

# THE ORISSA LAND REFORMS (GENERAL) RULES, 1965

## CHAPTER I

### GENERAL

#### 1. Short title and commencement –

These rules may be called the Orissa Land Reforms (General) Rules, 1965.

#### 2. Definitions –

In these rules, unless context otherwise requires-

(a) “Act” means the Orissa Land Reforms Act, 1960;

(b) “Form” means a form set out in the appendix to these rules;

(c) “Schedule” means a schedule appended to these rules;

(d) “Section” means a section of the Act;

(e) “Tahasildar” includes an Additional Tahasildar;

(f) “Village” shall have the same meaning as assigned to it in the Orissa Survey and Settlement Act, 1958;

(g) all words and expressions used in these rules but not defined therein shall have the same meaning as are respectively assigned to them in the Act.

#### 3. Conduct of proceedings under the Act –

(1) The proceedings before the Revenue Officer under the Act and these rules shall be of a summary nature.

(2) The Revenue Officer shall record the substance of the evidence of the witnesses, if any, examined before him in the form of a memorandum which shall be duly signed by the Officer and shall form part of the record.

(3) No order in any proceeding shall be passed without giving the parties concerned a reasonable opportunity of being heard.

(4) It shall be the responsibility of the objector to produce his witnesses and documents before the Revenue Officer on the date fixed. In the matter of enforcing the attendance of parties and witnesses and the production of documents the Revenue Officer shall have all the powers of a Civil Court exercisable under the Civil Procedure Code.

#### 4. Notice and mode of service –

(1) All notices required under the Act or these rules shall be in writing.

(2) Where a notice is required to be served or issued under the Act or under these rules on or by the Government as the landlord, it shall be served on or issued by the Tahasildar.

(3) Where no other mode of service of notice is prescribed by the Act or by these rules, service shall be effected in the manner prescribed for the service of summons on a defendant under the Code of Civil Procedure, 1908, if the notice is addressed to only one person.

(4) If the notice is addressed to a number of persons or to persons in general it shall be served in the manner prescribed for the service of summons on a defendant under the Code of Civil Procedure, 1908 or by proclamation and beat of drum and by posting it, in the presence of not less than two persons to some conspicuous place in the village.

(5) In the case of an uninhabited village the service of any general notice shall be effected in the nearest inhabited village.

**4-A. Classes of land under Clause (5-a) of Section 2 -**

Classes of land shall be determined with reference to entries in the record-of-rights and other records prepared under any law or rule or order for the time being in force and after such local enquiry as may be necessary.

<b>5.</b>	*	*	*	*	*
<b>6.</b>	*	*	*	*	*
<b>7.</b>	*	*	*	*	*
<b>8.</b>	*	*	*	*	*] <sup>1</sup>

*1. Deleted by the Orissa Land Reforms (General) (Third Amendment) Rules, 1976 published in Revenue Department notification No.42688-Re-157/76-R., dated the 3rd June 1976 and in the extraordinary Orissa Gazette No.937, dated the 4th June 1976.*

**CHAPTER II**

**RAIYATS AND TENANTS**

**9.** \*

**10. Form and manner of application under Sub-sections (2) and (5) of Section 4 -**

- (1) The application under sub-section (2) of section 4 shall be in Form No.1.
- (2) The application under sub-section (5) of section 4 shall be in Form No.2.
- (3) The application under sub-rule (1) or under sub-rule (2) shall be presented to the Revenue Officer personally by the applicant or by his authorised agent.
- (4) As many copies of the application as there are opposite-parties shall be filed along with the application.
- (5) For every village there shall be a separate application in respect of each land-lord.

**10-A.** (1) Before declaring a sub-tenant or under raiyat or his successor-interest, as the case may be, to be a raiyat under sub-section (5) of section 4, the Revenue Officer shall give a notice to the parties and hear them as also the person filing objection.

(2) A general notice shall also be served on the villagers of the village or villages in which the land is situated inviting objections within a period of fifteen days, to the settlement asked for by the sub-tenant or under-raiyat or his successor-in-interest.

(3) The notice shall be served in the manner provided in rule 4.

### **11. Payment under Sub-section (7) of Section 4 –**

(1) The payment envisaged under sub-section (7) of section 4 shall be made by the sub-tenant or under-raiyat or his successor-in-interest as the case may be in person or through an authorised agent to the land-lord or his authorised agent.

(2) The person making payment under sub-rule (1) shall be entitled to a receipt for such payment.

(3) The payment may, at the option of the sub-tenant or under-raiyat or his successor-in-interest as the case may be, be made through Postal Money Order at his cost and in such an event, the Money Order acknowledgment receipt shall be treated as the receipt for payment.

(4) (a) When a recorded sub-tenant or under-raiyat or his successor-in-interest offers or tenders money on account of compensation and the person entitled to compensation refuses to receive it or refuses to grant a receipt for it, or

(b) When the compensation is payable to co-sharers jointly and the recorded sub-tenant or under-raiyat or his successor-in-interest is unable to obtain a joint receipt from the co-sharers for the money and no person has been authorised to receive the compensation on their behalf and grant receipt, or

(c) When the recorded sub-tenant or under-raiyat or his successor-in-interest entertains a bona fide doubt as to the right person or persons entitled to receive compensation, the recorded sub-tenant or under-raiyat or his successor-in-interest, as the case may be may apply to the Revenue Officer in writing before expiry of the period specified in sub-section (7) of section 4 of the Act for permission to deposit in the Court, the full amount or instalment amount of compensation payable to the person or persons entitled thereto and obtain orders therefor.

(5) The application under sub-rule (4) shall bear court fees and process fees as prescribed in Schedule I and among other things shall contain the following particulars, namely : -

(a) In case of sub-rule (4) (a) the names of the persons to whose credit the deposit is to be made;

(b) In case of sub-rule (4) (b) the names of the co-sharers to whom the compensation is due or so many of them as the sub-tenant or under-raiyat or his successor-in-interest may be able to specify;

(c) In case of sub-rule (4) (c) the names of the co-sharers to whom the compensation is payable as per order of the Revenue Officer.

(6) The application shall be signed by the recorded sub-tenant or under-raiyat or his successor-in-interest and duly verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.

(7) If it appears to the Revenue Officer that the facts stated in the application are correct and the applicant is entitled to deposit the compensation money, he shall receive the same and grant a receipt for it in Form No. 15.

(8) The receipt so granted shall operate as an acquittance for the amount of the compensation payable by the recorded sub-tenant or under-raiyat or his successor-in-interest in the same manner and to

the same extent as if that amount of compensation had been received to the full satisfaction and in compliance with the order of the Revenue Officer.

(9) The Revenue Officer receiving the deposit shall forthwith cause a notice of its receipt to be served on the person or persons specified in the application, giving sixty days time for receiving the payment.

(10) (a) The Revenue Officer shall pay the amount under deposit to the person or persons entitled to the same if he or they appear before him either in person or through authorised representative within sixty days from the date of issue of the notice.

(b) If the person or persons entitled to the same do not appear before him to receive payment, the amount under deposit shall be kept under revenue deposit after expiry of the said period in the manner prescribed in subsidiary Rule 424 contained in Part II of the Orissa Treasury Code and simultaneously intimate the fact of deposit to the person or persons entitled to the same.

(11) The amount under court deposit or under revenue deposit shall not carry interest.

(12) The amount under revenue deposit shall lapse to Government after expiry of the period prescribed in Rule 436 of the Orissa Treasury Code and in case the payee or payees want, refund of the amount, the procedure with regard to refund of lapse deposit as laid down in the Orissa Treasury Code shall apply.

(13) (a) If a recorded sub-tenant or under-raiyat or his successor-in-interest defaults in making payment of compensation in pursuance of the orders of the Revenue Officer under sub-section (6) of section 4, the person immediately under whom such recorded sub-tenant or under-raiyat or his successor-in-interest was holding the land may make an application to the Revenue Officer within six months from the date on which the payment falls due to recover the compensation or any portion thereof which remains unpaid as an arrear of land revenue.

(b) The application shall bear court fees and process fees prescribed in Schedule I.

(14) On receipt of the application the Revenue Officer shall initiate proceedings and after making such enquiries, as he deems necessary, he may take action for recovering the compensation or the unpaid portion thereof as an arrear of land revenue:

Provided that the Revenue Officer shall give reasonable opportunity to the sub-tenant or the under-raiyat or his successor in-interest, as the case may be, to pay the same before proceeding to recover it as an arrear of land revenue.

## **12. Determination of fair and equitable rent under Sub-section (8-a) of Section 4 –**

In determining the fair and equitable rent under sub-sections (8-a) and (9) of section 4, the Revenue Officer shall adopt the rate of cash rent payable by raiyats for similar lands with similar advantages in the vicinity as may be derived from the record-of-rights or any other records for the time being in force.

**\*12-A.** (1) (a) A Raiyat may make an application in duplicate to the authorised officer in Form No. 25 for use of his agricultural land for purposes other than agriculture.

(b) On receipt of application, the authorised officer shall register a case and if the land situated in any area on which the Orissa Town Planning and Improvement Trust Act, 1956 or, as the case may be, the Orissa Development Authorities Act, 1982 is in force, the authorised officer shall refer the application for conversion in Form No.26 to the concerned Development Authority requesting him to furnish its opinion keeping in view the land use envisaged for the areas in the Development Plan/Master Plan/Improvement Scheme/Town Planning Scheme made or published under the said Acts. The concerned Development Authority/Town Planning Authority/ Improvement Trust shall furnish its opinion on the application for conversion within 30 days from the date of receipt of the same from the authorised officer failing which it shall be deemed that there is no objection to the conversion applied for.

(c) The authorised officer shall make an enquiry or cause an enquiry to be made through any officer subordinate to him into the matter after giving reasonable opportunity of being heard to the applicant.

(d) While considering the application for conversion, the authorised officer shall satisfy himself that the proposed conversion will not –

- (i) obstruct natural water courses thereby causing water logging of agricultural lands in the neighbourhood, or
- (ii) obstruct water courses laid out for carrying water for irrigating agricultural holdings in the neighbourhood.

(e) The authorised officer, if considers the conversion to be objectionable or not genuine or the information given by the applicant is not correct, may record the same and reject the application with intimation to the applicant.

(2) (a) The authorised officer, after enquiry, if satisfied that the proposed conversion is of genuine nature, he may allow conversion and order for settlement of the land on lease basis under the provisions of the Orissa Government Land Settlement Act, 1962.

(b) Terms and conditions of settlement of land for non-agricultural purposes both in rural and urban areas, shall be such as specified in the standard lease deed in Form No.27 and as may be determined by the Government from time to time.

(3) In case where the conversion has already taken place prior to the 1st day of July, 1994, the authorised officer shall issue a notice in Form No.28 to the raiyat or the person to whom the land has been transferred by the raiyat asking him to pay the premium and land revenue and after the payment of premium and land revenue, the land shall be settled on lease basis under the provisions of the Orissa Government Land Settlement Act, 1962.

(4) (a) In both the cases under sub-rules (2) and (3), before settling the land, the authorised officer shall assess the quantum of premium to be paid in accordance with the rate prescribed

in sub-section (3) of section 8-A of the Act and the land revenue as have been assessed for similar non-agricultural lands in the vicinity and intimate to the person who has so converted the agricultural land for purposes other than agriculture or the transferee, as the case may be, to deposit the amount of such premium and land revenue in full within thirty days :

Provided that in cases covered under sub-rule (2) the land revenue shall be payable with effect from the beginning of the agricultural year next after the date of conversion and in cases covered under sub-rule (3) it shall be payable from the beginning of the agricultural year next after the date on which actual conversion has taken place subject to the limitation under the Orissa Limitation (Recovery of Revenue) Act, 1964.

(b) For payment of premium and land revenue in respect of cases under sub-rule (2), the authorised Officer may, on application, allow additional period not exceeding sixty days from the date of order, of settlement to the applicant in exceptional and genuine cases.

(c) The premium and land revenue so assessed in respect of cases under sub-rule (3), may be paid in four equal quarterly instalments as specified by the authorised Officer and on default of payment by the last date of any quarter the balance amount shall be paid in one instalment within a period of one month from the last due date of payment, failing which the amount shall be covered as arrears of land revenue under the Orissa Public Demands Recovery Act, 1962.

(5) The authorised Officer shall execute lease deed in Form No.27 within a period of fifteen days from the date of premium and land revenue are paid in full.”

### **13. Form and manner of application under Sub-section (1-A) of Section 9 –**

(1) The application under sub-section (1-A) of section 9 shall be filed in Form No.17 within three years from the date of commencement of the Orissa Land Reforms (General) (Amendment) Rules 1985:

Provided that any such application made after the 19th February 1981 and before the aforesaid date shall for all purposes be treated as an application filed within the period prescribed under said sub-section (1-A).

(2) The application under sub-section (4) of section 9 shall be filed within sixty days from the date of dispute.

(3) The applications under sub-rule (1) or sub-rule (2) shall be filed in Form No.17 in the same manner as laid down in sub-rules (3), (4) and (5) of rule 10.

### **(4) Grant of certificate by Revenue Officer under sub-section (1-A) of Section 9 -**

The certificate under sub-section (1-A) of section 9 shall be in Form No. 21.

### **13-A. Procedure for payment of compensation under Sub-section (2) of Section 9 -**

(1) (a) When a raiyat or tenant referred to in sub-section 9 offers or tenders money on account of compensation and the person entitled to compensation refuses, to receive it or refuses to grant a receipt for it, or

(b) When the compensation is payable to cosharers jointly and the raiyat or the tenant is unable to obtain a joint receipt from such co-sharers for the money and no person has been authorised to receive the compensation on their behalf or grant receipt, or

(c) When the raiyat or the tenant entertains *bona fide* doubt as to the right person or persons entitled to receive the compensation, the raiyat or the tenant may apply to the Revenue Officer in writing for permission to deposit in the Court the full amount of the compensation payable to the person or persons entitled thereto and obtain orders therefor.

(2) The application under sub-rule (1) shall bear court fees and process fees as prescribed in Schedule I and among other things shall contain the following particulars, viz: -

(i) the name or names of the persons to whose credit the deposit is to be made, and

(ii) in case of co-sharers, the names of such co-sharers, to whom the compensation is due or so many of them as the raiyat or the tenant may be able to specify.

(3) The application shall be signed by the raiyat or the tenant and duly verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.

(4) If it appears to the Revenue Officer that the facts stated in the application are correct and the applicant is entitled to deposit the compensation money, he shall receive the same and grant a receipt for it in Form No. 23.

(5) The receipt so granted shall operate as an acquittance for the amount of compensation payable by the raiyat or the tenant in the same manner and to the same extent, as if that amount of compensation had been received to the full satisfaction.

(6) The Revenue Officer receiving the deposit shall forthwith cause a notice of its receipt to be served on the person or persons specified in the application giving sixty days time from the date of receipt of the said notice for receiving the payment.

(7) (a) The Revenue Officer shall pay the amount under deposit to the person or persons entitled to the same if he or they appear before them either in person or through authorised representative within the aforesaid date.

(b) If the person or persons entitled to the same do not appear before him to receive the payment, the amount under deposit shall be kept under revenue deposit after the expiry of the said period in the manner prescribed in subsidiary rule 424 contained in Part II of the Orissa Treasury Code and simultaneously intimate the fact of deposit to the person or persons entitled to the same.

(8) The amount under court deposit or revenue deposit shall not carry any interest. The amount under revenue deposit shall lapse to Government after the expiry of the period prescribed in Rule 436 of the Orissa Treasury Code and in case the payee or payees want refund of the amount, the procedure with regard to the refund of lapsed deposits as laid down in the Orissa Treasury Code shall apply.

**13-B.** In determining the fair and equitable rent under sub-section (3) of section 9 the Revenue Officer shall have regard to rent payable in respect of similar lands with similar advantages in the vicinity.

**13-C.** As soon as may be, after the issue of the certificate under sub-section (1-A) of section 9 the Revenue Officer shall also cause a copy of the said certificate to be transmitted to the authority competent to maintain the record-of-rights.

**13-D.** When fair and equitable rent is fixed in the manner provided in sub-section (3) of section 9 the Revenue Officer shall send a copy of the order fixing the fair and equitable rent to the authority competent to maintain the record-of-rights.

**14. Notice under Sub-sections (2), (3) and (4) of Section 11 –**

(1) The notice under sub-sections (2), (3) and (4) of section 11 shall be in Form No.3.

(2) As many copies of the notice as there are landlords on whom the notice is required to be served shall be filed under sub-section (5) of section 11.

(3) Two more copies of the notices shall also be filed out of which one copy shall be retained by the Revenue Officer for record in his office, and the other copy shall be transmitted by him to the authority competent to maintain the record-of-rights.

(4) Separate notices shall be, filed for each village.

**15. Manner of filing applications under Sub-section (1) of Section 12 –**

The manner of filing an application under sub-section (1) of section 12 shall be the same as provided in sub-rules (3) and (4) of rule 10.

**15-A. Notice under Section 14 (2) –**

The notice under the first proviso to sub-section (2) of section 14 shall be in Form No. 24.

**16. Applications under Section 15 –**

(1) An application under section 15 shall be filed in the same manner as provided under sub-rules (3) and (4) of rule 10.

(2) A general notice shall also be served on the villagers of the village or villages in which the land is situated, inviting objections.

(3) The notice shall be served in the manner as provided in rule 4.

**16-A.** If a tenant fails to comply with a notice served on him under sub-section (2) of section 15, or a landlord fails to comply with a notice served on him under sub-section (5) thereof, the Revenue Officer may issue an order in Form No. 14 to such Officer or authority as may be specified therein, for delivery of possession of the land to the landlord or the tenant, as the case may be.

**17. Enquiry in case of dispute as to the identity of a tenant under Section 16 –**

The enquiry in case of dispute under section 16 as to the identity of a tenant in cultivation of any land will take into consideration the following points, namely : -

(a) orders, if any of a competent court on the subject,

(b) the statement of the landlord and tenant as to the identity of the tenant,

- (c) the availability of rent receipts in proof of possession of land under dispute,
- (d) any other evidence either oral or documentary available in support of the claim.

**18. Particulars to be recorded in the rent receipt and its counter foil envisaged under Section 17 –**

The receipt to be granted under sub-section. (1) of section 17 and the counterfoil of the receipt as envisaged under sub-section (2) of the said section shall contain the following particulars, namely :-

- (a) name of the Village,
- (b) receipt number,
- (c) name of the landlord,
- (d) name of the tenant,
- (e) holding number,
- (f) area of tenancy,
- (g) the annual demand of rent and cess,
- (h) arrears of rent and cess if any,
- (i) the year or years for which rent, etc., is paid,.
- (j) the total amount of cash rent and quantity of kind rent and cess paid,
- (k) where rent is paid in kind the exact nature of kind rent, and
- (l) amount of interest and other payments made, if any.+

**19. Manner in which a partition can be ordered by a Revenue Officer under Clause (c) of Sub-section (1) of Section 19 –**

(1) Any person applying for an order of the Revenue Officer under clause (c) of sub-section (1) of section 19 shall file an application on giving a full description of the land and other details as may be necessary, to effect the partition of a holding among co-sharer raiyats.

(2) The application shall cite other co-sharer raiyats and the land-lord as opposite-party.

(3) It shall be submitted in the same manner as laid down in sub-rules (3),(4)and (5)of rule 10.

(4) Not more than one application shall be necessary for partition of more than one holding, if situated in the same village and if they belong to the same co-sharer raiyats under the same landlord.

(5) The Revenue Officer shall afford reasonable opportunity to the opposite-parties to be heard in the matter.

(6) He shall make such other enquiry as he deems necessary for disposal of the application.

(7) The application can be allowed only when all the co-sharer raiyats give their consent to the partition applied for.

(8) if there is any difference of opinion among the co-sharer raiyats, the application for partition shall be rejected.

(9) When a partition is allowed, the order of the Revenue Officer, partitioning the holding or holdings of co-sharer raiyats shall clearly mention the plots of land that are allotted to the share of every co-sharer raiyat and the amount of rent, cess and other legal dues payable by each co-sharer raiyat after partition.

(10) If any survey plot is required to be subdivided in course of partition of holding such partition shall be effected by the Revenue Officer only after causing necessary enquiry to be made before the final order of partition is made:

Provided that no such subdivision shall be made nor the enquiry required for making such subdivision shall be taken up until the prescribed fees are paid by the applicant :

Provided further that if such fees are not paid within such time as may be allowed by the Revenue Officer, the application for partition shall be rejected.

**19-A.** (1) Where, however, an order under sections 11, 18 or 36 of the Orissa Survey and Settlement Act, 1958, with regard to any area has been issued, rule 19 shall not be applicable.

(2) Any application to a Revenue Officer for an order under clause (c) of sub-section (1) of section 19 of the Act in an area where Survey and Settlement operations are in progress, may be oral.

(3) Such an application shall be made, to the Revenue Officer by all the co-sharer raiyats either personally or through their authorised agents.

(4) Such applications may be made also to any subordinate of the Revenue Officer by all the co-sharer raiyats either personally or through their authorised agents and such subordinate of the Revenue Officer, shall reduce the application, if it is oral, into writing and transmit the same to the Revenue Officer.

(5) The Revenue Officer may make such enquiry as he deems necessary before passing orders allowing or disallowing the partition.

(6) Before passing orders the Revenue Officer shall obtain the signatures or the thumb-impressions of all co-sharer raiyats or their authorised agents on the body of the record signifying their consent to partition the holding on mutual agreement.

(7) When a partition is allowed, the order of the Revenue Officer shall clearly mention the plots of land allotted to the share of every co-sharer raiyat, the amount of rent, cess and other local dues payable by each co-sharer raiyat after partition.

(8) In case of a dispute amongst the co-sharer raiyats about the quantum of rent payable by each in respect of the new holding created after partition, prayer for partition shall be rejected.

**20. Notice under Sub-section (2) of Section 19 –**

(1) The notice envisaged under sub-section (2) of section 19 shall be in form No.4.

(2) The number of notices and copies thereof to be filed under sub-rule (1) shall be the same as provided in sub-rules (2), (3) and (4), of rule 14.

**21. List under Sub-section (4) of Section 19 –**

(1) The list envisaged under sub-section (4) of section 19 shall be in Form No.5.

(2) It shall be sent to the Revenue Officer by the Court either through a messenger or by registered post with acknowledgement due.

(3) The number of lists and copies thereof to be sent under sub-rule (2) shall be as provided in sub-rules (2), (3) and (4) of rule 14.

**21-A.** The list envisaged under sub-section (6) of section 19 shall be in Form No. 5-A.

**22. Manner of application under Sub-section (1) of Section 20 –**

The application under sub-section (1) of section 20 shall be submitted in the same manner as provided in sub-rules (3), (4) and (5) of rule 10.

**22-A.** On a declaration being made under sub-section (2) of section 23, the Revenue Officer shall issue to any member of his staff or any other person a warrant in Form No. 16 to put the transferor or his heirs in possession of the land, if necessary, by removing any person bound by the order under section 23 who refuses to vacate the land.

**22-B.** The person to whom a warrant is issued under rule 22-A shall, after putting the transferor or his heirs in possession of the land returned the warrant and the Revenue Officer on being satisfied that the, warrant has been duly executed, countersign the same and keep it as a part of the records of the case.

**22-C.** When the person directed to execute the warrant fails on the date fixed therein to put the transferor or his heirs in possession the Revenue Officer may issue another warrant to the same person or any other member of the staff.

**22-D.** The Revenue Officer may at any time recall or cancel any warrant issued under rule 12-A or 22-B and may also order necessary police or other assistance to be rendered for the due execution of the warrant.

**22-E.** If on the dates specified in the warrant for putting the transferor or his heirs in possession of land, crops not ripe for immediate harvest are found on the land, the execution shall be postponed and a report of such fact shall be made to the Revenue Officer and on receipt of such report the Revenue Officer may postpone the execution till such time as the crops are harvested.

**22-F. Surrender or abandonment by raiyat or tenant –**

(1) The information referred to in sub-section (2) of section 22-A shall be furnished in Form No.18.

(2) The information in Form No.18 shall be presented to the Revenue Officer personally by the applicant or by his authorised agent.

(3) For every village there shall be a separate application in Form No.18.

(4) The application shall, in each case, be made in triplicate.

(5) One copy of the application shall be published by the Revenue Officer in the village in which the land is situated and objections shall be invited to the proposed surrender or abandonment

within a period of 30 days with effect from the date of the publication. Where the application is made by a tenant, a copy thereof shall be sent to his land-lord by registered post with acknowledgment due.

(6) A date shall thereafter be fixed for hearing after issuing notices to the applicant and objectors, if any, Final orders in each case shall be passed after such hearing. While passing the final orders the Revenue Officer shall keep in view the circumstances of the proposed surrender or abandonment as the case may be, and determine whether the surrender or abandonment has been applied for due to natural reasons, like inundation, sand casting, erosion, etc. or with a view to circumventing the provisions of any law for the time being in force or undermining the effect of any law, contract, decree or order of a Court.

(7) Where the surrender or abandonment of any holding or part thereof is approved by the Revenue Officer under sub-section (4) of section 22-A, the holding or part thereof so surrendered or abandoned shall vest in the Government.

(8) A copy of the final order referred to in sub-rule (6) above shall be sent by the Revenue Officer to the Tahasildar entrusted with the maintenance of record-of-rights under Chapter IV of the Orissa Survey and Settlement Rules, 1962.

### **CHAPTER III**

#### **RESUMPTION OF LAND FOR PERSONAL CULTIVATION**

**23. Form and manner of application under Sub-section (2) of Section 26 –**

(1) The application under sub-section (1) of section 26 shall be in Form No.6.

(2) A separate application shall be filed for each tenant in respect of each village.

(3) The application shall be accompanied by a copy thereof.

(4) It shall be presented to the Revenue Officer personally by the applicant or by his authorised agent.

**24. Form and manner of application under Sub-section (2) of Section 26 –**

(1) The application under sub-section (2) of section 26 shall be in Form No.7.

(2) A separate application shall be filed for each land lord in respect of each village.

Provided that where the number of landlords is more than one and the tenant entertains *bona fide* doubt as to the interest of the landlords in the land in his possession, he may file one application in respect of all such landlords.

(3) The application shall be accompanied by a copy thereof.

(4) It shall be presented to the Revenue Officer personally by the applicant or by his authorised agent.

**25. Manner of payment of compensation for non-resumable lands under Sub-section (1) of Section 28 –**

(1) The compensation for the non-resumable lands shall be paid in person or through an authorised agent by the tenant or his successor-in-interest to the landlord or his authorised agent.

(2) The person making the payment under sub-rule (1) shall be entitled to a receipt for such payment.

(3) The payment of compensation or any instalment thereof may, at the option of the tenant or his successor-in-interest be made through postal money-order at his own cost and in such an event the money-order acknowledgement re-receipt shall be treated as a valid receipt in support of payment for all purposes.

(3)-A) (a) When a tenant or his successor-in-interest or his authorised agent referred to in sub-rule (1) offers or tenders money on account of compensation and the person entitled to it or his authorised agent refuses to receive it or refuses to grant a receipt or it; or

(b) When the compensation payable to the co-sharers jointly, and, the tenant or his successor-in-interest or his authorised agent is unable to obtain a joint receipt from the co-sharers for the money and no person has been authorised to receive the compensation on their behalf and grant receipt; or

(c) When the tenant or his successor-in-interest or his authorised agent entertains a bona fide doubt as to the right person or persons entitled to receive compensation;

he may apply to the Revenue Officer in writing before expiry of the period specified in sub-section (2) of section 28 of the Act for permission to deposit in the Court the full or instalment amount of compensation payable to the person or persons entitled there to and obtain orders therefor.

(3-B) The procedures, prescribed in sub-rules (5) to (12) of rule 11 shall mutatis mutandis apply in respect of cases referred to in sub-rule (3-A).

(4) In case of an application to a Revenue Officer for recovery of compensation or any instalment thereof as an arrear of land revenue under sub-section (2) of section 30 of the Act, the Revenue Officer shall give reasonable opportunity to the tenants or his successor-in-interest to pay the same before proceeding to recover it as an arrear of land revenue.

**26. Form of certificate in respect of resumable and non-resumable lands –**

(1) The certificate in respect of the resumable and the non-resumable lands as provided in section 29 shall be in Form No.8.

(2) There shall be a separate certificate for every tenant in relation to every landlord in respect of every village.

(3) If for preparing the certificate a survey plot is required to be subdivided the prescribed fees for making such subdivision shall be realised from the tenant before the subdivision is effected.

**27. Procedure in cases falling under Section 35 –**

(1) Where the Revenue Officer proposes to proceed to determine the particulars of the resumable and the non-resumable lands under section 35, he shall issue a general notice inviting objections to his proposal.

(2) He shall also issue similar notices to such persons who according to the information available with him are landlord and tenant in respect of the same land.

(3) He shall hear all objections that are received by him by the dates specified in the notices in this behalf or within such further time as may be allowed by him of his own motion or an application filed in this behalf and then proceed to finalise his proposal.

**27-A. Procedure for filing application under Section 36-A**

The application under section 36-A shall be made in Form No. 19 and in the manner laid down in rule 24.

**27-B.** (1) Before declaring the non-resumable land of the tenant under section 36-A, the Revenue Officer shall give a notice to the parties and hear them.

(2) A general notice shall also be served on the villagers of the village or villages in which the land is situated inviting objections within a period of fifteen days from the date of issue of the notice to the settlement asked for the tenant.

(3) The notice shall be served in the manner provided in rule 4.

**27-C.** (1) For the purpose of consulting local Committee under section 36-A, the Revenue Officer shall inform the members of the Committee of the date, time and place of its meeting by a notice specifying the matters for such consultation and the said notice shall be served seven clear days before the meeting. A copy of the notice signifying due service on the persons concerned shall be retained by the Revenue Officer and shall form part of the case record.

(2) The Revenue Officer shall consult the Committee in the meeting on the appointed day.

(3) The proceedings of the meeting of the Committee shall form part of the proceedings under section 36-A.

(4) If consultation with the Committee on the appointed day is not possible due to absence of the members or due to their disinclination or inability to express their opinion, the fact shall be recorded by the Revenue Officer and it shall thereupon constitute sufficient compliance with the requirement of consultation with the Committee.

**27-D.** The application under sub-section (1) of section 36-C sub-section (2) of section 56-B, and sub-section (4) of section 57-B shall be filed in Form No. 19 and in the manner prescribed in rule 24.

## CHAPTER IV

### CEILING AND DISPOSAL OF SURPLUS LAND

#### **28. Principle for determining the ceiling area –**

For the purpose of determining the ceiling area of a family under section 37-A read with the explanation to section 37-B and section 39, the fact of transfer or partition referred to in section 39 shall be verified by the Revenue Officer with reference to the notices of transfer transmitted to him under sub-section (5) of section 11 and the notices and lists of partitions received by him under section 19.

#### **29. Recording of the ceiling area –**

The ceiling area which is fixed for a family shall be recorded in the name of one or more members of the family in the manner as may be specified by them in an application filed for the purpose before the Revenue Officer duly signed and verified by all the major members of the family.

#### **29-A. Maintenance of a list of privileged raiyats –**

For the purpose of clause (a) of section 38 the Revenue officer shall maintain a list of privileged raiyats. The list shall be verified periodically and brought up-to-date.

#### **29-B. Report of the lands held by industrial undertakings –**

Where exemption from ceiling is granted to lands held by industrial or commercial undertakings or comprised in mills, factories or workshops under clause (b) of section 38, the Revenue Officer shall furnish to the Collector at the end of each year a report on the actual utilisation of the lands so exempted to facilitate review of their utilisation as required under the first proviso to that clause.

#### **29-C. Principle for determining the ceiling area –**

For the purpose of clause (a) of section 39 tanks shall mean water reservoirs ordinarily used as such and shall not include any other water-spread area.

#### **29-D. Filing of return under Section 40-A –**

(1) The return under sub-section (1) of section 40-A shall be filed in duplicate to the Revenue Officer by the person liable to file the return under section 41 or by his authorised agent.

(2) The return shall contain village wise particulars of all land held by such person as raiyat or land-holder or both in the State of Orissa.

(3) Where a person who is liable to file return under section 41 is member of a family, he shall furnish the return specifying the total area of land held by him together with the total area of land held by each member of his family and transfers and partition effected by them if any after the 26th day of September, 1970.

(4) The return mentioned in sub-rule (1) above shall be filed in Form No. 12.

**29-DD.** The return or revised return, if any, submitted under section 40-B shall not be taken into account if a proceeding under section 43 in respect of the person, who has filed the return, has been

initiated by the Revenue Officer, on his own motion, and the draft statement of surplus land has been confirmed under sub-section (1) of section 44.

**29-DDD.** For the purpose of consultation with the local Committee under section 43, of the provisions contained in rule 27-C shall, so far as may, be, apply.

**29-E. Preparation and application of draft statement showing ceiling and surplus land –**

The draft statement referred to in sub-section (1) of section 43 shall be prepared in Form No. 13.

**30. Publication of draft statement under Sub-section (2) of Section 43 –**

(1) The draft statement shall be published by affixing a true copy of it to the notice-board of the Revenue Officer and keeping it open for inspection, free of charge, by any person interested during office hours on working days for a period of thirty days from the date on which the copy is first affixed to his notice-board.

(2) A copy of the draft statement published under sub-rule (1) shall be simultaneously sent by registered post with acknowledgement due to the person to whom it relates together with a notice intimating such person that objections, if any, to any entry in, or omission from such statement filed within a period of thirty days from the date of issue of such statement shall be taken into consideration.

(2-A) A notice accompanied by a copy of the draft statement shall also be simultaneously published in the village or villages in which the land is situated by proclamation and beat of drum and by pasting a copy of it in presence of not less than two persons at some conspicuous place in the village informing all persons including those persons mentioned in the said statement that objections if any, to any entry in, or omission from such statement filed within a period of thirty days from the date of such publication under sub-rule (1) shall be taken into consideration.

(3) During the period of thirty days as aforesaid every facility shall be given to the person to whom the statement relates for inspecting it and for taking extracts therefrom.

**31.** An appeal under sub-section (2) of section 44 shall lie to the Subdivisional Officer or to an Officer specially appointed by Government in this behalf who is suitable for appointment as a Subdivisional Officer:

Provided that any appeal under sub-section (2) of section 44 pending on the date of commencement of the Orissa Land Reforms (General Amendment) Rules, 1980, shall be transferred to the Sub-divisional Officer for hearing and disposal.

**32. Publication of the draft statement under Sub-section (3) of Section 44 –**

(1) The confirmed or modified statement shall be published in the same manner as laid down in sub-rule (1) of rule 30 for a period of fifteen days.

Provided that the date of publication shall be excluded in computing the said period.

(2) After the period of publication is over, the Revenue Officer shall append a certificate to the statement as to the fact of publication.

(3) The fact of publication shall be communicated by registered post with acknowledgement due to the person to whom the statement relates along with a certified copy of such statement including the certificate appended under sub-rule (2).

**33. Authorities to whom copies of the statement are to be sent under Sub-section (8) of Section 44 -**

A true copy of the confirmed statement shall be furnished to-

- (1) the authority competent to maintain the record-of-right
- (2) the Sub-Registrar and
- (3) every landlord of the person to whom the statement relates

Provided that where Government is the landlord no copy need be furnished under this clause.

**33-A. Preparation of draft statement showing ceiling surplus lands under Section 45-B which escape ceiling proceedings –**

For the purpose of making a declaration under sub-section (1) of section 45-B of the Act, the Revenue Officer shall cause to be prepared a revised draft statement in Form No. I3-A.

**33-B. Publication of the draft statement of ceiling surplus lands and service of notice to the person concerned –**

(1) The revised draft statement prepared under rule 33-A shall be dealt with in the same manner as laid down in rule 30.

(2) Objections, if any, received under sub-rule (1) shall be considered by the Revenue Officer on such date and at such place and time, as he may fix by notice served on the objectors in that behalf and the Revenue Officer after making such enquiries as he deems necessary and after consulting the local committee, if any, may by order, recording his reasons in writing, alter or amend all or any of the particulars specified in the draft statement.

**33-C. Declaration of ceiling surplus lands under Section 45-B –**

(1) On termination of the proceedings under rule 33-B, the Revenue Officer shall, by order, confirm or modify the draft statement and record a declaration on it specifying the land adjudged surplus for the purpose of sub-section (1) of section 45-B of the Act.

(2) The draft statement as confirmed or as modified in appeal or revision, if any, shall be published in the same manner as laid down in sub-rule (1) of rule 30, for a period of fifteen days.

(3) After the period of publication is over, the procedure laid down in sub-rules (2) and (3) of rule 32, shall *mutatis mutandis* apply.

(4) A true copy of the confirmed statement published under sub-rule (2) shall also be furnished to the authorities prescribed under rule 33.

**34. Manner of ascertaining the Government dues under Sub-section (1) of Section 48 –**

(1) The Revenue Officer shall address all Tahasildars in whose jurisdiction the person entitled to an amount under section 47 has interest in land as to the dues payable to Government by such person.

(2) on receipt of such a reference, the Tahasildar shall intimate the Revenue Officer all the details as to the dues referred to in sub-rule (1).

(3) if there is no due payable to Government, the Tahasildar shall communicate the fact to the Revenue Officer.

(4) On receipt of information on under sub-rules (2) and (3) the Revenue Officer shall proceed to prepare the draft. Assessment Roll under sub-section (1) of section 48.

**35. Form and manner of publication of the draft Assessment Roll under Sub-section (1) of Section 48 –**

(1) The draft Assessment Roll shall be in Form No.9.

(2) It shall be published by affixing a true copy of it to the Notice Board of the Revenue Officer and keeping it open for inspection, free of charge, by any person interested during office hours on working days for a period of sixty days from the date on which the copy is first affixed to his notice-board.

(3). On the date of affixture on the notice board under sub-rule (2), a copy of the Draft Assessment Roll shall be communicated to the persons who are shown in the Roll as entitled to an amount by registered post with acknowledgment due and they shall be informed that objections, if any, to any entry in or omission from it, may be filed within sixty days from that date.

(3-A)-A notice accompanied by a copy of the Draft Assessment Roll shall also be simultaneously sent by registered post with acknowledgement due to Co-operative Societies registered or deemed to be registered under the Co-operative Societies Act, 1962 including Co-operative Land Development Bank and State Co-operative Land Development Bank as defined in that Act and other public financing institutions as defined under clause (25) of section 2 of the Act in whose jurisdiction the persons shown in the Draft Assessment Roll has interest in land as to the dues payable to the said Co-operative Societies or Banks or other financing institutions and they shall be informed that objections, if any may be filed within sixty days from the date of publication of the Roll.

(4) During the period of sixty days as aforesaid every facility shall be given to the persons to whom the Roll relates for inspecting it and for taking extracts therefrom.

**36. Manner of disposal of objections under Sub-section (1) of Section 48 –**

(1). When an objection to the draft Assessment Roll is received, notice of the objection shall be served on every person whose interest may, in the opinion of the Revenue Officer, be affected thereby and all -such persons shall be called upon to attend at such time and place as the Revenue Officer may fix for disposal of the objection.

(2) On the date fixed for hearing of the objection or on any other date to which the hearing may stand adjourned, the Revenue Officer shall after making such enquiry as he considers necessary and after giving the parties present an opportunity of being heard, pass such orders as he deems proper.

**37. Appellate authority under Sub-section (2) of Section 48 –**

An appeal under sub-section (2) of section 48 shall lie to the Subdivisional Officer or to an Officer specially appointed by Government in this behalf who is suitable for appointment as a Subdivisional Officer and any appeal under sub-section (2) of section 48 pending on the date of commencement of Orissa Land Reforms (General) (Amendment) Rules, 1980, shall be transferred to the Subdivisional Officer for hearing and disposal.

**38. Manner of final publication under Sub-section (1) of Section 49 –**

(1) The Draft Assessment Roll as envisaged under sub-section (1) of section 49 shall be finally published by affixing true copy of it to the notice board of the Revenue Officer:

Provided that the Assessment Roll finally published within sixty days immediately prior to the commencement of the Orissa Land Reforms (General) Amendment Rules, 1978 shall be deemed to have been published under this rule.

(2) A copy of the Assessment Roll published under sub-rule (1) shall simultaneously be communicated by registered post with acknowledgement due to the person or persons who are shown in the Roll as entitled to the amount. .

(3) The Revenue Officer shall append a certificate to the Roll as to the date and fact of final publication.

**38-A. Procedure for settlement of ceiling surplus lands under Sub-section (2) of Section 51 and definitions –**

(1) For the purpose of sub-section (2) of section 51 of the Act, the settlement of ceiling surplus lands, vesting in the Government, in pursuance of the provisions of section 45, shall be made in the manner hereinafter laid down.

(2) For the purpose of the settlement of surplus lands referred to above and unless there is anything repugnant in the subject or context -

(a) Landless person or landless agricultural labourer shall mean any person the total extent of whose land along with the lands held as a raiyat or a tenant by all members of his family living with him in one mess is not more than 0.7 standard acre and who has no profitable means of livelihood other than agriculture.

(b) Co-operative Farming Society shall mean a Society registered under the Orissa Co-operative Societies Act, 1962 and formed by landless agricultural labourers.

(3)(a) On the vesting of surplus lands in Government under section 45 of the- Act, the Revenue Officer shall issue notice inviting applications for settlement from deserving persons to be filed within fifteen days from the date of issue of notice:

Provided that the Revenue Officer may, for reasons to be recorded in writing receive such application from any deserving person at any time before the settlement of surplus lands in a village under sub-rule (8), whereupon the provisions of the sub-rules following hereafter shall apply.

(b) The notice shall be affixed on the notice Board in the Office of the Revenue Officer. A copy of the notice shall also be affixed at a conspicuous place of the village in which the land in question is situated. The notice shall contain details of the land proposed to be settled, namely, the name of the village where the land is situated, Khata number, plot number, area, classification, status of the land and such other particulars as may be necessary for its identification.

(4)(a) The applications for settlement of surplus land shall be filed by the persons categorized under section 51 of the Act, within the period specified in sub-rule 3(a), and shall bear court fee stamp of rupee one and thirty paise:

Provided that the State Government may exempt from payment of court fee in any case or class of cases for settlement of surplus land.

(b) The applications received under sub-rule 3(a) shall be registered and the particulars thereof, shall be entered in a Register in Form No. 22.

(c) The applications shall be sorted out village wise and taken into consideration village wise in accordance with the priority provided in section 51 of the Act.

(d) The Revenue Officer shall thereafter, cause an enquiry to be made in respect of each application and if after such enquiry he is of the opinion that settlement of land may not be granted, he shall reject the application after recording the reasons for rejection.

(e) If after enquiry the Revenue Officer is of the opinion that settlement of land may be granted, he shall publish a proclamation which shall contain particulars of the applicant and particulars of land applied for settlement such as the name of the village, plot No., holding No., classification of the land, area and such other particulars as may be necessary and invite objections, if any, fixing a date for hearing of objections.

(f) The proclamation shall be published by beat of drum and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the proclamation shall also be published by affixing it on the Notice Board in the Office of the Revenue Officer and a copy thereof shall also be sent to the Grama Panchayat in which the land is situated.

(g) On expiry of fifteen days from the date of publication of the proclamation in the village and after hearing objections, if any, the Revenue Officer shall, if he is satisfied that the applicant is deserving and there is no objection to the settlement on any ground, make an order granting settlement of the land applied for or any portion thereof.

(5) **Priority of Settlement**-The settlement of surplus lands vested in Government under section 45 of the Act shall be made by the Revenue Officer after consulting the local committee, if any with deserving persons in the order of priority indicated under section 51 of the Act.

(6) **Procedure of Settlement of surplus lands-**

- (a) [ \* \* \* \* \* ]
- (b) \* \* \* \* \*
- (c) \* \* \* \* \* ]

(d) Settlement of the lands with the applicants belonging to the Scheduled Castes and Scheduled Tribes and others shall be considered separately in accordance with the priority specified in section 51 of the Act. Applications of persons belonging to one category shall be considered together and disposed of before going to the next category in order of priority:

Provided that preference shall be given to those landless persons who have no land or other means of livelihood, over those, who are comparatively better.

(7) **Extent of Settlement of land-**

(a) Settlement of surplus lands shall be made in accordance with the priority mentioned in sub-rule (5) and the procedure specified in sub-rule (6).

(b) Not more than 0.7 standard acre of land shall be settled with any person:

Provided that where a person already owns some land, so much of land, not exceeding in the aggregate 0.7 standard acre may be settled with him.

Provided further that where the area of surplus land available for settlement comprised in any plot is more than 0.7 standard acre but less than one standard acre and no person come forward to accept settlement of the residual land after the initial settlement up to 0.7 standard acre, such land may be settled with the person with whom contiguous land has been settled.

**Explanation** - For the purposes of conversion one acre shall be equal to 0.4047 hectare.

(8) The land shall be settled a with deserving persons on rayati basis free of salami.

Transitory Provision-Notwithstanding anything contained in the Orissa Land Reforms (General) Rules, 1965 all the outstanding amounts towards salami together with interests accrued thereon due from the allottees of surplus lands that have already been settled prior to the 1st day of November 1985 shall be deemed to have been exempted.

- (9)[ (a) \* \* \* \* \*
- (i) \* \* \* \* \*
- (ii) \* \* \* \* \* ]

(b) While settling the land, Revenue Officer shall determine the fair and equitable rent in respect thereof to be paid by the person with whom the land is settled.

(c) A copy of final order of settlement shall be sent to the authority competent to maintain the record-of-rights.

(10) **Appeal and Revision-**

(a) An appeal against the order of the Revenue Officer under this rule if presented-

- (i) by any person aggrieved by the order, or

(ii) by the State Government, shall lie to the Subdivisional Officer within a period of thirty days from the date of such order.

(b) Revision against any order passed by the Subdivisional Officer in appeal shall lie to the Collector of the district within the period of thirty days from the date of such order:

Provided that this power of the Collector of the district may be exercised by the Additional District Magistrate in any particular case or class of cases as may be specified by the Collector by an order in writing made in this behalf.

(b) The Revenue Divisional Commissioner may at any time revise the order of settlement of land passed by the Revenue Officer, Subdivisional Officer, Additional District Magistrate or Collector, whether in exercise of original, appellate or revisional jurisdiction under this rule.

(c) With every appeal or revision a certified copy of the order appealed against or sought to be revised shall be filed.

(d) Every appeal or revision petition shall be drawn up in the form of a memorandum signed and dated by the appellant or petitioner or his recognised agent or his counsel the memorandum shall set forth concisely and under distinct heads the grounds of objections to the order appealed against or sought to be revised and such grounds shall be numbered consecutively.

(e) If an appeal or revision petition is admitted, the authority hearing the appeal or revision may call for a report from the Officer against whose order the appeal or revision petition has been filed:

Provided that the points on which such report is required shall be distinctly mentioned in the order calling for the report.

(f) Pending disposal of the appeal or revision, operation of the order appealed against or sought to be revised may, at the discretion of the authority hearing the appeal or revision petition be stayed.

(g) A notice of the appeal or revision and the date of its hearing shall be served on the respondent, if any.

(h) Reasonable opportunity shall be given to the parties to be heard in person or through lawyers before any final order in an appeal or revision petition is passed.

### **38-B. Ceiling on future acquisitions –**

For the purpose of section 52 of the Act it shall be the duty of the Tahasildar who is entrusted with the maintainance of record-of-rights under Chapter IV of the Orissa Survey and Settlement Rules, 1962 to inform the Revenue Officer of the cases where the total area of land held by a raiyat or landholder exceeds the ceiling area after the commencement of the Orissa Land Reforms (Amendment) Act, 1973.

**38-C.** For the purpose of filing of return under proviso to section 52 of the Act, the provisions contained in rule 29-D shall, so far as may be, apply.

## CHAPTER V

### MISCELLANEOUS

#### **39. Manner of conducting the proceedings of the Land Commission under sub-section (4) of section 53 -**

The manner of conducting the proceedings of the Land Commission shall be as follows :-

(1) The Secretary to the Commission with the approval of the Chairman shall call its meetings and fix the date, time and place of the same, notice for which shall be given to all members of the Commission at least seven days before the date of meeting.

(2) The notice shall contain the agenda for the meeting, but any item not mentioned in the agenda may be considered with the permission of the Chairman.

(3) The Chairman shall preside at all meetings of the Commission.

(4) In absence of the Chairman, the members present shall elect a President for the meeting.

(5) The quorum for a meeting shall be four.

(6) The meeting shall be adjourned for want of a quorum and no quorum shall be necessary for an adjourned meeting, but the date, time and venue therefor shall be notified at the time of adjournment which fresh notice shall be given to all members.

(7) The Secretary to the Commission shall keep a brief record of the proceedings of each meeting in English and shall send copies thereof to Government and all members.

(8) The Commission may meet at such intervals and at such places in the State as may be deemed expedient but not less than four times in a year, to transact its business.

(9) The Chairman of the Commission may, with the concurrence of the members, in a meeting co-opt any other persons for special purposes as required under sub-section (3) of section 53.

(10) In the absence of the Chairman, a member of the Commission authorised by him in writing or in the absence of such authorization, a member authorised by the Commission under a resolution to this effect shall be entitled to sign any document and act, as may be necessary for the transaction of the Commission's Official business.

(11) In case of any vacancy in the membership of the Commission, the Secretary of the Commission shall take immediate steps to move Government for appointment of a member in the vacancy.

(12) Notwithstanding the existence of any vacancy in the membership of the Commission but subject to the provision of these rules, all business transacted by the Commission shall be valid.

(13) Only the Secretary to the Commission shall be competent to authenticate all communications made on behalf of the Commission:

Provided that the Chairman of the Commission may authorise any other person to authenticate such communications when the Secretary is absent or, otherwise unable to perform his function.

**39-A. Constitution of Local Committee and its conduct of business -**

(1) Local Committees may be constituted for each Revenue Inspectors Circle. The Committee shall consist of four members, of whom the Revenue Inspector of the circle shall be one. Three other members shall be non-officials to be nominated by the Government or by the Officer authorised under section 89, who shall, unless sooner replaced or unless the committee is sooner reconstituted hold office for a period of three years.

(2) There shall be no quorum for the meetings of the local committee.

(3) The Revenue Inspector of the circle shall be the Convenor of the meetings of the committee.

(4) The Convenor shall keep brief record of the proceeding of each meeting in Oriya language.

**40. Application under section 56-A -**

(1) The application under sub-section (1) of section 56-A shall be in Form No.10.

(2) It shall be enquired into by such person as may be authorised by the Revenue Officer.

(3) On receipt of the enquiry report and after giving the applicant a hearing and making such further enquiry, as may be necessary, the Revenue Officer shall decide if the certificate prayed for in the application should be granted :

Provided that the certificate in respect of a person who is Subject to any physical disability shall not be granted if the person has an income exceeding eight thousand rupees per annum from a source other than land.

(4) The certificate to be granted by the Revenue Officer under sub-rule (3) shall be in Form No.11.

**41. Costs under sub-section (2) of section 57 -**

The Revenue Officer may award costs to the successful party not exceeding the total amount of the court fees paid on the application or petition or memorandum of appeal subject to a minimum of five rupees.

**41-A. Claims before Tribunals declaration as privileged raiyats -**

Declaration of trusts as privileged raiyats under section 57-A shall be made in the following manner :-

(i) A person competent to act on behalf of a Trust shall make an application to the Tribunal appointed under section 57-A stating that the Trust may be declared as a privileged raiyat in respect of the lands held by, such Trust.

(ii) The Tribunal shall, as far as may be, follow such procedure for the disposal of applications referred to in sub-rule(i) above as is laid down for trial of suits in the Code of Civil Procedure, 1908.

(iii) An application by a trustee in respect of a trust under sub-clause (e) of clause (24) of section 2 shall be in Form No. 20 and shall be verified in the manner prescribed for verification of a plaint under the Code of Civil Procedure, 1908 by the applicant or his agent duly authorised in that behalf.

(iv) The application shall be accompanied by three copies thereof and shall be presented to the Tribunal having jurisdiction either in person or through his authorised agent or sent by registered post with acknowledgement due.

(v) A copy of the application received by the Tribunal shall be sent to-

(a) Endowment Commissioner, if the Trust belongs to a Hindu Religious institution;

(b) Board of Wakfs, if the same belongs to a Muslim Wakf; and

(c) the Collector of the District in other cases inviting objections from them, if any.

(vi) A copy shall also be published at a conspicuous place of the village or villages where the trust is situated, inviting objections from the persons interested.

(vii) Objection, if any, under clauses (v) and (vi) shall contain the grounds on which the objector relies and shall be filed in triplicate within thirty days from the date of publication of the application.

viii) Copies of the objection petition shall be sent by the Tribunal to the Endowment Commissioner or the Board of Wakfs or the Collector of the District as the case may be, and to the trustee concerned.

(ix) After the receipt of objections, the Tribunal shall fix a date for hearing and shall give notice thereof to the parties concerned and also to the Endowment Commissioner or Board of Wakfs or the Collector, as the case may be in case such Commissioner or Board or Collector is not already impleaded as a party.

(x) Upon the declaration of the Trust as privileged raiyat or the rejection of his claim in that behalf, the Tribunal shall, as soon as may be, intimate the fact to the Collector of the district.

#### **42. Appeals under sub-section (1) of section 58 -**

An appeal under section 58 shall lie to-

(1) The Subdivisional Officer or an officer specially appointed by Government in this behalf who is suitable for appointment a Subdivisional Officer if the order appealed against was passed by a Revenue Officer below the rank of a Subdivisional Officer and is against any order other than an order passed under sections 22,23 and 23-A of the Act and any appeal against any such order pending on the date of commencement of the Orissa Land Reforms (General) (Amendment) Rules, 1980 shall be transferred to the Subdivisional Officer for hearing and disposal.

(2) The Additional District magistrate of the district or an officer specially appointed by Government in this behalf who is suitable for appointment as Additional District Magistrate if the order appealed against Was passed by a Revenue Officer not below the rank of Subdivisional Officer or against an order passed under sections 22, 23 and 23-A:

Provided that any such appeal pending on the date of commencement of the Orissa Land Reforms (General) (Amendment) Rules, 1980 shall be heard and disposed of as if the said Rules had not come into force.

**42-A.** any person aggrieved by an order of one Revenue Officer passed under clause (c) of sub-section (1) of section 19 of the Act, read with rule 19-A of these rules may prefer an appeal to the Settlement Officer exercising jurisdiction over that areas.

**42-B. Revision under section 59 (1) -**

An application for revision under sub-section (1) of section 59 shall lie to-

- (i) The Additional District Magistrate or an Officer specially appointed by Government who is suitable for appointment as Additional District Magistrate if the order against which revision is filed was passed by an appellate authority under the Act below the rank of an Additional District Magistrate;
- (ii) if the Collector of the district or an Officer especially appointed by Government who is suitable for appointment as Collector of a district if the order was passed by an appellate authority under the Act of the rank of an Additional District Magistrate:

Provided that any application for revision under sub-section (1) of section 59 pending on the date commencement of the Orissa Land Reforms (General) (Amendment) Rules, 1980 shall be heard and disposed of by the Additional District Magistrate of the district or an officer specially appointed by Government in this behalf who is suitable for appointment as Additional District Magistrate, if the appellate order against which revision is filed was passed by the Subdivisional Officer and by the Collector, if the appellate order was passed by the Additional District Magistrate.

Provided further that any application for revision under sub-section (1) of section 59 pending with the Collector on the date of commencement of the Orissa Land Reforms (General) (Amendment) Rules, 1982 shall be heard and disposed of by the officer appointed by Government under clause (ii).

**43. Procedure for filing and disposal of appeals under sub-section (2) of section 58 -**

The procedure for filing and disposal of appeals shall be the same as is provided under XLI of the Code of Civil Procedure 1908.

**44. Limitation for filing application for revision under section 59 -**

Every application for revision under sub-section (1) of section 59 shall be filed within a period of thirty days from the date of the order against which such application is preferred.

**45. Manner of disposal of matters under section 59 -**

(1) The provisions of rule 43 shall *mutatis mutandis* apply to the filing, hearing and disposal of cases of revision before the Additional District Magistrate or Collector, as the case may be.

(2) The hearing and disposal of cases of revision before the Board of Revenue shall be regulated by the provisions of the Board of Revenue, Orissa Regulations, 1963.

**46. Fees including court fees under section 62 -**

Unless otherwise specifically provided in these rules, the court fees and other fees payable under the Act shall be as mentioned in the Schedule I.

**47. Application for delivery of possession under sub-section (1) of section 65 –**

(1) An application under section 65 for delivery of possession shall accompanied by a certified copy of the order in pursuance of which delivery of possession is applied for.

(2) No direction for delivering possession of land shall be issued by the Revenue Officer without giving the parties interested a reasonable opportunity of being heard.

**48. Power to enter upon land under section 72 –**

(1) Any officer entrusted with the performance of any duty under the Act may enter upon any land by giving reasonable and prior intimation to the owner or occupier of the land or any adult member of his family not being a Paradahnashin lady.

(2) If the owner or occupier of the land or any other person on his behalf is not available, the entry to the land may be made in the presence of two persons.

(3) The signature of the owner or occupier or any person on his behalf or the two persons as the case may be, may be taken on the records of measurement or other act done.

**49. Saving in regard to form of application –**

No document made under the Act or under these rules shall be void merely because it is not in the prescribed form provided that all materials and particulars provided in the form are given in the document.

**50. Savings as regards to language of application, notice, etc –**

All documents under the Act or under these rules shall be in English or in the Court language.

**51. Repeal -**

The Orissa Land Reforms Rules, 1961 are hereby repealed.

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