

**THE ORISSA LAND REVENUE (ABOLITION) ORDINANCE, 1977**

*[Promulgated by the Governor on the 28th November 1977, published in an extraordinary issue of the Orissa Gazette, dated the 30th November 1977]*

AN

**ORDINANCE**

TO PROVIDE FOR THE ABOLITION OF PAYMENT OF LAND REVENUE IN RESPECT OF CERTAIN CATEGORIES OF LAND

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 provide for the abolition of payment of land revenue in respect of certain categories of land in the manner hereinafter appearing ;

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-eighth Year of the Republic of India :—

Short title,  
extent and  
commence-  
ment.

1. (1) This Ordinance may be called the Orissa Land Revenue (Abolition) Ordinance, 1977.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force with effect from the 1st day of April, 1977.

Definitions.

2. In this Ordinance, unless the context otherwise requires :—

(a) "Government" means the State Government of Orissa ;

(b) "land revenue" means all sums and payments in money or in kind or in both by whatever name designated or locally known received or claimed by or on behalf of Government from a raiyat or tenant for use or occupation of the land held by him and includes rent, but does not include cess ;

(c) "municipality" or "notified area" means a municipality or notified area constituted under the Orissa Municipal Act, 1950 ;

(d) "prescribed" means prescribed by rules made under this Ordinance ;

(e) "rent" means whatever is payable or deliverable in money or in kind or in both, except by way of a special contract by a tenant or a raiyat to Government on account of use or occupation of the land held by him ;

(f) "small scale industry" means an industry the capital investment in respect of which does not exceed one lakh of rupees or an industry wherein the number of labourers employed on any day during the previous agricultural year does not exceed twenty ; and

- (g) words and expressions used in this Ordinance but not defined herein shall have the same meaning as are respectively assigned to them in the land revenue and tenancy laws for the time being in force in the State.

Abolition  
of land  
revenue.

3. (1) Notwithstanding anything to the contrary contained in any other law, custom, or usage for the time being in force in the State, no raiyat or tenant shall be liable to pay land revenue in respect of any land held by him directly under Government provided such land is used for purposes of agriculture, horticulture or pisciculture or for purposes of any small scale industry located outside the limits of a municipality or notified area.

(2) The provisions contained in sub-section (1) shall be without prejudice to and shall not affect the operation of any law providing for assessment of land revenue or for recovery of any sum as arrears of land revenue.

Adjustment  
and refund.

4. Any sum paid by or on behalf of a raiyat or tenant towards land revenue after the commencement of this Ordinance shall, if he was not liable to pay such sum in accordance with the provisions contained in section 3, be adjusted towards other dues, if any, payable by him to Government under any law and the balance shall be refunded to him on an application made in that behalf in the prescribed manner.

Computation  
of land  
revenue.

5. Without prejudice to the provisions of section 3, for the purposes of computation, the land revenue in respect of any land which was settled or assessed prior to the 1st day of April, 1945 shall include a surcharge of an amount equal to fifty per centum of such land revenue :

Provided that the surcharge shall cease to be so included with effect from the date on which the land revenue settled under the Orissa Survey and Settlement Act, 1958 or under the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 in respect of the said land takes effect.

Orissa Act  
3 of 1959.

Orissa Act  
21 of 1972.

Repeal and  
saying.

6. (1) The Orissa Land Revenue (Re-imposition) Act, 1975 and the provisions of any other enactment in so far as they are repugnant to the provisions of this Ordinance, are hereby repealed.

Orissa Act,  
33 of 1975.

(2) Notwithstanding such repeal, all documents and revenue records relating to landlords and tenants shall continue to be valid to the extent of their use for purposes which are not inconsistent with or repugnant to the provisions of this Ordinance.

Power to  
make rules.

7. The Government may make rules for carrying out all or any of the purposes of this Ordinance.

B. D. SHARMA

Dated the 28th November 1977

GOVERNOR OF ORISSA