

**THE ORISSA GOVERNMENT LAND SETTLEMENT
ACT, 1962**

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Reservation and settlement of Government lands
4. Settlement of char and diara lands
5. Section 61 of the Orissa Tenancy Act, 1913 not to apply to Government lands
6. Revision during settlement proceedings
7. Appeal and revision
8. Power to make rules
9. Removal of doubts or difficulties

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
commence-
ment.

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.

Definition s. 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.

Reservations
and settle-
ment 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 Tena-
ncy Act,
1913 not to
apply to
Government
lands.

Revision
during settle-
ment procee-
dings.

Appeal and
revision.

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.

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.

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

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 20 of 1973. (Delegation of Powers) Act, 1973, the President is pleased to enact as follows :—

Short title
and com-
mencement.

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),—

(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 3
of 1959.

Amend-
ment 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 societies formed by landless agricultural labourers;
- (b) any landless agricultural labourers of the village in which the land is situated 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 situated;
- (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

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

Orissa Act
16 of 1960.

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.

Resump-
tion of
land and
imposi-
tion 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 of 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 (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

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 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.

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 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.”.

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 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

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 (President's 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

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

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement
2. Amendment of section 2, Orissa Act 33 of 1962
3. Amendment of section 3, Orissa Act 33 of 1962
4. Insertion of new sections 3-A and 3-B, Orissa Act 33 of 1962
5. Insertion of new section 5-A, Orissa Act 33 of 1962
6. Substitution of new sections for section 7, Orissa Act 33 of 1962
7. Substitution of new sections for section 8, Orissa Act 33 of 1962
8. Repeal
9. Validation of actions taken by Tahasildars

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:—

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.

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

(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 ;

(e) ‘Tahasildar’ includes an Additional Tahasildar.”.

Short title
and
commence-
ment.

Amendment
of section 2,
Orissa Act
33 of 1962.

Orissa Act
33 of 1962.

Orissa Act
16 of 1960.

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;

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

Power to
de-reserve
land.

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

“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."

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

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

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.

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.

Power to make rules.

(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

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

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement
2. Amendment of section 2, Orissa Act 33 of 1962
3. Amendment of section 3, Orissa Act 33 of 1962
4. Insertion of new sections 3-A and 3-B, Orissa Act 33 of 1962
5. Insertion of new section 5-A, Orissa Act 33 of 1962
6. Substitution of new sections for section 7, Orissa Act 33 of 1962
7. Substitution of new sections for section 8, Orissa Act 33 of 1962
8. Repeal
9. Validation of actions taken by Tahasildars

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:—

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.

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

(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 ;

(e) ‘Tahasildar’ includes an Additional Tahasildar.”.

Short title
and
commence-
ment.

Amendment
of section 2,
Orissa Act
33 of 1962.

Orissa Act
33 of 1962.

Orissa Act
16 of 1960.

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;

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

Power to
de-reserve
land.

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

“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."

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

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

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.

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.

Power to make rules.

(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

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

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title
2. Amendment of section 2
3. Amendment of section 3
4. Amendment of section 3-A
5. Validation of certain actions
6. Repeal and savings

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 31st 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
amendments.

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

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 :—

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

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

(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 substituted, 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

Short title

Amendment
of section
7-A.

Orissa Act
33 of 1962.

**THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT)
ACT, 1981**

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title
2. Amendment of section 2
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
- Amendment of section 2.
- Amendment of section 3.
1. This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1981.
 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:—
(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;" Orissa Act 33 of 1962.
 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 satisfying 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”;

Amendment
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

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1989

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title
2. Amendment of section 2
3. Insertion of new section 7-B

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 members 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
jurisdiction
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

THE ORISSA GOVERNMENT LAND SETTLEMENT AMENDMENT ACT, 1990

TABLE OF CONTENTS

PREAMBLE:

SECTIONS:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 3

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
commence-
ment.

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, whatsoever” 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 from a 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

REGISTERED No. 0-14

The Orissa



Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1193 CUTTACK, THURSDAY, SEPTEMBER 2, 1993/BHADRA 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, 1992 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

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Ex. Gaz. 755—211+1000



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:-

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.

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

(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

Short title
and
commence-
ment

Amendment of
section 3.

Orissa
Act 33
of 1962

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

THE ODISHA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 2013

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of Section 2.
3. Amendment of Section 3-B.
4. Amendment of Section 7-A.

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

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2397, CUTTACK SATURDAY DECEMBER 7, 2013/ MARGASIRA 16, 1935

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”
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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

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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.

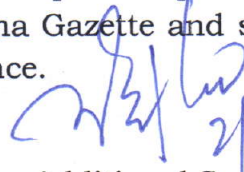
By order of the Governor

 21/1/2020

Principal Secretary to Government

Memo No. 563 / R&DM Dated 02.01.2020

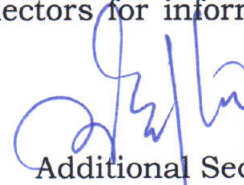
Copy forwarded to Odisha Secretariat Gazette Cell, C/o Commerce & Transport (Commerce) Department with a request to publish the Notification in the next extraordinary issue of The Odisha Gazette and supply 10 (ten) copies of the same to this Department for reference.


21/01/2020

Additional Secretary to Government

Memo No. 564 / R&DM Dated 02.01.2020

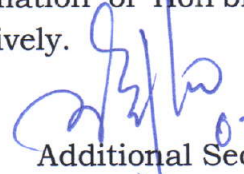
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02/01/2020

Additional Secretary to Government

Memo No. 565 / R&DM Dated 02.01.2020

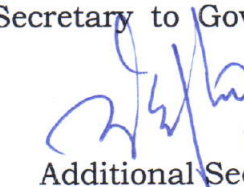
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02/01/2020

Additional Secretary to Government

Memo No. 566 / R&DM Dated 02.01.2020

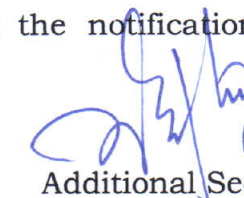
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02/01/2020

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