

**GOVERNMENT OF ORISSA
REVENUE DEPARTMENT**

No. LR(A) -Ag-2/2003 1771 Dtd. 13-1-03

From

Sri R. L. Jamuda, IAS
Commissioner-cum-Secretary to Govt.

To

The Collector , Koraput/Rayagada/Malkangiri/Nabarangpur/ Ganjam
Gajapati/ Kalhandi/ Kandhamal/ Sambalpur/ Sundargarh / Keonjhar
Mayurbhanj/ Balasore.

Sub:Implementation of Proviso (iii) of Section 3(1) of the Regulation 1 of 2002.

Sir,

With reference to the subject noted above, I am directed to say that as per proviso (iii) of section 3(1) of Regulation 1 of 2002, a member of a Scheduled Tribe shall not transfer any land if the total extent of his land remaining after the transfer will be reduced to less than two acres in case of irrigated land or five acres in case of un-irrigated land. Irrigated land has been explained in Explanation-II of the Section. The S.T. land owners of scheduled areas might face difficulties to transfer their land when the Registering Authorities demand evidence about extent of land held by the Tribal land owner. In fact, it is necessary that the landowner produces evidence about the extent of his land holding to the Sub-Registrar / District Sub-Registrar so that the latter is satisfied that the transfer does not hit proviso (iii) of Section 3(1) of Regulation 1 of 2002.

2. The matter was under consideration of the Govt. and after careful consideration the Govt. have been pleased to decide that -

- a) The landowner belonging to S.T. in the scheduled areas shall swear an affidavit before Magistrate First class / Executive Magistrate as in Annexure -I, which discloses details of the land held by the land owner.
- b) The landowner shall also furnish a certificate issued by the local Tahasildar as in Annexure -II. This certificate discloses details of land held by the landowner.
- c) The Sub-Registrar / District Sub-Registrar shall insist on production of these two documents before registration of documents purporting to

transfer of land by a landowner belonging to ST in scheduled areas of the State.

- d) The Tahasildar should issue the certificate in Annexure - II to the landowner on plain paper application made to him in this regard. He may conduct field enquiry, consult the ROR and hear the landowner to be satisfied about the land holding of the landowner.
- e) The Tahasildar shall issue the certificate within 30 days at the latest. While in no case issue of certificate should be delayed beyond 30 days all possible steps be taken to issue the certificate quickly so that the landowner does not face difficulties to transfer his land.

3. It is, therefore, requested that suitable instructions may please be issued to all concerned for implementation of the decision.

Yours faithfully,

Commissioner-cum-Secretary to Government

Memo No.

1772

/R.

Dt.

13-1-03

16/1/03

Copy with copy of the enclosures forwarded to the I.G.R., Orissa, Cuttack for information and necessary action. She is requested to issue suitable instruction to all Registering Authorities of the Scheduled Areas for appropriate action by them.

Commissioner-cum-Secretary to Government

Memo No.

1773

/R.

Dt.

13-1-03

Copy with copy of the enclosures forwarded to the Secretary, Board of Revenue, Orissa, Cuttack / L.R.C., Orissa, Cuttack / All R.D.Cs for information and necessary action.

Commissioner-cum-Secretary to Government

Memo No.

1774

/R.

Dt.

13-1-03

Copy with copy of the enclosures forwarded to all Sub-Collectors / Tahasildars / District Sub-Registrars / Sub-Registrars of scheduled areas of the State for information and necessary action.

Deputy Secretary to Government

Memo No.

1775

/R.

Dt.

13-1-03

Copy forwarded to LR & GE (A) / (B) / (C), Registration Branch, CH & S Branch and Co-ordination (A) Branch for information and necessary action.

Deputy Secretary to Government

In the Court of

I, Sri/Smt./Kumari/Miss..... Son/ daughter/ wife/ husband of aged..... years, a permanent resident of village/Town..... P.O..... P.S..... Tahasil..... in the district of at present residing at village/Town..... P.O..... P.S..... Tahasil..... in the district of and by profession do hereby solemnly affirm/ make oath and state as follows :-

That I am owner of / hold the land as in Schedule-A below free from all encumbrances, that I propose to transfer by way of sale/ gift/ mortgage/ lease Ac..... land out of the same as per Schedule-B, that I am aware of the provision of clause (iii) of proviso to Sub-Sec (I) of Sec-3 of the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 2000 (Regulation 1 of 2002), that after the proposed present transfer I shall remain holder of AC..... irrigated land and or AC..... un-irrigated land which is permissible under clause (iii) of provision to Sub-Sec (I) of Sec-3 of Orissa Scheduled Areas Transfer of Immovable property (By Scheduled Tribes) Amendment Regulation,2000 (Regulation 1 of 2002).

Schedule- A

Name of Mouza	Khata No.	Name of recorded land owner(s)	Plot No.	Area	Classification	Irrigated/ Un-irrigated	Remarks (if any)
1	2	3	4	5	6	7	8

Schedule-B

Name of Mouza	Khata No.	Name of recorded land owner(s)	Plot No.	Area	Classification	Irrigated/ Un-irrigated	Remarks (if any)
1	2	3	4	5	6	7	8

Signature/ thumb impression of the deponent.

Date

Sri/Smt. / Kumari/ Miss..... Aged..... years..... son/ daughter/- wife/ husband of permanent resident of village..... P.O..... P.S..... in the district of at present by profession..... appears before me and states on oath/solemnly declares that the contents of this affidavit are true to the best of his/ her knowledge and belief.

Magistrate First Class/ Executive Magistrate

Certificate of land holding of Sri/Smt./ Miss/Kumari.....

This is to certify that Sri/ Smt./ Miss/ Kumari
Son/daughter/wife/husband of
 aged years is a permanent resident of Village/
 Town P.O. under G.P.
 of P.S in Tahasil of district who
 holds/ owns land as follows:

Land Schedule

Name of Tahasil	Name of Mouza	Khata No.	Recorded in the name of	Plot No.	Area	Kissam	Irrigated/ Un-irrigated	Remarks

Tahasildar

Date :

Seal