

The Orissa Government Land Settlement Act, 1962

Act 33 of 1962

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ORISSA ACT 33 OF 1962

[THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962]

[Received the assent of the Governor on the 13th November 1962, first published in an extraordinary issue of the Orissa Gazette, dated the 26th November 1962]

AN ACT TO PROVIDE FOR SETTLEMENT OF GOVERNMENT LAND IN THE STATE OF ORISSA

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

1. (1) This Act may be called the Orissa Government Land Settlement Act, 1962. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Orissa.

(3) This section shall come into force at once and the remaining provisions of this Act shall come into force² on such date as Government may, by notification, appoint in that behalf.

2. In this Act unless the context otherwise requires— Definitions.

³[(a) 'Collector' shall include an Additional District Magistrate;]

⁴[(aa)] 'Government' means the State Government of Orissa ;

(b) 'Government land' means any waste land belonging to Government, whether cultivable or not, recorded as House-site, Anabadi, Chot Jungle, Puratan patit, Nutan patit, Parityakta Bedakhali ⁵[Gochar] or by any other description, whatsoever ;

(c) 'prescribed' means prescribed by rules made under this Act.

1. For the Statement of Objects and Reasons, see *Orissa Gazette*, Extraordinary, dated the 11th September 1962 (No. 463).

2. Sections 2 to 9 came into force with effect from the 1st January 1965, vide Notification No. 43-GD (GI)-425/64-R., dated the 1st January 1965, published in *Orissa Gazette*, Extraordinary, dated the 1st January 1965, (No. 2).

3. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1974 (Or. Act 5 of 1974), s.2 (a) w. e. f. 1-2-1974.

4. Renumbered by *ibid.*, w. e. f. 1-2-1974.

5. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1975 (Or. Act 48 of 1975), s.2.

(Sec. 3)

¹ [(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.]

Reservation
and settle-
ment of
Government
lands.

3. ²[(1)] Notwithstanding anything to the contrary in any law or any custom, practice or usage having the force of law Government shall not be deemed to be debarred from exercising all or any of the following powers in respect of Government lands, namely :—

- (a) to reserve such portion of the lands as they deem proper for the purpose of being used as house-sites or for any communal or industrial purpose or for any other purpose whatsoever ;
- (b) to charge premium for settlement of any such land ;
- (c) to charge rent for the lands so settled ;
- (d) to charge fees on applications for settlement of lands and such other fees as may be necessary for or incidental to the disposal of such application at such rates as may be prescribed and all such fees shall be payable in the prescribed manner ; and

³ [(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):]

⁴[Provided that no Government land recorded as Gochar shall be reserved for any purpose mentioned in clause (a) or settled under clause (e) without being de-reserved in accordance with the provisions contained in section 3-A.]

1. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1974 (Or. Act 5 of 1974), s. 2 (b) w. e. f. 1-2-1974.

2. Re-numbered by *ibid.*, s. 3. w. e. f. 1-2-1974.

3. Substituted by *ibid.*, s. 3(i) w. e. f. 1-2-1974.

4. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1975 (Or. Act 48 of 1975), s. 3.

(Sec. 3-A)

[(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

- (e) in the absence of persons belonging to any of the foregoing categories, any other persons.]

² [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 ³ [or any Government land recorded as Gochar] or any portion thereof.

Power to de-reserve land.

Orissa Act 16
of 1960.

1. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1974 (Or. Act 5 of 1974), s. 3 (ii) w. e. f. 1-2-1974.

2. Inserted by *ibid.*, s. 4 w. e. f. 1-2-1974.

3. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1975 (Or. Act 48 of 1975), s. 4 (a)

(Secs. 3-B-4)

(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 :

[Provided that the officer so authorised shall, in assessing the reasonable requirement for the purpose of Gochar, follow the prescribed principles laying down the extent of Gochar land to be set apart for use by the community.]

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.]

Settlement
of char and
diara lands.

4. Nothing in any other law or custom or usage having the force of law shall debar the Government from making a settlement of any char or diara lands coming into existence after the date of commencement of this Act with such persons and subject to such terms and conditions as Government may deem fit.

(Secs.5—7)

Bihar and Orissa Act 2 of 1913. 5. The provisions of section 61 of the Orissa Tenancy Act, 1913 shall not apply to any Government land.

Section 61 of Orissa Tenancy Act, 1913 not to apply to Government lands.

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

Preparation of schemes for management and development of Gochar lands.

(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 No. 1 of 1965.

6. The rent payable in respect of any Government land shall be liable to revision during settlement proceedings under the Orissa Survey and Settlement Act, 1958.

Revision during settlement proceedings.

Orissa Act 3 of 1959.

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

Appeal

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

Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1974 (Or. Act 5 of 1974), s. 5. w. e. f. 1-2-1974

2. Substituted by *ibid.*, s. 6. w. e. f. 1-2-1974.

(Sec.7-A)

(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

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 [or on account of any material irregularity in procedure], and may pass such order thereon as it thinks fit:

1. Inserted by the Orissa Government Land Settlement (Amendment) Act, 1976 (Or. Act 38 of 1976), s. 2 (a).

(Secs. 8-8-A)

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 ;

¹[Provided further that no proceedings under this sub-section shall be initiated after the expiry of fourteen years from the date of the order.]]

²18. 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. Delegation of powers.

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

1. Substituted by the Orissa Government Land Settlement (Amendment) Act, 1976 (Or. Act 38 of 1976), s. 2 (b).

2. Inserted by the Orissa Government Land Settlement (Amendment and Validation) Act, 1974 (Or. Act 5 of 1974), s. 7 w. e. f. 1-2-1974.

* For rules, see notification No. 59774—GE.—(G1)—92/63-R., dated the 16th October 1963, published in *Orissa Gazette, Extraordinary*, dated the 22nd October 1963 (No. 813).

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33 of 1962]

(Sec. 9.)

(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.]

Removal of doubts or difficulties

9. If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or rules made thereunder, which appears to them necessary for the purposes of removing the doubt or difficulty.

ANNEXURE

*[PROVISION OF THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT AND VALIDATION) ACT, 1974 (OR. ACT 5 OF 1974) NOT INCORPORATED IN THE ORIGINAL 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.

*Came into force w. e. f. 6th July 1974.