

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 Orissa Act 33 of 1962, 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

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.

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 :—

Prepara-
tion of
schemes
for
management
and develop-
ment 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
- (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.”

Orissa Act
1 of 1965.

Substi-
tution
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 (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 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 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

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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