

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

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LAW DEPARTMENT

NOTIFICATION

The 3rd July 1974

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

ORISSA ACT 5 OF 1974

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

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

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

Short title
and
commence-
ment.

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

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

Amendment
of section 2,
Orissa Act
33 of 1962.

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

Orissa Act
33 of 1962.

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

“(a) ‘Collector’ shall include an Additional District Magistrate;” ;

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

“(d) ‘Revenue Officer’ means any officer appointed as such by the Government to discharge any of the functions of a Revenue Officer under the provisions of the Orissa Land Reforms Act, 1960 ;

Orissa Act
16 of 1960.

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

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

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

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

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

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

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

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

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

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

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

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

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

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 manage-
ment and
development
of Gochar
lands.

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

- (a) the Government may, in the prescribed manner, prepare a scheme for the management and development of Gochar lands and different schemes may be prepared in respect of Gochar lands situate in different areas ;
- (b) where any such scheme has been prepared in respect of any Gochar land which vests in a Grama Sasan constituted under the Orissa Grama Panchayat Act, 1964 the concerned Grama Panchayat shall manage the Gochar land in accordance with such scheme ; and

Orissa Act
No. 1 of
1965.

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

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

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

Appeal.

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

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

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

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

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

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

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

Revision.

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

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

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

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

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

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

Substitution
of new sec-
tions for sec-
tion 8,
Orissa
Act 33 of
1962.

Delegation
of powers.

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

"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