

**THE ORISSA PREVENTION OF LAND ENCROACHMENT
(AMENDMENT) ACT, 1976**

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ORISSA ACT 25 OF 1976
***THE ORISSA PREVENTION OF LAND ENCROACHMENT
 (AMENDMENT) ACT, 1976**

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AN ACT TO AMEND THE ORISSA PREVENTION OF LAND
 ENCROACHMENT ACT, 1972

Be it enacted by the Legislature of the State of Orissa in the Twenty-seventh Year of the Republic of India, as follows:—

Short title

1. This Act may be called the Orissa Prevention of Land Encroachment (Amendment) Act, 1976.

Amendment
of section 3.

2. In section 3 of the Orissa Prevention of Land Encroachment Act, 1972 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

Orissa Act 6
of 1972.

“(a-1) ‘landless person’ means a person who has no profitable means of livelihood other than agriculture, provided that—

(i) he owns no land excluding his homestead ; or

(ii) the total extent of the land (including the lands encroached by him, but excluding his homestead) held by him along-with the lands owned by all the members of his family who are living with him in common mess, is less than two acres;”.

Amendment
of section 4.

3. In section 4 of the principal Act, for the existing proviso, the following provisos shall be substituted, namely:—

“Provided that where the person unauthorisedly occupying such land is a landless person, the amount payable by him by ways of assessment shall in no case exceed an amount equal to five times the annual assessment :

Provided further that notwithstanding anything in the tenancy law for the time being in force, payment of assessment under this section shall not confer any right of occupancy.”.

Amendment
of section 6.

4. In section 6 of the principal Act,—

(a) for the words “not exceeding twenty-five rupees”, the words “not exceeding one hundred rupees” shall be substituted;

(b) the following proviso shall be added at the end, namely:—

“Provided that where the person liable to pay assessment is a landless person, he shall not be liable to pay any penalty under this section.”.

Omission of
section 6-A.

5. Section 6-A of the principal Act shall be omitted.

Amendment
of section 7.

6. In section 7 of the principal Act,—

(a) for sub-section (2), excluding the provisos thereto, the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), where any land is in the unauthorised occupation of a landless person, the Tahasildar may, instead of evicting such person from the land in his unauthorised occupation, settle the same with him, so, however, that the land so settled with him together with the land (excluding homestead), if any, owned by him and the lands owned by all the members of his family who are living with him in common mess, shall on no account exceed two acres.”;

(b) after the second proviso to sub-section (2), the following explanation shall be inserted, namely:—

“*Explanation*—In determining whether a person is a landless person for the purposes of this sub-section, the land occupied by him unauthorisedly shall not be taken into account.”.

Savings

7. The omission of section 6-A of the principal Act by this Act shall in no way affect any reduction or remission of any assessment or penalty made under the said section prior to the date of commencement of this Act nor shall it in any way affect the proceedings pending under that section on the said date.