

**THE ODISHA TOWN PLANNING AND IMPROVEMENT TRUST
(AMENDMENT) BILL, 2021**

**A
BILL**

**FURTHER TO AMEND THE ODISHA TOWN PLANNING AND
IMPROVEMENT TRUST, ACT, 1956**

Be it enacted by the Legislature of the State of Odisha in the Seventy-second Year of the Republic of India, as follows :-

Short title and Commencement.

1. (1) This Act may be called the Odisha Town Planning and Improvement Trust (Amendment) Act, 2021.

(2) It shall be deemed to have been come into force on 29th June, 2021.

Amendment of section 2.

2. In section 2 of the Odisha Town Planning and Improvement Trust Act, 1956 (hereinafter referred to as the principal Act), —

Odisha Act 10 of 1957.

(a) after clause (3), the following clause shall be inserted namely:-

“(3a) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change, in any building or land or in the use of any building or land, and includes re-developments and re-constructions and lay-out and sub-division of any land; and “to develop” shall be construed accordingly;”;



[Signature]
Public Information Officer
Odisha Legislative Assembly

(b) for clause (4), the following clause shall be substituted, namely:-

“(4) ‘Land’ includes benefits arising out of land, and things attached to the earth or permanently fastened to anything attached to earth;”;

(c) after clause (12), the following clause shall be inserted namely:-

“(12a) ‘transferable development rights’ means a development right to transfer the potential of a plot designated for a public purpose in a Master Plan, expressed in terms of total permissible built-up space calculated on the basis of Floor Area Ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area within the Master Plan as additional built-up space over and above permissible limit, in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Authority;”;

(d) the clause (13) shall be omitted.

3. In the principal Act, in section 21, —

(a) for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Every contract shall be made on behalf of the Trust by the Chairman or by such officer as the Trust may authorise and the contract involving an expenditure of such sum shall be made by the Chairman or by the Officer subject to such restriction and conditions as the State Government may, by notification, specify, from time to time.”;

(b) in sub-section (2), for the words “subject to the approval of the authority or authorities empowered under sub-section (1)”, the words and comma “subject to the provision of sub-

Amendment of
section 21.



[Signature]
Public Information Officer
Odisha Legislative Assembly

Amendment of
section 31.

section (1)," shall be substituted;

4. In the principal Act, in section 31, after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) The State Government may exclude certain categories of development having such low risk as may be prescribed from the condition of prior permission as required under sub-section (3), if such development conform to such terms and conditions as may be prescribed."

Amendment of
section 33.

5. In the principal Act, in section 33, after sub-section (5), the following sub-section shall be inserted, namely:-

"(6) The State Government may exclude certain categories of development having such low risk as may be prescribed from the condition of prior license as required under sub-section(1), if such development to such terms and conditions as may be prescribed;"

Insertion of
new
section
33A.

6. In the principal Act, after section 33, the following section shall be inserted, namely:-

33A. (1) Notwithstanding anything contained in this Act or in the Rules or Regulations or Bye-Laws made thereunder, for the purpose of simplification of the process for grant of permission or license, as the case may be, under sub-section (3) of section 31 or under sub-section (1) of section 33, by the Planning Authority, the State government may prescribe Common Application Form to be used by persons requiring such permissions or license, as case may be.

"Common
Application
Form for
permission.

(2) Every person shall make a Common Application to the Planning Authority in such form, in such manner and subject to such conditions as may be prescribed.

(3) On receipt of Common Application Forms, the Planning Authority shall transmit copies of such



21.4.22
Public Information Officer
Odisha Legislative Assembly

applications to all such Departments and Agencies of the State Government from which No Objection Certificates are required before grant of permission or license by the Planning Authority and such Department or Agencies shall consider for grant of such No Objection Certificates to the said Authority as per the time limits fixed in the rules and in the event of failure of any Department or Agencies of the State Government to communicate their views within the time limits fixed, then No Objection Certificates shall be deemed to have been obtained.

(4) The State Government may make rules for prescribing the detailed procedure for processing of Common Application Forms by Departments and Agencies of the State Government, and also on other such matters as required in this regard.

(5) Notwithstanding anything contained in this section, any application pending immediately before the commencement of the Odisha Town Planning and Improvement Trust (Amendment) Ordinance, 2021 shall be considered in accordance with the provision existing prior to such commencement.”

7. In the principal Act, for section 58, including with its marginal heading, the following section shall be substituted, namely:-

58. (1) If any question or dispute arises between the Planning authority and any person during the course of execution of any of the schemes, as envisaged under this Act, by the Planning authorities, the matter shall be determined by the Government or any officer or officers of the Government, as may be notified by the Government from time to time, if a reference is made by the Planning authority or any person to the Government or such

Amendment of
section 58.

“Reference
of dispute to
the
Government.”



27-4-22
Public Information Officer
Odisha Legislative Assembly

officer(s), as the case may be, within a period of three months, and the determination of the Government or such officer shall be final.

(2) If the reference has not been made within the period of three months, the decision of the Planning authority shall be final.”.

Amendment of
section 62.

8. In the principal Act, for section 62, the following section shall be substituted, namely:-

“62. (1) The Planning Authority may enter into an agreement with any person for the acquisition of any moveable or immovable properties from him by purchase, exchange, gift, lease, mortgage or by any method permissible under law, in accordance with the rules and regulations made for this purpose.

(2) The Planning Authority may, with the written consent of the owner, acquire any land or property or both for providing infrastructure, amenities and facilities for public purposes byway of according Transferable Development Rights (TDR) through issue of Development Rights Certificate in lieu of payment towards cost of land and property, in such manner and on such terms and conditions, as may be prescribed:

Provided that the Transferable Development Rights may be arrived at on the basis of relative land values and equivalent amount of both export and import areas as per the benchmark value fixed for such area and such Right may be utilised as additional built-up space by the owner who can use this either by himself or transfer it to any other person in full or in part for use within the area covered under the Master Plan as prescribed or offset the money against the fees and charges payable for issue of,



27.4.22
Public Information Office,
Odisha Legislative Assembly

permission or license subject to fulfilment of all other rules and regulations governed for construction of buildings.

(3) The Planning Authority may, with the consent of the owner, and in the manner prescribed, acquire land and built-up space for public purposes, indicated in an approved master plan, by permitting in the form of built-up space guided by permitted Floor Area Ratio in addition to built up space required for the amenity, in lieu of the cost of land and the built-up space payable to the owner for the amenity transferred to the Planning Authority."

Amendment of section 63.

9. In the principal Act, in section 63, for the expression "the Land Acquisition Act, 1894" and "1 of 1894", the expression "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" and "30 of 2013" shall, respectively, be substituted.

Omission of sections 64 to 69.

10. In the principal Act, sections 64 to 69 (both inclusive) shall be omitted.

Amendment of section 71.

11. In the principal Act, in section 71, in sub-section (4), for the words "with the same qualification of a Tribunal as specified in sub-section (2) of section 65", the words "from among the person who is or had been a member of Odisha Superior Judicial Service" shall be substituted.

Amendment of section 77.

12. In the principal Act, in section 77, for the words, "in pursuance of fresh declarations published under section 6 of the Land Acquisition Act, 1894", the words "under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

Insertion of new Section 83.

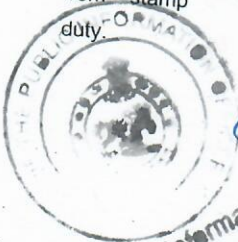
13. In the principal Act, after section 82, the following section shall be inserted namely: -

"Exemption from stamp duty.

83. Notwithstanding anything contained in the Indian Stamp Act, 1899 no duty shall be imposed on any deed of transfer of

"30 of 2013"

2 of 1899.



Public Information Officer
Odisha Legislative Assembly
27.4.22

immovable property either by or in favour of the Planning Authority.”.

Amendment of
section 125.

14. In the principal Act, in section 125, in sub-section (2),—

(a) clause (b) shall be omitted;

(b) after clause(f), the following clauses shall be inserted, namely: —

“(g) as to the terms and conditions required under sections 31 and 33;

(h) the form and manner of filing of Common Application Form under section 33A;

(i) any other matter which is required to be made or may be prescribed.”.

Insertion of new
section 152A and
152B.

“Removal of
unauthorized
development.

15. In the principal Act, after section 152, the following sections shall be inserted, namely: —

152A.(1) Where any development has been commenced or is being carried on or has been completed in contravention of the Master plan or without the permission, or obtaining a license, as the case may be, referred to in sections 31 and 33 or in contravention of any condition subject to which such permission or license has been granted, any Officer of the Planning Authority empowered by it in this behalf, may in addition to any prosecution that may be instituted under this Act, make an order directing that such development shall be removed by demolition be cured by sealing or filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than five days and not more than 15 days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to



Public Information Officer
Odisha Legislative Assembly

the owner or that person as may be specified in the order and on his failure to comply with the order, the Officer of the Authority may remove or cause to be removed the development or seal or cause to be sealed such development and the expenses incurred therefor shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed, as arrears of land revenue:

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under subsection (1) may appeal to the State Government or any officer appointed by the State Government in this behalf against that order within thirty days from the date thereof and the Government or the officer, as the case may be, may after hearing the parties to the appeal either allow or dismiss the appeal or may revert or verify any part of the order and such decision shall be final:

Provided that where more than one officers are appointed, the State Government shall specify their Jurisdiction.

(3) The provisions of this section shall be in addition to, and not in derogation of any other provision relating to demolition of buildings contained in any other law for the time being in force.

152B. (1) Where any development in any area has been commenced in contravention of the Master Plan or without the permission, or obtaining license, as the case may be, referred to in sections 31 and 33 or in contravention of any conditions subject to which such

Powers to stop
un-authorized
development.



Public Information Officer
Odisha Legislative Assembly

[Handwritten signature]
27.4.22

permission or license has been granted, the Planning Authority or any officer of the Planning Authority empowered by it in this behalf, may, in addition to any prosecution that may be instituted under this Act, make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.

(2) Where such development is not discontinued in pursuance of the order under sub-section (1), the Planning Authority or the Officer of the Authority, as the case may be, may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development and to secure such place of development by sealing within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After the requisition under sub-section (2) has been complied with, the Planning Authority, or the officer of the said Authority, as the case may be, may depute by a written order a police officer or an officer or employees of the said Authority to watch the place in order to ensure that the development is not continued.

(4) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the removal of any development under section 152A or the discontinuance of the development under this section.

(5) The provisions of this section shall be in addition to and not in derogation of, any other provision relating to stoppage of building, operations contained in any other law for the time being in force."

16. In the principal Act, after section 153, the following section

Insertion of new
section 153A.



Public Information Officer
Odisha Legislative Assembly

"Power to Delegate.

shall be inserted, namely: —

153A. (1) The state Government may, by notification, direct that any power or function exercisable by it under this Act, except the power to make rules, may also be exercised by such municipality or local authority, in such cases and subject to such conditions, if any, as may be specified therein.

(2) Subject to the provision of the rules, the Planning Authority may, by notification, direct that any power or function exercisable by it under this Act, except the power to make regulations or by-laws, may also be exercised by a municipality or any other local authority, in such cases and subject to such conditions, if any, as may be specified therein.

(3) Every municipality or local authority to whom any power or function is delegated by any notification or order issued under this section, shall, in addition to any conditions or procedures set out therein, exercise such powers and functions in such manner as may be prescribed by rules."

Omission of the Schedule.

Repeal and Savings.

17. In the principal Act, the Schedule shall be omitted.

18. (1) The Odisha Town Planning and Improvement Trust (Amendment) Ordinance, 2021 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Odisha Ordinance
No. 1 of 2021



DRS
21.4.22
Public Information Officer
Odisha Legislative Assembly

Statement of Objects and Reason

The Odisha Town Planning & Improvement Trust Act, 1956 provides for constitution of Planning Authorities namely Special Planning Authority or Regional Improvement Trust with an objective of achieving planned Development of all towns of the state and provide mechanisms to promote systematic urban expansion and development in areas under their jurisdiction.

The Act was enacted some 65 years ago and many of its provisions have become redundant and obsolete. Apart from that, the norms of building and planning standards envisaged under the Act do not correspond to the norms prevailing in the current times under similar legislative instruments especially the Odisha Development Authority Act, 1982. The reforms brought about as per the stipulations of Department for Promotion of Industry and Internal Trade (DPIIT), Government of India under the State Reforms Action Plan made it essential to have a uniform planning and building standard for the whole state.

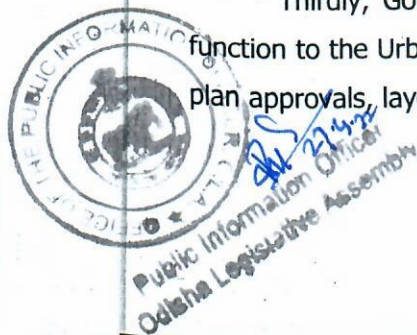
In pursuance of the 5T charter of Government of Odisha and in view of the commitment of the Department to ensure ease of doing business through a completely automated Building Plan approval System, which is being implemented through Sustainable Urban Services in a Jiffy by Odisha Government (SUJOG), it has become absolutely essential to make the planning standards throughout the State uniform and citizen centric.

Recently, a number of new provisions have been introduced in the Odisha Development Authority Act and Rules to make the process of building plan approval for low risk buildings and residential projects for the people belonging to EWS category simple and almost instantaneous. The OTP&IT Act does not contain any of those provisions which defeats the purpose of such reforms due to lack of universal implementation.

The Financial limits provided in the Act for execution of contracts for carrying out any purpose of the Act are age old and needs enhancement over passage of time, so as to make the implementation easier and time saving.

Secondly, the provisions in the Act in respect of regulation of the unauthorized construction is limited to imposition of penalty only for such contraventions. Due to rapid urbanization, unauthorized constructions/development has been rampant leading to unplanned & unsystematic growth of areas under the planning authorities. It is proposed to deal in details, the unauthorized development or to stop or remove it.

Thirdly, Government is keen in implementation of reform agenda and transfer of planning function to the Urban Local Bodies is one among them. Presently, planning functions such as Building plan approvals, layout approvals and unauthorized constructions are being dealt by the Special



Planning Authorities or Regional Improvement Trusts created under this Act. As per the mandate of the 74th Constitutional Amendment Act, delegation of Town Planning function to the Urban Local bodies is a constitutional necessity, but due to the absence of any provision to delegate powers under the Act, the State Government is unable to facilitate delegation of Planning function to the ULBS. In order to obviate this malady, it has become expedient to bring about some changes in the existing provisions of the Act.

In order to address the above issues and other ancillary requirements and to facilitate and regulate the process of urban expansion in the growing townships of this state, it is proposed to suitably amend the relevant section namely:

1. Sections 2, 21, 31,33,58,62,63,71,77 and 125 are to be amended.
2. New Sections 33A,83, 152A,152B and 153A are to be inserted
3. Sections 64, 65,66,67,68 69 and the Schedule to the Act are to be omitted.

The bill seeks to achieve the above objects.



P. Jena
27.4.22
Public Information Officer
Odisha Legislative Assembly

Pratap Jena
Member in-charge

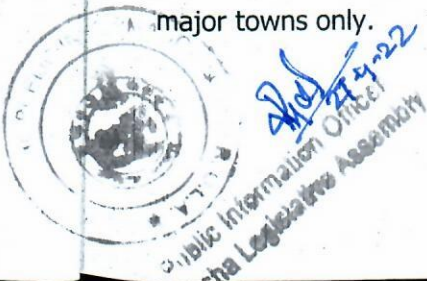
STATEMENT EXPLAINING THE CIRCUMSTANCES
WHICH NECESSITATED FOR PROMULGATION OF AN ORDINANCE

The Odisha Town Planning & Improvement Trust Act, 1956 provides for constitution of Planning Authorities namely Special Planning Authority or Regional Improvement Trust with an objective of achieving planned Development of all towns of the state and provide mechanisms to promote systematic urban expansion and development in areas under their jurisdiction.

The Act has lived 65 years and many of its provisions have become redundant and obsolete. Apart from that, the norms of building and planning standards envisaged under the Act do not correspond to the norms prevailing in the current times under similar legislative instruments esp. the Odisha Development Authority Act, 1982. The reforms brought about as per the stipulations of Department for Promotion of Industry and Internal Trade (DPIIT), Government of India under the State Reforms Action Plan (SRAP) made it essential to have a uniform planning and building standard for the whole State. Since, these reforms were required to be achieved in a time-bound manner to make the State eligible for receiving an additional borrowing of 2% over SGDP, it was absolutely essential to introduce the reforms within June 2021.

In pursuance of the 5T charter of Government of Odisha and in view of the commitment of the Department to ensure ease of doing business through a completely automated Building Plan approval System, which is being implemented through Sustainable Urban Services in a Jiffy by Odisha Government (SUJOG), it has become absolutely essential to make the planning standards throughout the State uniform and citizen centric. The timeline for implementing the project under the provisions of the Contract was also fixed to June, 2021, therefore the amendments under the Act were required to be carried out within the specific timeline.

Recently, a number of new provisions have been introduced in the Odisha Development Authority Act and Rules to make the process of building plan approval for low risk buildings and residential projects for the people belonging to EWS category simple and almost instantaneous. The OTP&IT Act does not contain any of those provisions which defeat the purpose of such reforms due to lack of universal implementation. The culmination of these reforms was introduction of a fully automated Online Building Plan Approval System (OBPAS), which has already been launched in all the Development Authorities and Municipal Corporations ever since February, 2021. It was therefore essential to introduce the similar changes in the OTP&IT Act, 1956 to facilitate delivery of these progressive and citizen centric services to all the denizens of urban Odisha without restricting it to the major towns only.



The Financial limits prescribed under the Act for execution of contracts for carrying out any purpose of the Act are age old and needs enhancement over passage of time, so as to make the implementation easier and time saving.

Similarly, the provisions in the Act in respect of regulation of the unauthorized construction are limited to imposition of penalty. In order to facilitate rapid urbanization and to restrict unauthorized constructions/development, which is leading to unplanned & unsystematic growth of areas under the planning authorities, it had become necessary to amend the provisions of Act.

Further Government is keen to implement the reform agenda and transfer of planning function to the Urban Local Bodies as per the mandate of the 74th Constitutional Amendment Act. But, due to the absence of any provision to delegate powers under the Act, the State Government is unable to facilitate delegation of Planning function to the ULBS. In order to obviate this malady, it had become expedient to bring about some changes in the existing provisions of the Act.

All these changes were required to be effected in a timebound manner to reap the benefit of these changes and reforms. Since the matter was urgent and the Odisha Legislative Assembly was not in session, it was therefore expedient to promulgate an Ordinance to amend the Odisha Town Planning & Improvement Trust Act, 1956 to address the above issues quickly and comprehensively in the general interest of the urban citizens.



Pratap Jena
27.11.22
Public Information Officer
Odisha Legislative Assembly

Pratap Jena
Member in-charge.

ANNEXURE

[Extract from the Odisha Town Planning and Improvement Trust Act, 1956 (Odisha Act 10 of 1957)]

Definitions

2. In this Act, unless there is anything repugnant in the subject or context-(1)

** ** * * * * *
** ** * * * * *

(3) "Chairman" means the Chairman of the Planning authority;

(4) "land" has the same meaning as in clause (a) of Section 3 of the Land Acquisition Act, 1 of 1894;

** ** * * * * *
** ** * * * * *

(12) "town planning" includes town improvement and town development;

(13) "Tribunal" means the Tribunal constituted under Section 65;

** ** * * * * *
** ** * * * * *

Execution of contracts and approval of Committee.

21. (1) Every contract shall be made on behalf of the Trust by, the Chairman:

Provided that :

(a) a contract involving an expenditure exceeding three thousand rupees but not exceeding one lakh rupees shall not be made by the Chairman without the previous sanction of the Trust; and

(b) a contract involving an expenditure exceeding one lakh rupees shall not be made by the Chairman without the previous sanction of the Trust and the State Government.

(2) Every estimate for expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority or authorities empowered under Sub-section (1) to make or as the case may be to sanction the making of a contract involving the expenditure of a like sum.



Public Information Officer
Odisha Legislative Assembly
27-4-22

** ** ** ** **

** ** ** ** **

Publication of Master Plan

31. (1) ** ** ** **

(3) When a Notification has been published under sub-section (1) no person shall erect or proceed with any building or work or enter into or carry out a contract in respect of the land within the area included in the Master Plan unless he has applied for and obtained permission from the Planning authority and while giving such permission the said authority shall have due regard to the purposes and provisions of the said Master Plan.

** ** ** ** **

Duties and liabilities of owners of property

33.(1) ** ** ** **

(5) Any development which has been made in any land without the permission of the Planning authority and which is contrary to the Master Plan shall not be taken into account in awarding compensation in the event of the land being acquired subsequently under the provisions of this Act for implementation of the detailed schemes under the Master Plan.

** ** ** ** **

Reference of dispute to Tribunal

58. (1) If any question or dispute arises-

(a) between the Planning authority and the previous owner of any street or square or part thereof which has vested in the said authority under Section 51 and has been altered or closed, by it, as to the sufficiency of the compensation paid or proposed to be paid under Sub-section (3) of that section; or



Red
21.4.22
Public Information Officer
Odisha Legislative Assembly

(b) between the Planning authority and any person who was entitled, otherwise than as a member of the public, to use as a means of access any street or square or part thereof which has vested in the said authority under Section 51-

(i) as to whether the other means of access provided or proposed to be provided under Sub-section (4) of Section 51 are reasonably sufficient; or

(ii) as to the sufficiency of any compensation paid or proposed to be paid under Sub-section (4); or

(c) between the Planning authority and any person as to the sufficiency of any compensation paid or proposed to be paid to him under Sections 36, 39, 40, 42, 56 & 57;

the matter shall be determined by the Tribunal if referred to it either by the Planning authority or by the claimant, within a period of three months in case of clause (a) or clause (b) from the date on which the street or square or part thereof was altered or closed by the Planning authority, and in case of clause (c), the date on which the said person was informed of the decision of the Planning authority, the amount of compensation to be paid to him or rejecting his claim to compensation and the determination of this Tribunal is final.

(2) If a reference to the Tribunal be not made within the period provided in Sub-section (1), the decision of the Planning authority shall be final.

(3) For the purpose of determining any matter referred to it under Sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1 of 1894 as modified by Section 64 of this Act, were applicable to the case.

** ** ** ** ** **



[Handwritten Signature]
27.4.2020
Public Information Officer
Odisha Legislative Assembly

** ** ** ** ** **

Power to
purchase or lease
by agreement.

62. The Planning authority may enter into an agreement with any person for the acquisition from him by purchase, lease, or exchange, of any land which the Planning authority is authorised to acquire of any interest in such land.

Power to acquire
land under the
Land Acquisition
Act, 1894.

63. The Planning authority may with the previous sanction of the State Government, acquire land under the provisions of the Land Acquisition Act, 1 of 1894, for carrying out any of the purposes of this Act. I of 1894

Notification of the
Land Acquisition
Act, 1894.

64. For the purpose of acquiring land for the Planning authority under the Land Acquisition Act, 1 of 1894 the said Act shall be subject to the modification specified in the Schedule to this Act. I of 1894

Tribunal to be
constituted.

65. - (1) The State Government may, if they think fit, constitute a Tribunal for the purpose of performing the functions of the Court in reference to the acquisition of land for the Planning authority under the Land Acquisition Act, 1 of 1894. I of 1894

(2) The Tribunal shall consist of one person who is or had been a member of Superior Judicial Service for a period of not less than five years.

(3) When a Tribunal is constituted under Sub-section (1) -

(i) the Tribunal shall (except for the purposes of Section 54 of this Act) be deemed to be the Court;

(ii) The Tribunal shall have the power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1 of 1908; and

(iii) the award of the Tribunal shall be deemed to be



Public Information Officer
Odisha Legislative Assembly

award of the Court under the Land Acquisition Act, 1 of 1894 and shall be final.

Officers and
employees of the
Tribunal.

66. (1) The Tribunal shall from time to time prepare a statement showing -

- (a) the number of grades of the assistants and other officer and employees who, it considers should be employed for carrying on the business of the Tribunal;
- (b) the amount of the salary to be paid to each such officer and employees; and
- (c) the contribution payable under Section 130 in respect of each such officer or employee who is a Government servant.

(2) All statements prepared under Sub-section (1) shall be subject to the previous sanction of the Government.

(3) The Tribunal shall subject to any Rules made by the State Government in this behalf make Regulations-

- (i) for regulating the grant of leave of absence, leave allowances and acting allowances of the officers and employees of the Tribunal:

Provided that a Government servant employed as officer or employee of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Government relating to transfer to foreign service;

- (ii) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or employees of the Tribunal (other than any Government servant in respect of whom a contribution is paid under Section 130), to subscribe such fund, at such rates as subject to such conditions as may be prescribed and, with the sanction of the Planning authority for supplementing such subscriptions out of the funds of the said authority;



27-4-22
Public Information Officer,
Odisha Legislative Assembly

(iii) for determining the conditions under which the officers and employees of the Tribunal or any of them, shall on retirement received gratuities or compassionate allowance and the amount of such gratuities and compassionate allowances:

Provided that it shall be in the discretion of the Tribunal to determine whether all or any specified officers and employees shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any Regulations made under Sub-section (3) and for the time being in force, the power of making appointment and promotions to posts in the service of the Tribunal, of granting leave to officers and employees holding such posts, or censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline or for carelessness, unfitness, neglect or duty or other misconduct and of discharging such officers and employees from the service of the Tribunal for any other reasons, shall be exercised by the Tribunal.

Payment by the
Planning authority.

67. The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowances in accordance with Section 66 shall be provided by the Planning authority.

Power to make
regulations for
Tribunal

68. (1) The Tribunal may, from time to time, with the previous sanction of the State Government, make regulations, not repugnant to the provisions, of the Code of Civil Procedure, 5 of 1908 for the conduct of business by the Tribunal.

(2) All such Regulations shall be published in the *Gazette*.



[Signature]
27-4-22
Public Information Officer
Odisha Legislative Assembly

Enforcement of the award or order of the Tribunal

69. Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Civil Court or competent jurisdiction as if it were a decree of the said Court..

** ** ** ** ** **
** ** ** ** ** **

Assessment of betterment charge by the Planning authority

71.(1) ** ** ** ** ** **
 ** ** ** ** ** **

(2) The Planning authority shall then assess the amount of betterment charge payable by each person concerned in each particular area after giving such person an opportunity to be heard and such person shall within thirty days from the date of receipt of notice in writing of such assessment from the Planning authority inform the said authority in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Planning authority is accepted by the person concerned within the period specified in Sub-section (2) such assessment shall be final.

(4) if the person concerned does not accept the assessment made by the Planning authority or fails to give the said authority the information required by Sub-section (2) within the period specified therein the matter shall be determined by an arbitrator to be appointed by the State Government with the same qualification of a Tribunal as specified in Sub-section (2) of Section 65.

** ** ** ** ** **
** ** ** ** ** **
** ** ** ** ** **
** ** ** ** ** **



Agreement of payment not to bar acquisition under afresh declaration. -

77. If any land, in respect of which the payment of a betterment charge has been accepted in pursuance of Sub-section (3) of Section 71 or in respect of which an agreement regarding the betterment charge has been executed under Section 74 be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under Section 6 of the Land Acquisition Act, 1 of 1894

** **
** **
** **
** **
** **

Grants to Planning authority

82. (1) The State Government, any Local authority or any person whether a body corporate or not may make grants to any Planning authority for the purpose of executing any improvement scheme under this Act

** **
** **
** **
** **
** **

Power of State Government to make Rules

125. (1) (2) In particular, and without prejudice to the generality of the foregoing, power, they shall have power to make Rules-

** **
** **
** **
** **

- (a) with regard to all matters expressly required or allowed by the Act to be prescribed by the State Government;
- (b) as to the conditions on which officers and employees of the Planning authority or of the Tribunal may be appointed reduced, suspended, discharged, removed or dismissed;

** **
** **
** **
** **



Public Information Officer
Odisha Legislative Assembly
27.4.22

(f) prescribing and defining the mutual relations to be observed between the Planning authority and other Local authorities in any matter in which they are jointly interested.

** ** ** ** ** **
 ** ** ** ** ** **
 ** ** ** ** ** **
 ** ** ** ** ** **

Penalty for breach of the provisions of the Act, etc.

152. Whoever contravenes any provision of this Act or any Rule made or any direction issued in pursuance of scheme sanctioned thereunder, shall, if no other penalty is provided for such contravention, be punishable -

- (a) with fine which may extend to one hundred rupees; and
- (b) in case of continuing contravention, with fine which may extend to fifty rupees for each day after the first during which the contravention continues.

Dissolution of Planning authority and transfer of its assets and liabilities to the State Government and the Municipality.

153. (1) When all schemes sanctioned under this Act have been executed or have been so far-executed as to render the continued existence of the Planning authority the opinion of the State Government may, by Notification, declare that the said authority shall be dissolved on such date as may be specified in such Notification, and the Planning authority shall be deemed to be dissolved accordingly.

(2) On and from the said date -

(a)(i) all properties, funds and dues placed at the disposal of the Planning authority by the State Government and all properties situated in an area to which the Orissa Municipal Act, 23 of 1950, does not apply;

(ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to the properties, funds and dues referred to in sub-clause (i);

which immediately before the said date were held by or realisable by the planning authority, shall vest in and be reasonable by the State Government;

Odisha Act
23 of 1950



- (b) all properties, funds and dues other than those referred to in Clause (a), which immediately before the said date, were vested in or were realisable by the Planning authority and the Chairman respectively shall vest in and be reasonable by the Municipality and the Chairman of the Municipality respectively;
- (c) if any question arises as to whether any properties, funds or dues vest in the State Government under Clause (a) or in the Municipality under Clause (b) the question shall be referred to the State Government whose decision thereon shall be final;
- (d) all liabilities which, immediately before the said date, were enforceable against the Planning authority shall be enforceable against the State Government or the Municipality as the case may be. The State Government shall determine which of such liabilities shall be enforceable against it and which against the Municipality;
- (e) for the purpose of completing the execution of any scheme, sanctioned under this Act, which has not been fully executed by the Planning authority, and of realising properties, funds and dues referred to in Clause (a) and (b), the functions of the said authority and the Chairman under this Act shall be discharged by the State Government or by the Municipality, or the Chairman of the Municipality, as the case may be; and
- (f) the Municipality shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid and until all other liabilities referred to in Clause (d) have been duly met.

** ** ** ** ** **

** ** ** ** ** **



[Signature]
 27.4.22
 Public Information Officer
 Odisha Legislative Assembly



The Schedule

(Referred to in Section 64)

Further modifications in the Land Acquisition Act, 1894

1. After Clause (e) of Section 3 of the Land Acquisition Act, 1 of 1894 (hereinafter in the Schedule referred to as "the said Act"), the following clause shall be deemed to be inserted, namely :

1 of 1894

"(ee) the expression 'Local authority' includes the Improvement Trust; and the Special Planning authority constituted under Sections 7 and 80 respectively of the Orissa Town Planning and Improvement Trust Act, 1956".

2. (1) The first publication of a notice of an improvement scheme under Section 45 of the Orissa Town Planning and Improvement Trusts Act, 1956 (Orissa Act 10 of 1957) shall be substituted for and have the same effect as the publication in the *Gazette* and in the locality of a Notification under Sub-section (1) of Section 4 of the said Act, except where a Notification under Sub-section (1) of Section 4 or a declaration under Section 6 of the said Act has been previously made and is in force.

Odisha Act
10 of 1957

(2) Proceedings under Section 45 of the Orissa Town Planning and Improvement Trust Act, 1956 (Orissa Act 10 of 1957) shall be substituted for and have the same effect as proceedings under Section 5-A of the said Act.

Odisha Act
10 of 1957

(3) Subject to the provisions of paragraphs 6 and 7 of this Schedule, the issue of a notice under Clause (c) of Sub-section (3) of Section 39 of the Orissa Town Planning and Improvement Trust Act, 1956 (Orissa Act 10 of 1957) in the case of land proposed to be acquired in pursuance of that clause, and in any other case the publication of a Notification under Section 47 of that Act shall be substituted for and have the same effect as a declaration under Section 6 of the said Act, except where a declaration under the last mentioned section has been previously made and is in force.

Odisha Act
10 of 1957

3. In Section 15 of the said Act, to the word and figures "and 24", the figures, words and letter "and 24- A as inserted by this Act in this Schedule" shall be deemed to be added.

4. In Sub-section (3) of Section 17 of the said Act to the word and figures "Section 24", the words, figures and letter "or Section 24-A as inserted by this Act in this Schedule" shall be deemed to be added.

5. After Section 17 of the said Act, the following section shall be deemed to be inserted, namely :

"17-A. *Transfer of land to Planning authority.* - In every case referred to in Section 16 or Section 17, the Collector shall upon payment of the cost of acquisition, make over the charge of the land to the Planning authority and the land shall thereupon vest in the said authority, subject to the liability of the said authority to pay any further costs which may be incurred on account of its acquisition."

6. (1) In Sub-section (1) of Section 23 of the said Act, for clauses "firstly" and "sixthly" the following clauses shall respectively be deemed to be substituted, namely ;

"firstly, the market value of the land according to use to which the land was put -

(a) the date of the issue of the notice under Clause (c) of Sub-section (3) of Section 39 of the Orissa Town Planning and Improvement Trust Act, 1956, in case the land is proposed to be acquired in pursuance of that clause; and

(b) at the date of the first publication of the notice under Section 45 of that Act, in any other case";

"sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the date referred to in paragraph (a) or paragraph (b), as the case may be, of clause firstly, and the date on which the Collector takes possession of the land".

Odisha Act
10 of 1957



Pras
27.4.22
Public Information Officer
Odisha Legislative Assembly

(2) In the same section, to Sub-section (2), the following proviso shall be deemed to be added, namely :

"Provided that the sub-section shall not apply, (a) where the land acquired is situated in an area which is declared by the State Government to be a congested or slum area, and where it is not actually occupied by the owner, (b) where during the five years immediately preceding, the land is not in the actual possession of the owner or occupier free of rent by a relative, or (c) where the land is acquired under deferred street scheme and notice of six months have been given under the provisions of the Orissa Town Planning and Improvement Trust Act, 1956 (Orissa Act-10 of 1957)".

Odisha Act
10 of 1957

(3) In the same section, after Sub-section (2), the following sub-section shall be deemed to be added, namely :

"(3) For the purpose of clause firstly of Sub-section (1) of this section-

(a) if the market value of the land has been increased or decreased owing to the land falling within or near to the alignment of a projected public street, so much of the increase or decrease as the case may be due to such cause, shall be disregarded :

(b) if any person, otherwise than in accordance with the provisions of this Act, erects, re-erects, adds to or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any scheme made under this Act, then, any increase in the market value resulting from such erection, re-erection, addition or alteration shall be disregarded;

(c) if the market value is specially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market value shall be deemed to



Public Information Officer
Odisha Legislative Assembly

be the market of the land if put to ordinary use;
 (d) if the market value of any building is specially high in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded, and the market value shall be deemed to be the market value of the building if occupied by such number of persons only as could be accommodated in it without risk or danger from overcrowding:

Provided that the provision of this clause shall not apply in the case of a building which is in the actual occupation of the owner during the previous five years.

(e) when the owner of the land has, after passing of this Act and within two years preceding the date with reference to which the market value is to be determined, made a return under Section 143 of the Orissa Municipal Act, 23 of 1950 as to the rent or annual value of the land or building or acquiesced in the valuation made by the Executive Officer of the Municipality, such rent or annual value finally determined shall, unless the Court may otherwise direct, be taken as the basis of fixing the market value."

Odisha Act
XXII of 1950

7 For clause seventhly of Section 24 of the said Act, the following clause shall be deemed to be substituted, namely :

"seventhly, and outlay on additions or improvements to land acquired which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state or repairs and unless they have been done after obtaining the permission of the competent authority in accordance with the provision of the Orissa Town Planning and Improvement Trust Act,



Public Information Officer
Odisha Legislative Assembly

[Signature]
27.4.22

1956 (Orissa Act 10 of 1957)".

8. After Section 24 of the said Act, the following section shall be deemed to be inserted, namely :

"24-A. *Further provision determining compensation.* - In determining the amount to be awarded for any land acquired for the Planning authority under this Act, regard shall also be had to the following provisions, namely:

(1) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market value as to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the Court, any building is in a defective state from a sanitary point of view or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the estimated cost of putting it into such condition or state.

(3) If, in the opinion of the Court, any building which is used or is intended or is likely to be used for human habitation, is not reasonably of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials of the building, minus the cost of demolishing the building."

9. After Section 48 of the said Act, the following section shall be deemed to be inserted, namely :

"48-A. *Compensation to be awarded when land not acquired within two years.* - (1) Where the Collector has not made an award under Section 11 in respect of any land within a



Public Information Officer
Odisha Legislative Assembly

27-4-22

period of two years from the date of the publication of the declaration under Section 6 or of the issue of a notice under Clause (c) of Sub-section (3) of Section 39 of the Orissa Town Planning and Improvement Trust Act, 1956 (Orissa Act 10 of 1957) or of the publication of a Notification under Section 47 of that Act, as the case may be, the owner of the land shall, unless he has been responsible for the delay to a material extent, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

Odisha Act
10 of 1957

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section."



Rajal
27.4.22
Public Information Officer
Odisha Legislative Assembly