

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-CHS-POLICY-0006-2018- 45935 / R&D.M Dated 21 DEC 2018

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

Collector, Angul/ Bargarh/ Bhadrak/ Balangir/ Cuttack/ Gajapati/
Ganjam/ Jharsuguda/ Kalahandi/ Kandhamal/ Khurda/ Koraput/
Malkangiri/ Nabarangpur/ Nuapada/ Puri/ Rayagada/ Sambalpur/
Sundargarh

Sub: Recording of Gramakantha Paramboke, Khasmahal, Nazul and Abadi category of land in favour of lawful occupants

Madam/ Sir,

I am directed to say that prior to the year 1990, the recording of Gramakantha Paramboke (GKP) lands, rent fixation thereof etc. were governed by executive orders issued by Government. One such executive instruction was issued vide erstwhile Revenue Department letter No. 91550/R dated 25/11/1975 addressed to D.L.R&S, Odisha, Cuttack in which instruction was given to the effect that house sites within "Gramakantha Paramboke" lying in urban areas of Ganjam district should be recorded under status "Gharabari" as well as with the same classification as intimated in G.O No. 73975 dated 20.09.1975. Further, it was instructed therein that a separate khata has to be prepared in favour of each individual occupant who is to be treated as a tenant. Such tenant will have no transferable right although he is liable to pay the rent fixed on his separate holding covering such land. This fact should be noted in the special incidence column of the khatian relating to such land.

2. Basing on the aforesaid instruction of this Department, a Memo bearing No. LI-3/76-9849 dated 27/11/1976 was issued by office of the Settlement Officer, Ganjam- Koraput Major Settlement, Berhampur to all A.S.Os of town rent camp requesting them to note in Oriya in the final incidence column of the khatian in respect of the village site Paramboke in possession of raiyats as follows:

"ଏହି ଜମି ହସ୍ତାନ୍ତର ଯୋଗ୍ୟ ନୁହେଁ ।"

3. Recently, the Hon'ble MLA, Jeypore has brought it to the notice of Government that the aforementioned note has been mentioned in the Special Incidence Column of most of the RoRs of Gramakantha Paramboke category of lands thus making transfer of such lands virtually impossible which has created resentment among its occupants. This issue has also been raised by several Hon'ble MLAs on the floor of the Assembly during Question Hours in the recent past.

4. In this connection, it is to mention that during the year 1990, the OGLS Act, 1962 was amended to include GKP lands situated in the ex- Madras areas of the State along with Khasmahal, Nazul and Abadi lands within the meaning of "Government land".

5. Subsequently, the OGLS Act, 1962 was further amended during the year 2009 to substitute the earlier provision of settlement of GKP category of lands along with Khasmahal, Nazul and Abadi category of lands. The new provision now provides for permanent settlement of such lands wherever situated and used for any purpose with heritable and transferable rights with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least 3 years prior to 26th February, 2009.

6. Basing on the amended provision of statute, Government have also made the OGLS (Amendment) Rules, 2010 prescribing Schedule- V and the OGLS (Amendment) Rules, 2014 prescribing Schedule V-A. As you are aware, while Schedule V deals with the procedure of settlement of such lands used for homestead purpose, Schedule V-A deals with the procedure of settlement of such lands used for purposes other than homestead and agriculture.

7. Thus, it may be seen that all GKP category of lands along with Khasmahal, Nazul and Abadi category of lands situated in the State are now being governed under the OGLS Act, 1962 from the date the Amendment Act, 1990 came into force and presently settlement of such land are being governed under the OGLS (Amendment) Act, 2009 and Rules made there under. So, with the coming into force of the statute in the year 1990, any circular issued prior to that in respect of GKP land including the one issued on 25/11/1976 has become redundant by operation of law.

8. So, the person in occupation of GKP, Khasmahal, Nazul or Abadi category of land has to file application for settlement of the same for the purpose for which it is being used, which shall be disposed of on merit by following the procedure prescribed in Schedule V or Schedule V-A, as the case may be. If the applicant is otherwise eligible and the land qualifies for settlement under the respective Schedule, the land shall be settled on permanent basis with heritable and transferable right with him and fresh RoR will be issued in his favour accordingly.

9. As you must be aware, the Government vide this Department notification No. 30939/R&DM dated 21/08/2018 (published in the Extraordinary issue of the Odisha Gazette bearing No. 1545 dated 23/08/2018) have extended the date for making application for settlement of such land for homestead purpose under Schedule V by a further period of one year and two months w.e.f. 17/02/2018. Similarly, Government vide this Department notification No. 30932/R&DM dated 21/08/2018 (published in the Extraordinary issue of the Odisha Gazette bearing No. 1544 dated 23/08/2018) have also extended the date for making application for settlement of such land for purposes other than homestead and agriculture under Schedule V-A by a further period of eleven months w.e.f. 11/05/2018.

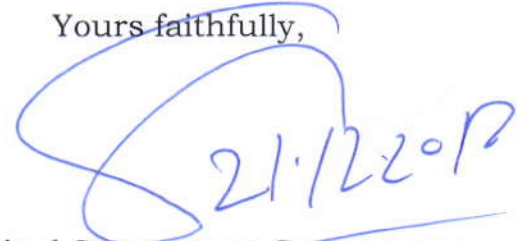
10. Further, as provided under clause 7 (a) of both the Schedules, applications, if any, received before the coming into force of the Amendment Rules shall be deemed to be applications received under the provisions of these Schedules and shall be disposed of in accordance with the provisions of the respective Schedules notwithstanding the fact that the applications have not been made in respective Forms. So, any application received prior to coming into force of the Amendment Rules of 2010 or of 2014 can also be processed and disposed of by the concerned revenue authority without waiting for fresh application from the person.

11. In the above context, Government have been pleased to direct that the following steps may be taken for recording of GKP, Khasmahal, Nazul and Abadi category of land with the persons in lawful occupation:-

- (i) A detailed survey of such plots of land may be undertaken to ascertain as to whether any application has not been received in respect of any of the plots.
- (ii) The concerned Tahasildars may be instructed to direct their Revenue Inspectors to cause a field visit to the plots of land in respect of which no application has been received and to affix a notice at a conspicuous place intimating the persons in occupation regarding the extended date for making applications. The R.I may also collect duly filled in applications from the persons in occupation and deposit the same in Tahasil office for further action.
- (iii) The above exercise should be completed by 31st January, 2019.
- (iv) All expenses in this regard may be borne out of the funds provided under the Programme Expenditure "Conferment of Land Rights".

12. You are, therefore, requested to complete the exercise by the stipulated dateline and furnish compliance report to this Department by 5th February, 2019 positively for kind information of Government.

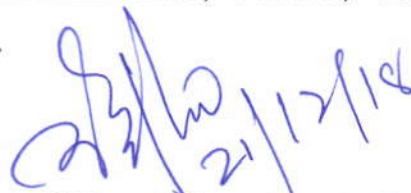
Yours faithfully,



Principal Secretary to Government

Memo No. 45936 /RDM Dated 21 DEC 2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.



Additional Secretary to Government