

## ORISSA REGULATION 1 OF 1997

THE ORISSA SCHEDULED AREAS TRANSFER OF IMMOVABLE PROPERTY  
(BY SCHEDULED TRIBES) AMENDMENT REGULATION, 1996

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## REGULATION

TO AMEND THE ORISSA SCHEDULED AREAS TRANSFER OF IMMOVABLE PROPERTY  
(BY SCHEDULED TRIBES) REGULATION, 1956

Whereas it is expedient to amend the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Orissa is pleased to make the following Regulation in the Forty-Seventh Year of the Republic of India:—

Short title

1. This Regulation may be called the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 1996.

Amendment  
of  
Section 2.

2. In the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 (hereinafter referred to as the Principal Regulation), in Section 2,—

Orissa  
Regulation  
2 of 1956.

(i) after clause (a) the following clause shall be inserted, namely :—

“(aa) “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 Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 1996, grown or (ii) can be grown in a year;

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 Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 1996, grown or (ii) can be grown in a year;

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 Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 1996, grown or (ii) can be grown in a year;

Class IV—Any other land.

*Explanation*—For the purposes of this clause—

(f) tanks, cocoanut gardens and orchards (except orchards growing banana) shall be deemed to be Class III land; and

(ii) the expression “year” shall mean the agricultural year commencing on the first day of April;

(ii) the existing clause (a-1) shall be renumbered as clause (ab); and

(iii) after clause (e), the following clause shall be inserted, namely:—

“(e-1) “standard acre” means the unit of measurement of land equivalent to one acre of Class I land, one and one-half acre of Class II land, three acres of Class III land or four and one-half acres of Class IV land.

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

Amendment  
of  
section 3.

3. In section 3 of the principal Regulation,—

(i) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that a member of a Scheduled Tribe shall not transfer any land if the total extent of his land remaining after the transfer will be reduced to less than one standard acre.”;

(ii) in sub-section (3), for the words “Board of Revenue” the words “Revenue Divisional Commissioner” shall be substituted ;

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3-a) (1) Any order passed by the competent authority under sub-section (1) or under sub-section (2) may within a period of five years from the date of such order be revised, either on own motion or otherwise, by the Revenue Divisional Commissioner if the order was passed by the Collector and by the Collector if it was passed by any other competent authority, after giving the parties concerned a reasonable opportunity of being heard :

Provided that no order shall be revised under this sub-section if an appeal against such order has been entertained under sub-section (3).

(ii) For the purpose of revising any order, the Revenue Divisional Commissioner or, as the case may be, the Collector shall follow such procedure as may be prescribed and shall have power to call for and examine the records of the proceedings wherein such order was passed and pass such order as he deems fit.”; and

(iv) in sub-section (4), for the words, brackets and figure “the provisions of sub-section (3)”, the words, brackets and figures “any order passed under sub-section (3) or sub-section (3-a)” shall be substituted.

Amendment  
of  
section 7.

4. In section 7 of the principal Regulation, in sub-section (1), for the words “two hundred rupees”, the words “two thousand rupees” shall be substituted.

Amendment  
of  
section 7C.

5. In section 7C of the principal Regulation, in clause (a), after the word “transferee”, the words “or any person claiming the right to the property through the transferee” shall be inserted.

Insertion of  
new section  
7E.

6. After section 7D of the principal Regulation, the following section shall be inserted, namely :—

Bar of  
Jurisdiction  
of Civil  
Courts.

“7E. No Civil Court shall have jurisdiction to try and decide any suit or proceeding so far as it relates to any manner which any officer or other competent authority is empowered by or under this Regulation to decide.”.