

ORISSA ORDINANCE No. 2 OF 1974

THE ORISSA LAND REFORMS (AMENDMENT) ORDINANCE, 1974

[Promulgated by the Governor of Orissa on the 13th April 1974, published in an extraordinary issue of the Orissa Gazette, dated the 13th April 1974]

AN

ORDINANCE

TO AMEND THE ORISSA LAND REFORMS ACT, 1960

WHEREAS the Legislature of the State of Orissa is not in session ;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Land Reforms Act, 1960 in the manner hereinafter appearing ;

Orissa Act 16 of 1960.

AND WHEREAS instructions from the President have been received to promulgate an Ordinance for the above purpose ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twenty-fifth Year of the Republic of India:—

Short title
and
Commence-
ment.

1. (1) This Ordinance may be called the Orissa Land Reforms (Amendment) Ordinance, 1974.

(2) It shall be deemed to have come into force with effect from the 2nd day of October, 1973.

Amendment
of section 2,
Orissa Act
16 of 1960.

2. In section 2 of the Orissa Land Reforms Act, 1960 as amended by the Orissa Land Reforms (Amendment) Act, 1973 (hereinafter referred to as the principal Act), for clause (5-a), the following clause shall be substituted, namely :—

Orissa Act 16 of 1960, President's Act No. 17 of 1973.

“(5-a) ‘classes of land’ means—

Class I—Irrigated land in which two or more crops (i) were in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973 grown or (ii) can be grown in a year.

President's Act No. 17 of 1973.

Class II—Irrigated land in which not more than one crop (i) was in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973 grown or (ii) can be grown in a year.

President's Act No. 17 of 1973.

Class III—Land, other than irrigated land, in which paddy (i) was in any year within a period of three years before the commencement of the Orissa Land Reforms (Amendment) Act, 1973 grown or (ii) can be grown.

President's Act No. 17 of 1973.

Class IV—Any other land.”

Amendment
of section
40, Orissa
Act 16 of
1960.

3. In section 40 of the principal Act,—

(a) in sub-section (1), after the words “on behalf of the Government”, the words “and all transfers made and partitions effected in contravention of this sub-section shall be void” shall be added;

(b) sub-section (2) together with the proviso thereto shall be deleted.

Amendment
of section
40-A, Orissa
Act 16 of
1960.

4. In section 40-A of the principal Act,—

(a) after sub-section (1), the following provisos shall be inserted, namely:—

“Provided that a person who has made any transfer or effected any partition in contravention of the provisions of sub-section (1) of section 40, shall not have the right to indicate the parcels of land which he wishes to retain and the parcels of land in excess of the ceiling area, but shall have to file the return furnishing the particulars of all the lands held by him as aforesaid:

Provided further that where as a consequence of the amendment of this Act by the Orissa Land Reforms (Amendment) Ordinance, 1974, such person considers it necessary to submit a return or revised return, such return or revised return shall be submitted within thirty days from the date of publication of the said Ordinance in the Gazette."

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) In any case where on the date of submission of the return under sub-section (1),—

(a) any proceeding for resumption under Chapter III or mutation proceeding or proceedings for partition in a Civil Court in respect of any land forming subject-matter of the return; or

(b) any proceeding under section 57-A relating to a trust on whose behalf the return has been submitted,

is pending the person who has submitted such return shall submit a revised return on the basis of the result of such proceeding in accordance with sub-section (1) within ninety days from the date of issue of the certificate under section 29 or, as the case may be, from the date of final disposal of the mutation proceedings, proceedings for partition or proceedings under section 57-A after the termination of appeal, revision or review, if any."

Amendment of section 41, Orissa Act 16 of 1960. 5. In section 41 of the principal Act, for clause (2), the following clause shall be substituted, namely: —

"(2) in the case of family, by the head of the family or any member thereof or by all the members jointly:

Provided that if more than one return is filed in respect of the same family all such returns shall be taken up together for consideration."

Amendment of section 43, Orissa Act 16 of 1960.

6. In section 43 of the principal Act, in sub-section (1),—

(a) after the words "selection made by the person concerned", the words "having a right to do so" shall be inserted;

(b) for clause (a), the following clause shall be substituted, namely :—

"(a) the total area of land held by the person as a land-holder or as a raiyat and the class to which each plot of the land belongs ;"

Amendment of section 52, Orissa Act 16 of 1960.

7. In section 52 of the principal Act, after the existing proviso, the following new proviso shall be inserted, namely :—

" Provided further that where an application under section 57-A has been made on behalf of such person within the aforesaid period of ninety days, the return required under section 40-A shall be submitted to the Revenue Officer within ninety days from the date of final disposal of the proceedings under section 57-A."

B. D. JATTI

GOVERNOR OF ORISSA

Dated the 13th April 1974