

# **Odisha Government Land Settlement Act 1962**

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# Government Land

U/S 2 (b) of the Act, Government land means any waste land belonging to Government whether cultivable or not, recorded as House site , Anabadi, chot jungle, puraqtan patit, nutan patit, parityakta bedakhali, Gochar or by any other description whatsoever;

‘any other description whatsoever’ includes

- Khasmahal land- Government estates and the rent of which are payable under Bengal land Revenue Settlement Regulation 1822 or 1825
- Nazul lands
- Gramkantha Paranboke lands oif es-madras areas
- Abadi lands

# Landless Agricultural Labourer

- U/S 2(b-1) Means a person who has no means of livelihood other than agriculture, provided
- He or any member of his family owns no land excluding homestead; and
- His total income together with total annual income of all members of his family who are living with him in common mess does not exceed 40000/-

# Person

- U/S 2(b-2) A person means an individual, the total extent of whole land excluding homestead, together with land held by all members of his family does not exceed one standard acre of land
- Whose total family income does not exceed Rs.40000/- and
- Includes any company or association or body of individuals whether incorporated or not or any local authority.

# Standard Acre

- As defined u/s 2(29) of the OLR Act, 1960
- **One standard acre means**
  - One acre of Class-I land
  - One and one half (1.5) acre of Class-II land
  - 3 acres of Class-III land and
  - 4 and half (4.5) acres of Class-IV land

# Class of land

As defined u/s 2(5-a) of OLR Act

**Class I-** Irrigated land –where 2 or more crops in any one year within a period of last 3 years have grown, or can be grown

**Class-II-** Irrigated land not more than one crop has grown or can be grown

**Class-III** – Other than irrigated land in which paddy has grown or can be grown during last 3 years.

**Class-IV-** Any other land.

Tanks, coconut gardens and orchards (except banana orchards ) will be Class-iii land

## Section -3- Reservation and settlement of Government land.

Government shall not be deemed to be debarred from exercising all or any of the following powers in respect of Govt Land

- To reserve such portion for the purpose of house sites or for any communal or industrial purpose or for any other purposes whatsoever;
  - To charge premium for settlement of any such land
  - To charge rent for the lands so settled.
  - To charge fees for application for settlement
  - To authorise any officer of Govt to dispose of applications

# Settlement of land: Priority

- 70% of land for SC & ST
- If not available, then for others on following priority
- Cooperative farming societies
- Any landless agril worker
- Ex-servicemen or members of armed forces
- Raiyats who personally cultivate land less than one standard acre
- Khasmahal, nazul, gramkanth and abadi lands with the occupants with heritable and transferable rights
- Govt to decide maxm extent of land to be settled for diff purposes



## Sec-3A: Power to Dereserve

- Collector shall dereserve
- If it is no longer required for the purpose for which reserved
- Cannot serve the purpose for which reserved
- Is in excess of the reasonable requirement
- Extent of Gochar land to be assessed i.e 5% of the effective area

## Sec- 3B Resumption of land

- Can be resumed, if there is reason to believe that
- The person has used it for any purpose other than it was settled
- The person, other than homesteadless person or landless agril labourer has not used it for more than 3 years from the date of settlement
- And may impose a penalty not exceeding 1000/- rupees on such person
- Not without opportunity of being heard

# Settlement of Char and Diara lands

- The settlement under OLR Act;
- Char means a gradual accretion of the bank formed by alluvial deposits in a river and
- Diara means an island formed in the bed of a river or any land formed by the recession of a river.

# OGLS Rules 1983

## Effective Area

- Means the total extent of private agricultural land plus arable Government lands consisting of gochar, village forests and waste land in the village multiplied by 20/23.
- For calculating arable land following category lands be excluded;
  - Char & Diara lands subject to customs of utabandi settlement
  - Canal side lands etc of Works Dept/ Irrigation Dept
  - Surplus railway lands
  - Lands recorded or used as communal lands

# Settlement of Lands in urban areas

- As per town planning scheme
- Plotting b edone
- Plots be divided into 5 categories
- Lands reserved for poor class less than 8400 annual income
- Lands for middle class between 8400 to 30,000/-
- Lands reserved for future requirement for govt and other public purposes
- Land to be settled on public auction
- Land to be reserved for small & medium industries
- Lands reserved must be contiguous
- Collector shall obtain approval of RDC on the classification of plots

# Settlement of Lands in urban areas

- Land in urban areas shall be settled on lease basis
- By Public Auction
- In favour of Dev Authorities/ OSHB, any corporation/ company owned by Govt
- In favour of Govt Departments

# Dereservation Principles

- Land in urban areas shall be settled on lease basis
- By Public Auction
- In favour of Dev Authorities/ OSHB, any corporation/ company owned by Govt
- In favour of Govt Departments
- While dereserving Gochar land, calculation should be done 5% of effective area in surveyed villages
- In un surveyed villages, one acre for every 14 inhabitants



THANK YOU

**Proposed amendments  
to OPLE Act**

Existing Provision	Proposed Amendment	Objective / effect
<p>The words “Encroachments”, “Encroachers” and “Unauthorized occupied” were not defined.</p>	<p>These words have been defined.</p>	<p>To widen all types of encroachments.</p>
<p>Section-4 provided for assessment of rent payable by occupied which was five times rent as fixed by the Government in the village.</p>	<p>Higher rent has been charged @ 0.1%, 0.5% &amp; 1% for agriculture, residential and other uses respectively.</p>	<p>To discourage encroachments</p>

<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Objective / effect</b>
Under section 6 the penalty for unauthorization was Rs. 100 per acre per year.	Penalty proposed increased to 5% of market value for each year subject to minimum of Rs. 1000/-	To discourage encroachments.
Under section 7 (2) (1) (a) provision was made for settlement of land upto 1 acre.	The words “and such person has used the land for agricultural purpose” has been inserted after the word “landless person”	Settlement of encroach land for purpose other than agriculture has been discouraged.
Under second proviso to section 7 (2) (b) there was provision for settlement of land in urban area.	No change suggested	There is need such deletion in view of excluding public premises from the definition.

<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Objective / effect</b>
Under second proviso to Section 7 (2) (b) there was provision for settlement of maximum up to 1/10 of an acre.	The propose amendment reduce the area to 1/25 of an acre.	To reduce the area of settlement.
Sub Section (2) (a) of Section 7 was made for settlement of house site with homesteadless under occupation as on 10.03.1985 except communal land.	Proviso has been made for to make the right transferable after 20 years.	To give transferable right after 20 years.
Under Section 7 (3) Tahasildar has discretion to impose fine up to Rs. 50 /- and daily find of Rs. 10/-	There is no discretion of Tahasildar not impose fine and Rs. 50/- has been raised to Rs. 500/- and daily fine from Rs. 10/- to Rs. 50/-.	To discourage encroachment

Existing Provision	Proposed Amendment	Objective / effect
<p>Section 8 – stay of construction</p> <p>Under Section 8 there was provision to fine Rs. 50/- and daily fine of Rs. 10/- in case of violation of stay orders of constructions.</p>	<p>Section 8 has been renumbered as 8 (a).</p> <p>Rs. 50/- has been raised to Rs. 500/- and daily fine from Rs. 10/- to Rs. 50/-.</p>	
<p>There was no provision for seizure and removal of materials for constructions and confiscation.</p>	<p>Section 8 (2) &amp; (3) added provisioning seizure of constructions materials and confiscation.</p>	
<p>Unauthorized occupation was not a cognizable offence</p>	<p>Section 8 (a) was inserted</p>	

<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Objective / effect</b>
New provision.	After Section 8 (A) new Sub-Section 8-B has been inserted to disconnect electricity, water, telephone and Sewerage service.	
New provision.	After expire of any lease, provision has been made under section 8-C to treat him as an encroacher.	

THANK YOU