

**THE ORISSA SURVEY AND SETTLEMENT
(AMENDMENT) ACT, 1965**

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ORISSA ACT 9 OF 1965

THE ORISSA SURVEY AND SETTLEMENT (AMENDMENT)
ACT, 1965

[Received the assent of the Governor on the 13th May 1965,
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AN ACT TO AMEND THE ORISSA SURVEY AND SETTLEMENT ACT, 1958

BE it enacted by the Legislature of the State of Orissa in the Sixteenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Orissa Survey and Settlement (Amendment) Act, 1965.

(2) It shall come into force at once.

Amendment
of section
16, Orissa
Act 3 of
1959.

2. For section 16 of the Orissa Survey and Settlement Act, 1958 (hereinafter referred to as the principal Act) the following section shall be substituted, namely:—

Orissa Act 3
of 1959.

Maintenance
of records.

“16. In order to keep the map and the record-of-rights up to date the same shall be maintained in accordance with such rules as may be prescribed in that behalf.”

Amendment
of section 38,
Orissa Act 3
of 1959.

3. For section 38 of the principal Act, the following section shall be substituted, namely:—

Validation
of past
records and
settlement
of rent.

“38. (1) All records published in the course of proceedings relating to survey, preparation of record-of-rights or settlement of rent and all records maintained, before the date of commencement of this Act under the provisions of any law for the time being in force or any custom having the force of law or under orders of Government, shall be deemed to have been finally published or maintained under sections 6-C, 12-B, 23 or 16, as the case may be and all rents settled prior to the said date under any such law, custom or order, as aforesaid, shall be deemed to be settled under this Act.

(2) The other provisions of this Act shall, *mutatis mutandis*, apply to all such records and rents so settled.

Explanation—For the purposes of the application of sections 6-D, 15, 25 and 42 the date of final publication shall be taken to be the date of commencement of the Orissa Survey and Settlement (Amendment) Act, 1965.

(3) Notwithstanding anything in the foregoing sub-sections, no proceedings shall be maintainable—

- (a) under sections 6-D, 15 or 25 if the record or any entry therein or the settlement of rent had, prior to the date of commencement of the Orissa Survey and Settlement (Amendment) Act, 1965, been—
- (i) subject to a revision by the Board of Revenue ; or
- (ii) after being made, further considered by any authority in accordance with any law or under orders of Government ; or
- (iii) subject to any decision by a Civil Court ; or
- (b) under section 42 if the matter had been in issue in a previously instituted suit in a Civil Court.”

Orissa Act 3
of 1959.

Omission of
section 39,
Orissa Act 3
of 1959.

Transitory
provision
and valida-
tion.

4. Section 39 of the principal Act shall be omitted.

5. (1) Any proceedings for the revision of any record or any entry therein or any rent as specified in section 38 of the principal Act, as amended by this Act pending before the Board of Revenue shall be deemed to be proceedings under the principal Act.

(2) Any order made by the Board of Revenue prior to the date of commencement of this Act directing revision in proceedings of the nature specified in sub-section (1) shall be deemed to have been validly made and shall have effect as fully and effectively as if the Board of Revenue had at all material dates been vested with the powers to make such order under the principal Act.