their advice. Department of Legal Affairs stated that issues under reference appear to be covered by their earlier advice dated 30.7.2015 and reiterated vide noted dated 13.8.2020, therefore, administrative Ministry is advised to examine the matter accordingly and take an administrative decision.

3. Department of Legal Affairs in their advice dated 30.7.2015 opined that "since the objective of acquisition of such lands has been satisfied by extracting coal therefrom, we are of the view that for the purpose of utilization of such land in public interest by way of using the same for afforestation/solar/renewable energy (Green Energy) there appears no need to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957 for achieving the desired objective. However, it may be noted that land acquired under the Coal Bearing Areas (Acquisition and Development) Act,

1957 vests in the Government Company as per the direction/vesting orders issued under Section 11(1) of the Act and therefore, the said direction/vesting order may appropriately be amended and a policy decision at appropriate level may be taken in the public interest for utilization of such mined out/unused/surplus land available with the Central Government/ Government Companies".

4. As per advice of the Department of Legal Affairs, Ministry of Law and Justice, this matter has been examined in the Ministry and now decided that we may transfer the non-forest land (s) (biologically/ technically reclaimed) acquired under CBA (A&D) Act, 1957 to the State Forest Department (s) for Compensatory Afforestation purposes against subsidiaries' forest land use proposal on long term lease basis. It is also clarified that ownership of these lands shall remain with Central Government.

5. In view of above, it is requested that kindly send the proposal for transfer of said lands to State Forest Departments to the Ministry of Coal for further examination and issue of amendments in earlier issued notifications (vesting orders) under Section 11(1) of the CBA (A&D), 1957. The proposal should come to the Ministry after approval of Board of subsidiaries and also Board of Directors of Coal India Limited.

6. This issues with the approval of Hon'ble Minister of Coal, Mines and Parliamentary Affairs.

Yours faithfully,

R S Saroj

(Ram Shiromani Saroj)
Deputy Secretary to the Govt. of India
Tel. 011-23380026
E-mail: rs.saroj@nic.in

Copy for information to: CMD, BCCL/CCL/ECL/MCL/NCL/SECL and WCL.

Circular No. 36/2016

Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

ITA.II division, North Block,
New Delhi, the 25th of October, 2016

Subject: Taxability of the compensation received by the land owners for the land acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('RFCTLAAR Act')-reg.-

Under the existing provisions of the Income-tax Act, 1961 ('the Act'), an agricultural land which is not situated in specified urban area, is not regarded as a capital asset. Hence, capital gains arising from the transfer (including compulsory acquisition) of such agricultural land is not taxable. Finance (No. 2) Act, 2004 inserted section 10(37) in the Act from 01.04.2005 to provide specific exemption to the capital gains arising to an Individual or a HUF from compulsory acquisition of an agricultural land situated in specified urban limit, subject to fulfilment of certain conditions. Therefore, compensation received from compulsory acquisition of an agricultural land is not taxable under the Act (subject to fulfilment of certain conditions for specified urban land).

2. The RFCTLARR Act which came into effect from 1st January, 2014, in section 96, *inter alia* provides that income-tax shall not be levied on any award or agreement made (except those made under section 46) under the RFCTLARR Act. Therefore, compensation received for compulsory acquisition of land under the RFCTLARR Act (except those made under section 46 of RFCTLARR Act), is exempted from the levy of income-tax.

3. As no distinction has been made between compensation received for compulsory acquisition of agricultural land and non-agricultural land in the matter of providing exemption from income-tax under the RFCTLARR Act, the exemption provided under section 96 of the RFCTLARR Act is wider in scope than the tax-exemption provided under the existing provisions of Income-tax Act, 1961. This has created uncertainty in the matter of taxability of compensation received on compulsory acquisition of land, especially those relating to acquisition of non-agricultural land. The matter has been examined by the Board and it is hereby clarified that compensation received in respect of award or agreement which has been exempted from levy of income-tax vide section 96 of the RFCTLARR Act shall also not be taxable under the provisions of Income-tax Act, 1961 even if there is no specific provision of exemption for such compensation in the Income-tax Act, 1961.

4. The above may be brought to the notice of all concerned.

5. Hindi version of the order shall follow.

(Rohit Garg)
Deputy Secretary to the Government of India

(F.No. 225/88/2016-ITA.II)

Copy to:

1. PS to Finance Minister/PS to MoS(Revenue)
2. PPS to Revenue Secretary
3. Chairperson(CBDT) and all Members of CBDT
4. All Pr.CCsIT/Pr.DsGIT
5. Web-manager for uploading on Departmental website and placing the order in public domain
6. CIT(M &TP), CBDT with request to issue Press-Note in the matter
7. All Officers and Technical Sections of CBDT
8. ITCC Division of CBDT (3 copies)
9. Addl. CIT, Database Cell for uploading on IRS Officers website
10. ADG(PR,PP & OL) with request for placing on official handle of the department
11. Guard File

(Rohit Garg)
Deputy Secretary to the Government of India

BY FAX/ E-mail

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

No. IVC-II- 11/2012 - 6341 **/ R & DM. Dtd.** 21-2-2013

From
Dr. Taradatt, IAS
Principal Secretary to Government

To
All Collectors

Sub: Sanction / regularization of advance possession of Government land.

Madam/Sir,

I am directed to say that Revenue & D.M. Department has been following the practice of sanctioning advance possession of Government land in favour of various Central/ State Government Departments, Corporations, Undertakings, other institutions, organizations etc. with a view to expediting availability of Government land for implementation of various projects in the field pending observance of due formalities of sanction of lease. However, soon after sanction of advance possession, the competent revenue authorities are required to sanction the lease/ alienation of the said land as per the delegation of powers made under schedule-II appended to the OGLS Rules, 1983 subject to realization of premium and other dues and execution of lease deed wherever necessary.

But, experience shows that in a number of cases, after the land is handed over to the beneficiary organizations, neither the concerned revenue officials nor the organizations take interest in regularizing such advance possession cases.

As per information available in this Department, about 15,000 acres of Government land throughout the State has been handed over to various organizations on advance possession basis without sanction of formal lease/ alienation. As a result, the State Government is losing a huge amount of revenue towards premium, ground rent etc. Besides, the C & AG, in their various audit reports, have raised objections to non-realization of Government dues on account of such transfer of Government land to beneficiary organizations in different

Tahasils of the State by concerned revenue authorities. Recently, the Public Accounts Committee of the O.L.A., while reviewing the position regarding advance possession of Government land pending regularization, expressed serious displeasure and observed that the matter should be pursued vigorously so that all cases of advance possession pending for regularization, be regularized within a period of three months.

In this connection, it may be noted that Government in erstwhile Revenue Department in G.O. No. 31385/R dated 27.5.1987, has delegated powers to the sub-ordinate revenue authorities for sanction of advance possession of Government land in favour of different Departments of the State Government with limitation to the extent specified therein. In all cases except for the cases in which powers have been delegated in the aforesaid G.O., only Government has the authority to sanction advance possession of Government land.

Keeping the above facts in view, Government, after careful consideration, have been pleased to decide that except in rare cases, proposal for sanction of advance possession of Government land in favour of Central Government, Central / State Government Undertakings or Corporations, other institutions/ organizations for any purpose shall not be considered by any revenue authority. However, in the exceptional cases, where the Collector of the concerned district, due to certain urgency and sufficient reasons, considers it expedient to hand over Government land to a Central Government Department, Central / State Government Undertaking or Corporation, other institution/ organization on advance possession basis, he/she may send such proposal with proper justification to this Department which shall be disposed of after obtaining orders of Government at the appropriate level. Such sanction of advance possession shall be subject to the condition that the land shall revert to Revenue & D.M. Department if the beneficiary Department/ organization fails to execute the lease deed within three months of sanction of advance possession and sanction of lease by the competent authority.

When such competent authority is other than the district Collector, he/she shall send the proposal for sanction of lease to the next higher authority (RDC concerned) within two months of giving of advance possession and such authority shall grant the lease if it is within his power or transmit to the next higher authority within fifteen days. When Government is the lease sanctioning authority,

the proposal shall reach this Department within three months from the date of sanction of advance possession without fail. In case of deviation at any level, accountability shall be fixed on the officer concerned.

However, the aforesaid instructions will not apply to the cases where powers to sanction advance possession of Government land in favour of Departments of the State Government have been delegated in favour of sub-ordinate revenue authorities vide erstwhile Revenue Department G.O. No. 31385/R dated 27.5.1987.

Further, Government desires that the matter of advance possession of Government land pending regularization should be discussed in the monthly Revenue officers' meeting at the district level, case-to-case review be made and all possible steps taken towards regularization of advance possession. The progress of each case of advance possession may be reported to this Department on quarterly basis for review at this end.

Yours faithfully,

21.2.13

Principal Secretary to Government

By FAX

Memo No. 6342 /R&D.M. dtd. 21-2-13

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action. They are requested to issue instruction to all Collectors to be proactive in regularizing advance possession granted in past or resume the land if the beneficiary organization shows no response. Further, it is impressed that steps should be taken to recover the dues payable to Government by filing cases against the defaulting organizations under the Odisha Public Demands Recovery Act.

21.2.13

Principal Secretary to Government

Memo No. 6343 /R&D.M. dtd. 21-2-13

Copy forwarded to Under Secretary, IMU Cell/ LR & GE (A)/ (B)/(C) Branch of Revenue & D.M. Department for information and necessary action.

21.2.13

Principal Secretary to Government

BY FAX

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

No.GE(GL)-S- 17/2012 - 45220 **/ R & DM. Dtd.** 8/10/12

From

Dr. Taradatt, IAS
Principal Secretary to Government

To

All Collectors

Sub: Realization of capitalized value of land revenue in addition to premium in respect of Government land alienated in favour of Ministries / Departments of the Central Government.

Madam/Sir,

I am directed to say that the erstwhile Revenue & Excise Department in G.O. No. 57994 dated 4.9.1964 had communicated the decision of Government that in case of transfer of Government land to Union Government, the latter would have to pay the market value of the land which would include capitalized value of land revenue at 25 times of the annual rental. Thus, as per the said G.O., the Union Government are liable to pay market value of the land and capitalized value of land revenue which is 25 times of the annual rental at the time of alienation of Government land. The Union Government will not have to pay annual ground rent and cess. However, the G.O did not specify whether annual rental includes rent and cess or only rent.

2. Doubts have been raised in various quarters as to whether the capitalized value of land revenue would mean 25 times of annual ground rent and cess or 25 times of ground rent only.

3. The matter was examined in consultation with Law Department as well as Finance Department and this Department in Letter No. 44023/R&D.M. dated 16.11.2009 addressed to Estate Manager, DRDO, Chandipur, Balasore with copy to all Collectors vide Memo No. 44026/R&D.M. of even date, has clarified that land revenue includes the ground rent and cess and hence the capitalized value of both these items is leviable on the Central Government Organisations.

4. Even after issue of the clarification as above, various Central Government Organisations have been requesting the State Government to waive out the cess portion of the capitalized value of land revenue.

5. On the other hand, C& AG, in their various audit reports, have raised objections to non-realization of cess portion of the capitalized value from the Central Government in different Tahasils of the State by concerned revenue authorities.

6. In view of the above position, it is felt necessary to issue a general clarification to all field level revenue functionaries to settle the issue.

7. In this context, Government, after careful consideration, have been pleased to clarify as follows:-

i) The Central Government Ministries / Departments are liable to pay capitalized value of land revenue, which is equivalent to 25 times of annual ground rent and cess in addition to premium of the Government land being alienated in their favour for execution of various projects.

ii) In cases where the Central Government Ministries/ Departments have been allotted Government land on payment of capitalized value of land revenue which included 25 times of annual ground rent only by way of sanction orders issued by competent authorities on or after 16.11.2009 i.e. the date on which the earlier clarification was issued by this Department, cess portion of the capitalized value may be realized from such Ministries/Departments as arrear of land revenue.

iii) The cases where lease/alienation has already been sanctioned by competent authority before 16.11.2009 by realizing capitalized value of land revenue, which included 25 times of annual ground rent only, need not be re-opened.

iv) Payment of capitalized value of land revenue will be applicable in cases of alienation of Government land only in favour of Ministries/Departments of the Central Government. However, the Undertakings/ Organizations/ Corporations/ autonomous bodies under Central Government will have to pay the annual ground rent and cess in addition to premium in case of transfer of Government land in their favour.

8. All concerned field level revenue functionaries may be informed accordingly.

Yours faithfully,

6.10.12

Principal Secretary to Government

FAX Memo No. 45221 /R&D.M. dtd. 8/10/12

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

6.10.12

Principal Secretary to Government

Memo No. 45222 /R&D.M. dtd. 8/10/12

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

6.10.12

Principal Secretary to Government

Memo No. 45223 /R&D.M. dtd. 8/10/12

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

6/10/12

Joint Secretary to Government

Memo No. 45224 /R&D.M. dtd. 8/10/12

Copy forwarded to OIC, IMU Cell/ LR & GE(A)/(B)/(C)/Budget (B) Branch of Revenue & D.M. Department for information and necessary action.

6/10/12

Joint Secretary to Government

No. 43022/1/2020-LAIR
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi – 110001.
Dated: 22nd April, 2022

OFFICE MEMORANDUM

Sub. Policy Guidelines for use of land acquired under the Coal Bearing Areas (Acquisition & Development) Act, 1957.

Ministry of Coal have been receiving requests for leasing of land acquired under the Coal Bearing Areas (Acquisition & Development) Act, 1957 ('the CBA Act') for multiple purposes that are ancillary to coal mining. Many activities in coal mines are performed by the private sector under different models of development and financing as per the decisions of the Board of the Government Coal Companies. It is felt expedient to formulate a policy to provide land on lease to other CPSUs, State Governments (including its PSUs) and private entities to set up coal related infrastructure development on CBA acquired land.

2. Accordingly, with the approval of the Union Cabinet dated 13th April, 2022, it has been decided that lands acquired under the CBA Act may be considered for granting on lease by the land owning Public Sector Undertakings ('PSUs')/ coal company to other CPSUs, State Governments (including its PSUs) and private entities for development of coal infrastructure and other development activities without change in ownership of the lands.

3. Leasing of the land for the purpose of setting up of infrastructure relating to coal and other development infrastructure shall ensure use of de-coaled/idle land for the welfare of the project affected persons, energy sector and environmental upgradation. Such use of these lands will boost industrial activity in the nearby areas and generate employment.

4. **The leasing of lands shall be in accordance with the following Policy Guidelines and Terms and Conditions**:

(1) Only the following types of lands will be considered:

(a) Lands which are no longer suitable or economically viable for coal mining activities; or

(b) Lands from which coal has been mined out / de-coaled and such land has been reclaimed.

(2) Before considering the land for leasing out, a certificate from Central Mine Planning and Design Institute Limited (CMPDIL) shall be obtained stating that the land which is being considered for leasing fulfills the conditions mentioned in clause (1) above.

(3) Board of the land-owning coal company shall also record how the land which is being considered for leasing fulfill the conditions mentioned in clause (1) above and reasons for considering such land for leasing out.

(4) The Board of the Company shall be the competent authority to approve all land lease proposals as per this Policy.

(5) The lands will be considered for the following coal infrastructure development activities and for such period of lease as mentioned against each activity:

(a) to set up Coal Washeries (maximum lease period 30 years);

(b) to set up Conveyor Systems (maximum lease period 30 years);

(c) to establish Coal Handling Plants (maximum lease period 30 years);

(d) to construct Railway Sidings (maximum lease period 30 years);

(e) Rehabilitation and Resettlement of Project Affected Families due to acquisition of land under the CBA (A&D) Act, 1957 or other land acquisition laws (maximum lease period 99 years);

(f) to set up thermal and renewable power projects (maximum lease period 35 years);

(g) to set up or provide for coal development related infrastructure including afforestation (maximum lease period 99 years), hospitals (maximum lease period 99 years), project office (maximum lease period 30 years), etc.

(h) to provide Right of Way (in case of railway line and highways 99 years, and in other cases maximum lease period 30 years or life of infrastructure whichever is lower);

(i) Coal gasification and coal to chemical plants (maximum lease period 35 years);

(j) Coal bed methane (CBM) extraction (maximum lease period 30 years or as may be allowed by the Government to the CBM concession holder); and

(k) to set up or provide for energy related infrastructure.

(6) Ministry of Coal can issue directions to reduce or increase the lease period depending upon necessity, ground realities and specific nature of the project.

(7) Leasing out of the land to private entities for above proposed activity shall be through a transparent, fair and competitive bid process and mechanism in order to achieve optimal value.

(8) A Memorandum of Understanding (MoU) / agreement will be signed between beneficiary organization/ lessee and concerned land owning PSU (Government company).

(9) Beneficiary organization / lessee will ensure that land is used for the purpose for which it was provided to them. Utilization of land for any other purpose shall lead to cancellation.

(10) Coal company shall be empowered to impose penalty on beneficiary organization/ lessee as may be specified in the MoU/ lease agreement.

(11) Board of concerned coal company will fix lease rent as per prevalent rules and regulations. The revenue from the proposed activity (s) on lease of land by a Coal Company shall accrue to concerned Coal Company.

(12) On completion of work or on expiry of lease, the CBA lands would be returned to the land-owning PSU/ Central Government without any claim and free from all encumbrances without the infrastructure built thereon by the lessee/ beneficiary organization.

(13) Existing washeries, if any, which were established by the PSUs and private entities on allotment/ auction basis and have not completed the maximum lease period are also included in the instant policy regarding land use.

(14) Right of Way permission shall include non-coal uses such as laying pipelines/ conveyors and other miscellaneous public utility uses such as gas pipelines, drinking water pipelines, railway lines, telephone lines, transmission lines, roads and highways, etc. on rent basis to other PSUs, State Governments (including its PSUs) and private entities.

(15) All the applicable terms and conditions mentioned in the instant Policy Guidelines shall be necessarily included in the MoU/ agreement.

(16) Right of Way shall not be transferable or inheritable right. It shall not constitute any right or title in favour of beneficiary organization/ lessee, except as specified in the MoU.

(17) In case, a land owning PSU (Government company) invites investment in related infrastructure for providing services to the coal company itself, a lease rent may be charged for allowing use of land from the lessee. In such case, the coal company may allow some flexibility to the lessee for providing surplus services to entities other than the land owning coal company.

(18) In those cases where the infrastructure is not being created at the instance/ invitation of the coal company but sought to be created by a coal consumer, then annual rent for the 'Right of Way' may be decided by the Board of the concerned coal company keeping in mind the commercial advantage of such arrangements. It shall not constitute or create any right of easement.

(19) The lease may include mortgageable rights for the PSU/ State Governments/ private entities only over the assets of the lessee and rights, title or interest created in favour of the lessee under the MoU/ agreement in order to make the project viable. The basis for lease rental may be clearly provided by the PSU in the bidding document. The financial decisions with regard the PSU shall be taken by the Board of the PSU, which shall take into consideration above mentioned conditions and guidelines issued by the Central Government.

(20) The Memorandum of Understanding (MoU)/ agreement signed between beneficiary organization/ lessee and concerned land owning PSU shall clearly specify the following:

(a) Ownership of the land shall always remain vested with the land owning PSU and any creation of charge or mortgage over the assets of the lessee and on the lease rights shall not affect the ownership of the land owning PSU over such land.

(b) The MoU/ agreement or rights, title or interest created in favour of the lessee under the MoU/ agreement shall not be assigned by the lessee to any person save and except with the prior consent in writing of the land owning PSU, which

consent the land owning PSU shall be entitled to decline without assigning any reason.

(c) Mortgages/ pledges/ hypothecation over the goods/ assets or rights, title or interests of the lessee may be created by the lessee in the ordinary course of business and as security for securing Financial Assistance, provided that such charge shall not be effective before Financial Close and shall not continue for a period exceeding the period of lease.

(21) While setting up of coal washeries, the beneficiary organization/ lessee shall make adequate provision for proper management/ treatment of waste water generated from them and its reuse, wherever possible, should be made. Further, the mechanism for washing of coal should be such that there is no contamination/ pollution of ground water or surface water.

(22) In the case of Rehabilitation and Resettlement projects for Affected families, provisions of adequate sanitation facilities (including Community Sanitary Complexes) may be essentially made to ensure that such habitations/ colonies are always Open Defecation Free, and that No One is Left Behind in having access to a toilet. Along with sanitation facilities, individual household tap connections may be provided in pursuance of Jal Jeevan Mission objective.

(23) While finalizing the land use planning, adequate provisions for ensuring drinking water security by way of rainwater harvesting/ groundwater recharge by utilizing existing natural detention basins in the area by executing adequate drainage works shall be ensured by the beneficiary organization/ lessee.

(24) The area being planned to be leased should not have overlap with any of the existing CBM/ PSC/ DSF/ OALP blocks granted by Ministry of Petroleum & Natural Gas, except in case where lease is being granted for CBM extraction.

(25) The directions/ conditions contained in the vesting order issued under section 11(1) of the CBA Act will be suitably amended to empower the Government Companies to grant lease for coal and energy related developmental activities in accordance with these Policy Guidelines issued by the Ministry of Coal, Government of India.

5. This is issued with the approval of the Competent Authority.

22/4/22

(M. Nagaraju)
Additional Secretary to the Government of India
Tel: 011-23383356

To,

1. Chairman, Coal India Limited, Coal Bhawan Premise No. 4 MAR, Plot No. AF-III, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700156.
2. Director Technical, Coal India Limited, Coal Bhawan Premise No. 4 MAR, Plot No. AF-III, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700156.
3. Chairman-cum-Managing Director, Bharat Coking Coals Limited, Kolya Bhawan, Koyla Nagar, Dhanbad – 826005.

4. Chairman-cum-Managing Director, Central Coalfields Limited, Darbhanga House, Kutchery Road, Ranchi – 834 029.
5. Chairman-cum-Managing Director, Eastern Coalfields Limited, Sanctoria, P.O. Dishergah – 713 333.
6. Chairman-cum-Managing Director, Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Odisha – 768 020.
7. Chairman-cum-Managing Director, Northern Coalfields Limited, Singrauli, Madhya Pradesh.
8. Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh – 495 006.
9. Chairman-cum-Managing Director, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur – 440 001.
10. Chairman-cum-Manging Director, Central Mine Planning & Design Institute Limited (CMPDIL), Gondwana Place, Kanke Road, Ranchi – 834031.
11. Coal Controller, Coal Controller's Organization, Ministry of Coal, Scope Minar, 5th Floor, Core-II, Laxmi Nagar, Delhi - 110092.
12. CMDs/MDs of all other Central Public Sector Undertakings/ State Public Sector Undertakings who has acquired/ is being acquired land for coal mining purposes under CBA (A&D) Act, 1957.
13. Senior Technical Director (NIC), Ministry of Coal – with request to upload this OM on website of Ministry of Coal.

Copy for information to:

i. Shri S.G.P. Verghese, Joint Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
ii. Shri R. Vyasan, Director, Prime Minister's Office, South Block, New Delhi.
iii. PSO to Secretary (Coal), Ministry of Coal, Shastri Bhawan, New Delhi.
iv. PPS to Additional Secretary and Nominated Authority, Ministry of Coal, Shastri Bhawan, New Delhi.
v. Joint Secretary & Financial Adviser, Ministry of Coal, Shastri Bhawan, New Delhi.
vi. Chief Secretaries of Assam, Arunachal Pradesh, Chhattisgarh, Gujarat, Jharkhand, Meghalaya, Madhya Pradesh, Maharashtra, Nagaland, Odisha, Rajasthan, Uttar Pradesh and West Bengal.

22/4/22

(M. Nagaraju)
Additional Secretary to the Government of India
Tel: 011-23383356

No. 49029/3/2022-LAIR
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi – 110001.
Dated: 7th April, 2022

To,
Chairman-cum-Managing Director,
Coal India Limited,
Coal Bhawan Premise No. 04 MAR,
Plot No. AF-III, Action Area-1A,
Newtown, Rajarhat,
Kolkata – 700 156.

Chairman-cum-Managing Director,
NLC India Limited
No. 135, EVR Periyar High Road,
Kilpauk, Chennai – 600 010,
Tamil Nadu.

Chairman-cum-Managing Director,
Singareni Collieries Company Limited,
Kothagudem Collieries
Bhadradri Kothagudem District,
Telangana State – 507 101.

Sub. Entry of name of Government companies into the land records for the land acquired under Coal Bearing Areas (Acquisition and Development) Act, 1957.

Sir,

Please refer to letters dated 12.02.1999, 20.03.2002, 03.04.2002 and 24.04.2007 issued by Ministry of Coal in which it was communicated that -

*"**(a) Mutation:** In terms of Section 10 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, on the publication in the Official Gazette of the declaration under Section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government free from all encumbrances. Similarly Section 3(1) of the Coal Mine (Nationalization) Act, 1972 provides that on the appointed day, the right, title and interest of the owners in relation to the Coal mines or the Coking coal mines, as the case may be, specified in the Schedules respectively shall stand transferred to, and shall vest absolutely in the Central Government free from all encumbrances. By virtue of the aforesaid provisions, Coal mines vest absolutely in the Central Government and thereafter the rights of the Central Government in relation to lands, Coal mines or Coking Coal mines, as the case may be, are made exercisable by a Government company by virtue of Section 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, Section 5 of the Coal Mines (Nationalization) Act, 1972, respectively. Since neither, the Central Government nor a Government company, in which the rights of the Central Government are so vested, are tenants of the State Government the question of*

R Sam

seeking any mutation for entry in the Tenant's Ledger in relation to the lands under the management and control of CCL does not arise in law.

(b) Land Rent: *As is clear from the aforesaid provisions of law that the lands or the rights in or over the land, as the case may be, vest absolutely in the Central Government free from all encumbrances, there is no case as such, nor any provision in the law, for payment of surface rent or land rent of any kind on such lands. Section 18A of the CBA (A&D) Act, 1957 provides for payment of royalty under a mining lease granted by the State Government. Coal companies are paying such royalty to the concerned State Government as is prescribed from time to time."*

2. From the above, it is established that the land acquired under CBA Act and vested into the coal companies under S.11 of the said Act grants absolute ownership of land or the rights in or over the land, free from all encumbrances in the coal company. Therefore, Government coal companies may consider getting the land records mutated in the name of the company as an absolute owner to prevent fraudulent transactions and legal complications. However, it is to be ensured that name of Government company may not be entered in the Tenant's Ledger of the respective State Government.

3. Further, in no case the company is to be treated as a 'tenant' by the State Govt. or be directed to mutate the land records as a tenant or be required to make payments in form of rent/fee/charge/tax applicable on tenants since the government company is the absolute owner of such land. However, any charge/fee/tax applicable to owner of the land or to be paid by the owner for any process of mutation/ updation of land record shall be payable by the government company.

4. This issues with the approval of Secretary (Coal).

Yours faithfully,

R S Saroj

(Ram Shiromani Saroj)
Deputy Secretary to the Government of India
Tel: 011-23380026

Copy to:

i. Chief Secretaries of Assam, Arunachal Pradesh, Chhattisgarh, Gujarat, Jharkhand, Meghalaya, Madhya Pradesh, Maharashtra, Nagaland, Odisha, Rajasthan, Uttar Pradesh and West Bengal.
ii. CMD, BCCL/CCL/ECL/MCL/NCL/SECL/WCL/CMPDI.
iii. CMDs/MDs of all other Central Public Sector Undertakings/ State Public Sector Undertakings acquiring land for coal mining under CBA (A&D) Act, 1957.
iv. Senior Technical Director (NIC), Ministry of Coal – with request to upload this letter on website of Ministry of Coal.

****

No. 43022/1/2020-LAIR
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi – 110001.
Dated: 22nd April, 2022

OFFICE MEMORANDUM

Sub. Policy Guidelines for use of land acquired under the Coal Bearing Areas (Acquisition & Development) Act, 1957.

Ministry of Coal have been receiving requests for leasing of land acquired under the Coal Bearing Areas (Acquisition & Development) Act, 1957 ('the CBA Act') for multiple purposes that are ancillary to coal mining. Many activities in coal mines are performed by the private sector under different models of development and financing as per the decisions of the Board of the Government Coal Companies. It is felt expedient to formulate a policy to provide land on lease to other CPSUs, State Governments (including its PSUs) and private entities to set up coal related infrastructure development on CBA acquired land.

2. Accordingly, with the approval of the Union Cabinet dated 13th April, 2022, it has been decided that lands acquired under the CBA Act may be considered for granting on lease by the land owning Public Sector Undertakings ('PSUs')/ coal company to other CPSUs, State Governments (including its PSUs) and private entities for development of coal infrastructure and other development activities without change in ownership of the lands.

3. Leasing of the land for the purpose of setting up of infrastructure relating to coal and other development infrastructure shall ensure use of de-coaled/idle land for the welfare of the project affected persons, energy sector and environmental upgradation. Such use of these lands will boost industrial activity in the nearby areas and generate employment.

4. **The leasing of lands shall be in accordance with the following Policy Guidelines and Terms and Conditions**:

(1) Only the following types of lands will be considered:

(a) Lands which are no longer suitable or economically viable for coal mining activities; or

(b) Lands from which coal has been mined out / de-coaled and such land has been reclaimed.

(2) Before considering the land for leasing out, a certificate from Central Mine Planning and Design Institute Limited (CMPDIL) shall be obtained stating that the land which is being considered for leasing fulfills the conditions mentioned in clause (1) above.

(3) Board of the land-owning coal company shall also record how the land which is being considered for leasing fulfill the conditions mentioned in clause (1) above and reasons for considering such land for leasing out.

(4) The Board of the Company shall be the competent authority to approve all land lease proposals as per this Policy.

(5) The lands will be considered for the following coal infrastructure development activities and for such period of lease as mentioned against each activity:

(a) to set up Coal Washeries (maximum lease period 30 years);

(b) to set up Conveyor Systems (maximum lease period 30 years);

(c) to establish Coal Handling Plants (maximum lease period 30 years);

(d) to construct Railway Sidings (maximum lease period 30 years);

(e) Rehabilitation and Resettlement of Project Affected Families due to acquisition of land under the CBA (A&D) Act, 1957 or other land acquisition laws (maximum lease period 99 years);

(f) to set up thermal and renewable power projects (maximum lease period 35 years);

(g) to set up or provide for coal development related infrastructure including afforestation (maximum lease period 99 years), hospitals (maximum lease period 99 years), project office (maximum lease period 30 years), etc.

(h) to provide Right of Way (in case of railway line and highways 99 years, and in other cases maximum lease period 30 years or life of infrastructure whichever is lower);

(i) Coal gasification and coal to chemical plants (maximum lease period 35 years);

(j) Coal bed methane (CBM) extraction (maximum lease period 30 years or as may be allowed by the Government to the CBM concession holder); and

(k) to set up or provide for energy related infrastructure.

(6) Ministry of Coal can issue directions to reduce or increase the lease period depending upon necessity, ground realities and specific nature of the project.

(7) Leasing out of the land to private entities for above proposed activity shall be through a transparent, fair and competitive bid process and mechanism in order to achieve optimal value.

(8) A Memorandum of Understanding (MoU) / agreement will be signed between beneficiary organization/ lessee and concerned land owning PSU (Government company).

(9) Beneficiary organization / lessee will ensure that land is used for the purpose for which it was provided to them. Utilization of land for any other purpose shall lead to cancellation.

(10) Coal company shall be empowered to impose penalty on beneficiary organization/ lessee as may be specified in the MoU/ lease agreement.

(11) Board of concerned coal company will fix lease rent as per prevalent rules and regulations. The revenue from the proposed activity (s) on lease of land by a Coal Company shall accrue to concerned Coal Company.

(12) On completion of work or on expiry of lease, the CBA lands would be returned to the land-owning PSU/ Central Government without any claim and free from all encumbrances without the infrastructure built thereon by the lessee/ beneficiary organization.

(13) Existing washeries, if any, which were established by the PSUs and private entities on allotment/ auction basis and have not completed the maximum lease period are also included in the instant policy regarding land use.

(14) Right of Way permission shall include non-coal uses such as laying pipelines/ conveyors and other miscellaneous public utility uses such as gas pipelines, drinking water pipelines, railway lines, telephone lines, transmission lines, roads and highways, etc. on rent basis to other PSUs, State Governments (including its PSUs) and private entities.

(15) All the applicable terms and conditions mentioned in the instant Policy Guidelines shall be necessarily included in the MoU/ agreement.

(16) Right of Way shall not be transferable or inheritable right. It shall not constitute any right or title in favour of beneficiary organization/ lessee, except as specified in the MoU.

(17) In case, a land owning PSU (Government company) invites investment in related infrastructure for providing services to the coal company itself, a lease rent may be charged for allowing use of land from the lessee. In such case, the coal company may allow some flexibility to the lessee for providing surplus services to entities other than the land owning coal company.

(18) In those cases where the infrastructure is not being created at the instance/ invitation of the coal company but sought to be created by a coal consumer, then annual rent for the 'Right of Way' may be decided by the Board of the concerned coal company keeping in mind the commercial advantage of such arrangements. It shall not constitute or create any right of easement.

(19) The lease may include mortgageable rights for the PSU/ State Governments/ private entities only over the assets of the lessee and rights, title or interest created in favour of the lessee under the MoU/ agreement in order to make the project viable. The basis for lease rental may be clearly provided by the PSU in the bidding document. The financial decisions with regard the PSU shall be taken by the Board of the PSU, which shall take into consideration above mentioned conditions and guidelines issued by the Central Government.

(20) The Memorandum of Understanding (MoU)/ agreement signed between beneficiary organization/ lessee and concerned land owning PSU shall clearly specify the following:

(a) Ownership of the land shall always remain vested with the land owning PSU and any creation of charge or mortgage over the assets of the lessee and on the lease rights shall not affect the ownership of the land owning PSU over such land.

(b) The MoU/ agreement or rights, title or interest created in favour of the lessee under the MoU/ agreement shall not be assigned by the lessee to any person save and except with the prior consent in writing of the land owning PSU, which

consent the land owning PSU shall be entitled to decline without assigning any reason.

(c) Mortgages/ pledges/ hypothecation over the goods/ assets or rights, title or interests of the lessee may be created by the lessee in the ordinary course of business and as security for securing Financial Assistance, provided that such charge shall not be effective before Financial Close and shall not continue for a period exceeding the period of lease.

(21) While setting up of coal washeries, the beneficiary organization/ lessee shall make adequate provision for proper management/ treatment of waste water generated from them and its reuse, wherever possible, should be made. Further, the mechanism for washing of coal should be such that there is no contamination/ pollution of ground water or surface water.

(22) In the case of Rehabilitation and Resettlement projects for Affected families, provisions of adequate sanitation facilities (including Community Sanitary Complexes) may be essentially made to ensure that such habitations/ colonies are always Open Defecation Free, and that No One is Left Behind in having access to a toilet. Along with sanitation facilities, individual household tap connections may be provided in pursuance of Jal Jeevan Mission objective.

(23) While finalizing the land use planning, adequate provisions for ensuring drinking water security by way of rainwater harvesting/ groundwater recharge by utilizing existing natural detention basins in the area by executing adequate drainage works shall be ensured by the beneficiary organization/ lessee.

(24) The area being planned to be leased should not have overlap with any of the existing CBM/ PSC/ DSF/ OALP blocks granted by Ministry of Petroleum & Natural Gas, except in case where lease is being granted for CBM extraction.

(25) The directions/ conditions contained in the vesting order issued under section 11(1) of the CBA Act will be suitably amended to empower the Government Companies to grant lease for coal and energy related developmental activities in accordance with these Policy Guidelines issued by the Ministry of Coal, Government of India.

5. This is issued with the approval of the Competent Authority.

22/4/22

(M. Nagaraju)
Additional Secretary to the Government of India
Tel: 011-23383356

To,

1. Chairman, Coal India Limited, Coal Bhawan Premise No. 4 MAR, Plot No. AF-III, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700156.
2. Director Technical, Coal India Limited, Coal Bhawan Premise No. 4 MAR, Plot No. AF-III, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700156.
3. Chairman-cum-Managing Director, Bharat Coking Coals Limited, Kolya Bhawan, Koyla Nagar, Dhanbad – 826005.

4. Chairman-cum-Managing Director, Central Coalfields Limited, Darbhanga House, Kutchery Road, Ranchi – 834 029.
5. Chairman-cum-Managing Director, Eastern Coalfields Limited, Sanctoria, P.O. Dishergah – 713 333.
6. Chairman-cum-Managing Director, Mahanadi Coalfields Limited, Jagriti Vihar, Burla, Odisha – 768 020.
7. Chairman-cum-Managing Director, Northern Coalfields Limited, Singrauli, Madhya Pradesh.
8. Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh – 495 006.
9. Chairman-cum-Managing Director, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur – 440 001.
10. Chairman-cum-Manging Director, Central Mine Planning & Design Institute Limited (CMPDIL), Gondwana Place, Kanke Road, Ranchi – 834031.
11. Coal Controller, Coal Controller's Organization, Ministry of Coal, Scope Minar, 5th Floor, Core-II, Laxmi Nagar, Delhi - 110092.
12. CMDs/MDs of all other Central Public Sector Undertakings/ State Public Sector Undertakings who has acquired/ is being acquired land for coal mining purposes under CBA (A&D) Act, 1957.
13. Senior Technical Director (NIC), Ministry of Coal – with request to upload this OM on website of Ministry of Coal.

Copy for information to:

i. Shri S.G.P. Verghese, Joint Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
ii. Shri R. Vyasan, Director, Prime Minister's Office, South Block, New Delhi.
iii. PSO to Secretary (Coal), Ministry of Coal, Shastri Bhawan, New Delhi.
iv. PPS to Additional Secretary and Nominated Authority, Ministry of Coal, Shastri Bhawan, New Delhi.
v. Joint Secretary & Financial Adviser, Ministry of Coal, Shastri Bhawan, New Delhi.
vi. Chief Secretaries of Assam, Arunachal Pradesh, Chhattisgarh, Gujarat, Jharkhand, Meghalaya, Madhya Pradesh, Maharashtra, Nagaland, Odisha, Rajasthan, Uttar Pradesh and West Bengal.

22/4/22

(M. Nagaraju)
Additional Secretary to the Government of India
Tel: 011-23383356

No. 49029/3/2022-LAIR
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi – 110001.
Dated: 7th April, 2022

To,

Chairman-cum-Managing Director,
Coal India Limited,
Coal Bhawan Premise No. 04 MAR,
Plot No. AF-III, Action Area-1A,
Newtown, Rajarhat,
Kolkata – 700 156.

Chairman-cum-Managing Director,
NLC India Limited
No. 135, EVR Periyar High Road,
Kilpauk, Chennai – 600 010,
Tamil Nadu.

Chairman-cum-Managing Director,
Singareni Collieries Company Limited,
Kothagudem Collieries
Bhadradri Kothagudem District,
Telangana State – 507 101.

Sub. Transactions of land taking place in the intervening period of notifications under section 4(1) and section 9(1) of the CBA (A&D) Act, 1957 – reg.

Sir,

I am directed to inform you that as per the current practice the transactions of land taking place in the intervening period of notifications under section 4(1) and section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 are taken into account.

2. Prior to the declaration of acquisition under section 9, objections from all persons becoming interested in the land due to all such intervening transactions are decided.

3. The above position is re-iterated for compliance of all Government Companies acquiring land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

4. This issues with the approval of Secretary (Coal).

Yours faithfully,

R S Saroj

(Ram Shiromani Saroj)
Deputy Secretary to the Government of India
Tel: 011-23380026

Copy to:

i. CMD, BCCL/CCL/ECL/MCL/NCL/SECL/WCL/CMPDI.
ii. CMDs/MDs of all other Central Public Sector Undertakings/ State Public Sector Undertakings acquiring land for coal mining under CBA (A&D) Act, 1957.
iii. Senior Technical Director (NIC), Ministry of Coal – with request to upload this letter on website of Ministry of Coal.

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