

THE ORISSA GOVERNMENT LAND SETTLEMENT AMENDMENT ACT, 1990

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The Orissa



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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. O-14

The Orissa



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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 I 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