

(Frequently Asked Questions)
ON
THE ORISSA CONSOLIDATION OF HOLDINGS AND PREVENTION OF
FRAGMENTATION OF LAND ACT, 1972
&
THE ORISSA CONSOLIDATION OF HOLDINGS AND PREVENTION OF
FRAGMENTATION OF LAND RULES, 1973
(Training Materials)

Q.1: What is statement and object of the Act?

Ans: Despite impressive legislations like abolition of estates, ceiling of land holdings and other agrarian reforms, there was no tangible improvement in agriculture in our State. Of late. the present statute came in to operation.

In the context of strategy for increasing agricultural production and in pursuance thereof to give inducement and incentive to the cultivators, it was considered expedient to initiate legislation for consolidation of scattered holdings and re-arrange the holdings including fragmented holdings among various land owners to make them more compact and to provide against future fragmentation of holdings. This will help in economic farming and application of improved implements and methods of farming which are necessary for development of agriculture and increased agricultural production.

QNo. 2. When did OCH & PFL Act and the Rules thereof came into force ?

Ans: The Act and Rules came in to force : w.e.f. 10.8.1973 and 9.5.1973 respectively (Act was Published vide Orissa Gazette Ext. No. 1656/30.11.1972)

QNo.3 . What is the definition of Chaka, “Consolidation Committee” “fragment” “village” under section 2 of the Act?

Ans: “Chaka” means a compact parcel of land allotted to a landowner on consolidation;

“Consolidation Committee” is constituted for each unit which shall consist of at least one representative of the landless persons and of each category of land-owners of the unit and one person from among the members of the Scheduled Castes and Scheduled Tribes of the unit if the aforesaid representatives do not include a member of the said Castes and Tribes. Rule 7 prescribes the membership within 7 to 15.age not below 21 years ,nomination of members and the Convenor by the Consolidation Officer and the publication of list.

“fragment” means a compact parcel of agricultural land held by a landowner by himself or jointly with others comprising an area which is less than (i) one acre in the district of Cuttack, Puri, Balasore and Ganjam and in the Anandpur subdivision in the district of Keonjhar, and (ii) two acres in the other areas of the State: **“village”** means any tract of land which has been recognised as a village in the revenue records or which the Board of Revenue may, from time to time, declare to be a village or which has been constituted as such under Sub-section (4) of Section 7.

Q No. 4 What is Exchange ratio as per the Rules?

Ans: Exchange Ratio means the per acre value in paise of a plot relative to that of an acre of a standard plot of the unit .The exchange ratio of each plot shall be expressed in multiple of five paise and ranging between 5 paise and 100 paise. It is determined by the ACO in consultation with the members of the consolidation committee and the land owners of the unit after through inspection taking in to consideration the factors mentioned in Rule 12(1)(a) for a standard plot

QNo. -5 What is the meaning of Standard Plot as per the Rules?

Ans: Standard Plot means the plot determined by the ACO after ascertaining from the members of the Consolidation Committee and the land owners of the unit the best plot or plots regards being had to productivity, location, availability of irrigation facilities and any other factors having a bearing on the valuation of such plot and after inspection of the same in the company of the members of the committee and as many land owners of the unit .

QNo. 6 What are the consequence of the declaration and issue of notification u/s.3(1).?

Ans : The following are the effects:

- ✓ Duty of preparation of record of rights and map of each village shall be performed by the ACO
- ✓ No transfer of any consolidable land except with the prior permission of the Consolidation Officer.
- ✓ After publication of the notification under Sub-section (1) of Section 13- Registering authority is also restricted .
- ✓ No landowner shall, after the publication of the map and land register under Section 9 can make conversion of any land to be

used so as to render it unsuitable for consolidation without prior permission of the CO.

- ✓ Proceeding relating to survey, preparation and maintenance of record of-rights and settlement of rent stands abated after publication of the notification under Sub-section (1) of Section 6 – (Mutation proceeding abated)
- ✓ Every suit and proceedings for declaration of any right or interest in any land situate within the consolidation area in regard to which proceedings could be or ought to be started under this Act, which is pending before any Civil Court, whether of the first instance or appeal reference or revision shall, on an order being passed in that behalf by the Court before which such suit or proceeding is pending stand abated.

Q No.7: What is the consequence of notification u/s 6 and during preparation of Land register?

Ans: After issuance publication of the notification u/s. Sec-6 Assistant Consolidation Officer shall: **(a)** Prepare the map of the village; **(b)** prepare a Land Register showing particulars of the lands, interests therein, rent and cess settled therefore and such other details **(c)** determine in consultation with the Consolidation Committee, the valuation **(d)** determine the shares of individual landowners in joint holdings for the purpose of effecting partition to ensure proper consolidation, **(f)** effect Partition of joint holding (CO where all parties don't agree), **(g)** amalgamate holdings **(h)** determine rent and cess **(i)** effect change in the village boundaries and **(j)** prepare statement of principles (SOP).

Q No.8. What is Statement of Principles?

Ans: A Statement of Principles is the principles to be followed in carrying out consolidation operations in the unit. It contains **(a)** specific areas, as far as they can be determined, to be ear-marked for such Preparation of **statement of principles for public purposes** and to such extent as may be prescribed; and **(b)** the basis on which and the extent to which the land-owners shall contribute land for public purposes. Rule 17 prescribes the public purposes and the extent is prescribed by Govt.

Q No.9. Describe the provisions under which the land the Land Register map and other records prepared under section 6,7 and 8 are published inviting objections ?

Ans: Land Register map and other records prepared under section 6,7 and 8 are published by placing them for public inspection for a period of 30 days u/s.9(1) of the Act inviting objections. (U/s 9(3) any person to whom a notice has been sent or any other person interested may within **30 days** of the receipt of the notice or of the publication as the case may be, file before the Assistant Consolidation Officer objections on the correctness of entries in the records and the extracts furnished there from, or on the Statement of Principles or relating to partition

Q.10 . Clarify the jurisdiction of ACO and and CO regarding the disposal of Objection filed u/s.9(3) of the Act ?

Ans: Objections relating to right, title and interest in land as can be disposed of by conciliating among the parties concerned by the Assistant Consolidation Officer: (section 10) All objections which cannot be disposed of by conciliation and all other objections including relating to valuation or the SOP or the rent or cess settled under this Act shall be forwarded by the Assistant Consolidation Officer to the Consolidation Officer for disposal. Under section 11 The Consolidation Officer shall dispose of objections forwarded to him after giving the parties concerned a reasonable opportunity of being heard and after such local inspection as he deems necessary: Provided that in disposing of objections relating to valuation and the Statements of Principles, he shall consult the Consolidation Committee.

Q No.11. Who hears the Appeal u/s 12?

Ans: The Dy. Director of Consolidation having power of Director, Consolidation disposes of the appeal against the orders of the ACO and CO disposed of u/s.10 and 11 respectively.

Q.No:12. What is importance of Section 13?

Ans: Section 13(4) is important because where in respect of any village an order is published u/s.5(1) at any time after the publication of the map and land register u/s.13(1) the map and the record-of-rights prepared on the basis of such land register shall, for all intents and purposes, be deemed to have been prepared under the Orissa Survey and Settlement Act, 1958 provided they are

published in the same manner as required by Sub-section (2) of Section 22 and the extracts of the ROR is supplied to the land owner .

QNo13. What are the condition to be fulfilled by Consolidation Scheme.

Ans: The following are the conditions:

1. a land-owner's rights and liabilities in the LR published u/s.13 is secured in lands allotted subject to deductions of contributions for public purposes
2. the valuation of lands allotted a land owner shall be equal to the valuation of lands originally held by him subject to deductions
Provided the area of the holding or holdings allotted shall not differ from the area of his original holding or holdings by **more than 33 1/3** per cent of the latter;
3. the land owner shall be awarded (a) compensation for the houses, structures, trees, wells and other improvements existing on lands originally held by him and allotted to another land-owner or existing on land contributed by him for public purposes. (b) an amount determined as aforesaid for land contributed by him for public purposes;
4. the principles laid down in the Statement of principle shall be allowed;
5. every land-owner shall, as far as practicable, be allotted a compact area at the place where **he holds the largest part of his holding; provided that no land-owner shall be allotted more than three "Chakas" in any unit.;**

Q.No.14 . Who is the authority for disposal of objection cases on Provisional Consolidation Scheme ?

Ans. The Consolidation Officer shall dispose of objections filed under Section 18 after giving the Consolidation Committee and the parties concerned a reasonable opportunity of being heard and modify the PCS or to remand the ACO with such directions in the interest of proper consolidation.

Q No.15. What is the provision of Appeal on PCS and confirmation of the scheme?

Ans: Any person aggrieved by an order of the CO may, within 30 days prefer an appeal before the Director of Consolidation (Dy. Director) and his order is final subject to modification by higher courts. Dy. Director may revise to such an extent or to remand the same' to the A C O or the CO with such directions as he deems necessary. He shall confirm the P C S after the disposal of all objections and appeals with such modifications as he considers necessary in the interests

of proper consolidation The PCS so confirmed shall be published in the unit which shall be final

Q.No.16. How the Preparation and publication of final map and record-of rights (ROR) is made and the final consolidation scheme come in to force u/s.22 of the Act?

Ans: After confirmation of the PCS the CO causes the preparation for final map and RORs on the basis of the Scheme so confirmed which contain such particulars as are required under the Orissa Survey and Settlement Act, 1958. The Map and the ROR so prepared are published and the Final Consolidation Scheme shall come into force from the date of such publication.

Q.No.17 . When the demarcation of the chaks is made and how the land owners enter into possession ?

Ans: The demarcation chaka is done with in the period of confirmation of PCS and the final publication. On and after the date of publication u/s 22(2) , a land owner shall be entitled to enter into possession of the lands allotted to him. On application made by the landowner within 60 days from the final Scheme, the A.C.O. may, within six months thereafter put the land owner in actual physical possession. On the expiry of six months from the date on which the land-owner becomes entitled to enter into possession or, where an application has been duly made under Sub-section (1), on the expiry of six months from the date of such application, the concerned land-owner shall, if he has not entered in to possession will be put to possession. The A.C.O. may, on his own motion and at any time before the issue of a notification u/s.41, put the landowner in actual physical possession. The powers conferred on the A.C.O. under Subsection (3) shall also be exercisable by the Tahasildar after the issue of notification under Sub-section (1) of Section 41.

Q No18. When the land contributed for public purposes and allotted to State Government?

Ans. With effect from the date of coming into force of the final scheme land allotted to the State Government vest and be always deemed to have vested in the State Government.

Q.No.19. How Prevention of fragmentation is made under the law and it's exceptions?

Ans: Under section 34 ,no agricultural land shall be transferred or partitioned so as to create a **fragment**. No fragment shall be transferred except to a land-owner of a contiguous Chaka with exception that a fragment may be mortgaged or transferred in favour of the State Government, a Co-operative Society, a Scheduled Bank such other financial institution as may be notified by the State Government in that behalf as security for the loan advanced by such Government, Society. Bank or institution, as the case may be. When a person, intending to transfer a fragment, is unable to do so owing to restrictions imposed under Sub-section (2),he may apply to the Tahasildar who in turn shall, as far as practicable within **forty-five days** from the receipt of the application ,determine the market value of the fragment and sell it through an auction among the landowners of contiguous Chakas at a value not less than the market value so determined. When the fragment is not sold in course of the auction it may be transferred to the State Government and the State Government shall, on payment of the market value purchase the same and thereupon the fragment shall vest in the State Government free from all encumbrances. Such provisions shall not apply to— (a) any land which is **covered under the approved Master Plan published under the Odisha Town Planning and Improvement Trust Act, 1956** or as the case may be, **approved development plan published under the Odisha Development Authorities Act, 1982**; or (b) a transfer of any land for such public purposes, as may be specified, from time to time, by notification in this behalf, by the State Govt .(Amended Act 2012)

Q No:20. Describe the consequences of transfer or partition contrary to provisions of Section 34?

Ans: A transfer or partition in contravention of the provisions of Section 34 shall be void. A person occupying or in possession of any land by virtue of a transfer or partition which is void under the provisions of this Act may summarily evicted by the Collector under Section 35 of the Act

Q No.21. What is the provision of Revision under the Act?

Ans: Under section 36(1) of the Act the Consolidation Commissioner may, on an application by any person aggrieved by any decision of the Director of Consolidation (Dy Director) within **ninety** days from the date of the decision, revise such decision and for the said purpose, he may call for and examine the records.

Q.No.22. What is the provision of Sec:37 (Power to call for records)

Ans: U/s.37 (1) The Consolidation Commissioner may call for and examine the records of any case decided or proceedings taken up by any subordinate authority for the purpose of satisfying himself as to the regularity of the proceedings or as to the correctness, legality or propriety of any order passed by such authority in the case or proceedings and may, after allowing the parties concerned a reasonable opportunity of being heard make such order as he thinks fit. (2) The power under Sub-section (1) may be exercised by the Director of Consolidation in respect of authorities subordinate to him.

Q No23: How the closure of consolidation operations are made and how the orders of the competent court in pending cases can be carried out?

Ans: As soon as publication u/s 22, the State Government shall issue a notification for the closure of consolidation operations in the unit u/s 41 (1) of the Act The issue of such notification under this section shall not affect the operation of the provisions contained in Chapter IV. Consolidation operations shall not be deemed to have been closed in respect of case or proceeding pending under the provisions of this Act on the date of issue of notification u/s.41(1). The orders passed by the competent authorities in matters referred to in Subsection (2) shall be given effect to **by local Tahsildar (Rule36)**.

Q No:24. Is there any provision for Correction of clerical and arithmetical mistake.?

Ans: Yes .If at any time before the issue of a notification under Section 41 the Consolidation Officer or Assistant Consolidation Officer is satisfied that a clerical or arithmetical error apparent on the face of the record exists in any document prepared under any provision of this Act, he shall, either on his own motion or on the application of any person interested correct the same after giving to the parties concerned a reasonable opportunity of being heard.