

The Orissa Betterment Charges Rules, 1958

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Chapter I Preliminary

1.

(a) These rules may be called the Orissa Betterment Charges, Rules, 1958. (b) They shall come into force on the date of their publication in the Gazette.

2. Definitions.

(a) In these rules, unless there is anything repugnant in the subject or context—(i) "Act" means the Orissa Betterment Charges Act, 1955; (ii) "Agricultural expert" means an officer of the State Government not below the rank of a District Agricultural Officer nominated as such by the State Government; (iii) "Agricultural Year" has the same meaning as this expression has in the law relating to the land revenue or tenancy in force in the area in which the land is situated, and when no such year is prescribed under any law, it shall commence on the 1st day of April; (iv) "Block" means a block of land as demarcated by the officers of the Hirakud Project or by Revenue Officers of the State Government with reference to irrigation and drainage facilities; (v) "Collector" means the Collector of Betterment Charges appointed as such by the State Government under the provisions of the Act; (vi) "Form" means a form as set out in the Schedule appended to these rules; (vii) "Gross Produce" means the whole of the produce of crops harvested from the land during a year; (viii) "Kharif season" means the agricultural season extending from the 1st June to the end of November; (ix) "Year" means the year commencing on the 1st day of April. (b) Words and expressions used in these rules but not defined herein shall have the same meaning as assigned to them in the

Act.

3.

The date of completion of the 'Scheme' under the Act for the purpose of recovery of betterment charges in any area or block shall be the date on which supply of water is made to the lands under the irrigable command. The date of such supply shall be notified by the State Government in the official Gazette.

4.

A land shall be deemed to be irrigated or capable of being irrigated under the scheme notwithstanding that the benefit of irrigation is not availed of: provided that such non-enjoyment of the benefit is due solely to action or inaction on the part of the person or persons liable to pay the betterment charges.

Chapter II

Principles of classification of land and calculation of betterment levy

5. Lands under irrigable command how to be classified under Section 3 (1).

- For purposes of dividing the lands under irrigable command of the irrigation scheme of the Hirakud Dam Project into suitable classes is required by Sub-section (1) of Section 3, the following factors shall be taken into account : (a) location of the lands in the top, middle or tail and reaches; (b) period for which supply is available; (c) submersion or drainage difficulties, if any; and (d) the class to which the lands belong according to the principles of classification adopted for the area for the purpose of rent settlement. All the lands of the same class in a block will be liable to pay the same betterment charges per acre under Subsection (4) of Section 3.

6. Final classification of land.

- The proposals for division of the lands into suitable classes shall be submitted by the Collector through the Board of Revenue to Government. Government after taking into consideration the view of the Board of Revenue on the classifications may accept it with or without modifications and shall order its publication in the official Gazette in Form I.

7. Publication of Schedule of classification in the concerned locality.

- Soon after its publication in the Orissa Gazette, copies of the notification with its substance translated into Oriya shall also be published in the following manner, namely : (a) by affixture on the notice boards of the offices of (1) the Collector of Betterment Charges, and (2) the Grama

Panchayats concerned; and (b) by affixture in any conspicuous place in the village in which the lands affected by the notification are situated.

8. Value of annual increase in gross produce-How to be determined.

(a) For the purpose of determining the increase in the annual gross produce of a class of land, the outturn per acre of each of the irrigated crops usually grown in a normal year on the bulk of the land in a block under the irrigable command shall be ascertained by the Collector of Betterment Levy in respect of (i) the normal year immediately preceding the year in which irrigation facilities were provided for the first time; and (ii), the normal year immediately following the year in which irrigation facilities were provided for the first time. The outturn per acre to be taken into account for this purpose in regard to lands of a particular class will be the average of the produce of the bulk of the lands of that class in the block. The value of the outturn thus ascertained shall be calculated at the price in the manner specified in Sub-section (1) of Section 3 after making allowance for cartage and merchants' profits at prevailing rates or by percentage deduction as was allowed at the current settlement, if any, of the tract in question. The Collector shall determine which shall be the normal years and what should be regarded as outturn of the said normal years for the purpose of this rule and his decisions in this regard shall be final. (b) The difference between the value of the gross produce per acre of each class of land before and after provision of irrigation facilities as worked out under the preceding sub-rule shall be adopted as the value of the annual increase in the gross produce. (c) Cost of wet cultivation and dry cultivation-blow to be estimated-(i) The cost of wet cultivation and the cost of dry cultivation of any land shall be fixed after making careful enquiries of the actual expenditure incurred in respect of some typical lands under each class. The Collector shall be assisted by the Agricultural expert nominated by the State Government under Sub-section (4) of Section 3 of the Act to work out such cost. (ii) The cost of lift and other arrangements considered necessary to irrigate the lands capable to being irrigated shall be taken into account in working out the cost of wet cultivation. (iii) The difference between the cost of dry cultivation and that of wet cultivation so ascertained shall be deducted from the money value of the annual increase in the gross produce wherever necessary under proviso to Sub-section (2) of Section 3 of the Act.

9. Cost of making the lands fit for advantageous cultivation-How to be estimated.

- The cost of making the lands fit for advantageous irrigation shall be estimated by the Collector in the following manner : (a) the said cost shall be estimated with reference to the following items : (i) levelling (ii) bunding or ridging (iii) providing drainage, where necessary (iv) any other item of reclamation peculiar to the tract, such as jungle clearance, protection from tidal overflow, etc., not forming part of cultivation expenses. The annual expenditure incurred in respect of some representative lands shall be ascertained by personal enquiries from the cultivators. The reasonableness of wages and other items of expenditure shall be verified with reference to the prevailing market rates at the time of the reclamation and reasonable average rates per acre shall be fixed. (b) wherever the water courses are constructed by the Government and the cost is recovered from the beneficiaries by imposition of a special rate per acre, such cost shall be included in the cost of making lands fit for advantageous irrigation, if the water courses (or field channels) and/or

culverts are constructed at the cost of the cultivators, the total expenditure shall be ascertained for the block benefited and the average rate per acre fixed.

10. Manner of calculation of betterment charges.

- The cost of making the land fit for advantageous irrigation at the rates fixed under Rule 9 shall be deducted from the increase in capital value as ascertained under Subsection (2) of Section 3 and one-half of the balance shall be adopted as the betterment contribution payable under the Act. The Collector shall fix the rate of betterment contribution per acre for each class of lands as delimited by him. Note-The following formula represent the betterment charges : (1) $10 (Pa - Pb) C$

(2) $10 (Pa - Pb - D) - C$

Where the land was under dry cultivation prior to the supply of irrigation: Pa=Estimated value of gross produce of the land after supply of irrigation. Pb=Estimated value of gross produce of the land before supply of irrigation. C=Cost of making the land fit for advantageous irrigation. D=Difference between the cost of wet cultivation and the cost of dry cultivation.

11. Manner of publication of preliminary award under Section 3 (4) of the Act and procedure for filing objections.

(a) On the completion of enquiry in the manner specified above, the Collector shall publish the rates of betterment charges proposed to be levied in respect of each class of land in a notice in Form II. The notice along with its Oriya translation shall be affixed in a prominent part of the offices of the Revenue Officers concerned and also the offices of the Sub-divisional Magistrate of the sub-division and Collector of the district concerned. A copy of the notice shall also be sent to the Sarpanchs of the Grama Panchayats with necessary directions to give wide publicity to the notice in the localities concerned. The notice shall be published for a period of 30 clear days from the date of the first publication of the notice as aforesaid. A copy of the said notice shall be kept in charge of the Revenue Officer concerned who shall give every facility to the parties for inspecting the same. Any person interested in the notice may be allowed to take relevant extract thereof. But if any person asks for a copy of the notice, it shall be issued in the manner provided for the grant of copies of public documents. (b) Suggestions and objection to the rates specified in the notice shall be preferred in writing in the form of a statement to the Collector within 30 days from the date of publication of the notice in each village. The written statement of suggestions and objections shall contain the grounds of the suggestions and objections made, the manner of interested ness in the levy and the address of the person or persons filing the statement. The copies of document on which reliance is placed shall also be enclosed with the said statement. (c) The statements of suggestions of objections received within the time allowed from the persons interested in any manner in the levy shall be registered in the office of the Collector village-wise or according to blocks as may be considered convenient.

12. Manner of hearing objection.

(1)The Collector shall, as soon as may be, after the expiry of the period of 30 days of the publication of the notice mentioned in Rule 11 (b) hold an enquiry to consider the suggestions and objections received by him and for this purpose he shall issue notices to all persons interested who had submitted suggestions and objections requiring them to appear before him on such date and at such place as may be specified therein, to adduce such evidence as may be necessary and produce the original documents, copies of which were filed according to Rule 11 (b), in support of their objections.(2)On the date fixed for the enquiry and on such further date to which the same may be adjourned, the Collector shall hear the objections and suggestions and record in writing the substance of the evidence adduced. The evidence so recorded shall form part of the record.(3)The Agricultural expert and any officer of the Hirakud Dam Project may tender their views and comments on the suggestions and objections if and when required by the Collector. If necessary, they may be examined by the Collector during the enquiry.

13. Final award by Collector.

- How to be recorded and published- (1) The Collector shall consider all suggestions and objections received along with the evidence recorded in connection therewith and finally decide the rates of betterment charges leviable under the Act. He shall briefly record in a formal order, the suggestions and objections received by him, the evidence adduced and the basis on which the rates of betterment charges were finally decided by him. The details and the data taken into account for fixing the betterment charges shall be appended to the order as annexures.(2)The Collector shall draw up an award of the rates as finally decided by him for each class of land in Form III appended hereto. The award shall be published in the Orissa Gazette and also in the same manner as specified in Rule 11 (a).

14. Appeals against awards made by Collector under Section 3 (5).

(1)Any person aggrieved by an award made by the Collector under Subsection (4) of Section 3 may appeal to the Revenue Divisional Commissioner concerned under Sub-section (5) of Section 3.(2)Every appeal shall be filed within sixty days from the date of publication of the award in the Orissa Gazette.(3)The provisions of the Board of Revenue (Orissa) Rules, in so far as they are not inconsistent with the provisions made in these rules, shall apply in the matters of presentation of appeals, issue of notices to the parties and their hearing :Provided that the Revenue Divisional Commissioner may issue a notice of appeal to any other persons who in his opinion may be interested in the case.(4)If the Revenue Divisional Commissioner while, hearing the appeal against the award made by the Collector considers that any further enquiry is necessary, he may make such enquiry himself or cause an enquiry to be made by the Collector specifying the points on which such enquiry is to be made. The Revenue Divisional Commissioner making such enquiry shall exercise all the powers of the Collector while framing the award.

15. Modification of rates of betterment charges on appeal.

- Any modifications in the rates of betterment charges made on appeal shall be notified by the Collector in the Orissa Gazette and in the villages concerned in Form IV.

Chapter III

Preparation of Schedules and provision for conducting enquiries

16. Delimitation of assessment circles and appointment of Revenue Officers.

- A Revenue Officer shall ordinarily be appointed by the State Government for each assessment circle which shall consist of one more compete blocks under irrigable command of the scheme. The delimitation of assessment circles shall be notified by the Government.

17. Jurisdiction of a Canal Officer.

- The jurisdiction of a Canal Officer appointed in connection with the duties to be performed under the Act may comprise one or more assessment circles.

18. Time allowed for preparation of Schedules.

- The Schedule required to be prepared under Section 4 shall be prepared within six months of the direction given by the State Government for its preparation or within such further time as may be granted in this behalf.

19. Form of Schedule.

- The Schedule referred to in Rule 18 shall be prepared as in Form V and after its publication in the Gazette as required under Sub-section (1) of Section 5, an Oriya translation thereof shall be published in the manner specified under Rule 11 (a).

20. Information for preparation of Schedules.

- How to be collected. The Revenue Officer appointed under Section 4 shall obtain from the irrigation authorities the chalk plans and the chakbandi records of the villages wherein irrigation facilities have been provided or where existing irrigation facilities have been improved. With reference to these plans and records and also with reference to the current settlement village maps and Record of Rights and the maintenance of Khatians or mutation records, the Revenue Officer shall, by conducting local enquiries and a survey of the area brought under irrigation, collect the required data and information for preparation of the Schedule.

21. Proclamation of the notice for publication of Schedule under Section 4 and disposal of objections.

(a) As soon as the Schedule has been prepared and published in the manner specified in Rule 19 a notice in Form VI shall be proclaimed by beat of drum in the presence of the Sarpanch of Gram Panchayat concerned or any other local official as may be considered suitable by the Revenue officer in this regard and shall also be posted in some conspicuous place in the village or where the village is uninhabited, in the village where most of the cultivators of the uninhabited village reside. A copy of the notice shall also be posted upon the notice board of the office of the Grama Panchayat concerned as well as on the notice board of the revenue office. (b) On the date fixed for the publication of the Schedule, the Revenue Officer shall either himself proceed to the place specified and read out the contents of the Schedule in Oriya in the presence of the parties who attend or he shall depute an officer who shall read out and explain the contents of the Schedule in Oriya in the presence of as many parties as attend and the Revenue Officer or the officer deputed by him, as the case may be, shall at the same time inform the parties who attend that the Schedule will be open for inspection for not less than 15 days in the office of the Revenue Officer or in such other convenient place as the Revenue Officer may determine. The notice referred to in Sub-section (2) of Section 5 of the Act shall be in Form VII. The date to be mentioned in the notice for filing objections shall be any day after the expiry of the period of inspection specified above objections shall as far as practicable be made in Form VIII. (c) The Revenue Officer, as soon as may be, shall hold an enquiry to consider the objections received by him and for the purpose he shall issue notices in Form IX to all persons who had submitted objections on or before the date fixed for the purpose and shall also give notice in Form X to all those persons whose interests in the opinion of the Revenue Officer are affected thereby requiring them to appear before him on such date and at such place as may be specified therein to adduce such evidence as may be necessary for the disposal of objections'. (d) On the date fixed for enquiry or on such further date to which the same may be adjourned, all such objections shall be disposed of by the Revenue Officer after a summary enquiry. The enquiry may be held in such manner as the Board of Revenue may generally direct. If no person attends to contest the objection and the Revenue Officer is satisfied that the notice of the objection has been duly served on all persons interested, the objector may, if the Revenue Officer thinks fit, be called upon to produce evidence in support of his objection. Where the objection is to the inclusion of the land in the Schedule, the Canal Officer may be asked to attend the enquiry and shall also be required to file on the date fixed for the disposal of the objection a statement by way of answer to the objection. As far as possible, the enquiries shall be made in the locality where the dispute relates so that inspection of lands, if necessary, can be made in the presence of parties and the Canal Officer. A brief memorandum of local inspection, when made, shall be prepared by the Revenue Officer and shall form part of the record. The Revenue Officer after considering the evidence adduced, may either reject the objection and confirm the entries made in the Schedule or allow the objection wholly or partly and accordingly modify any entry or entries made in the Schedule and shall record his decision in a brief order containing the points for determination, decisions arrived at and the reasons for taking such decision.

22. Proclamation of final Schedule.

(a)As soon as all the objections in respect of a Schedule have been disposed of, or soon after the date fixed for filing objections, if no objections have been filed, the Revenue Officer shall make an award in Form XI which shall be published in the Gazette. A notice in Form XII shall be proclaimed and posted in the villages concerned in the manner specified in the Rule 21 (a) stating that the award will be published at a place and on a date to be specified and calling on all such persons to attend at the place and the date so specified.(b)On the date fixed for the publication of the award, the Revenue Officer shall either himself proceed to the place specified and read out the contents of the award in the presence of the parties to attend or he shall depute an officer who shall read out the contents of the award in the presence of as many of the parties as attend and the Revenue Officer or the officer deputed by him, as the case may be, shall, at the same time inform the parties who attend that the award shall be open for inspection for not less than 10 days in the office of the Revenue Officer or in such other convenient place as the Revenue Officer may determine. A certificate in the following form shall be attached to the award so published- "The award was duly published by reading out the contents on at.....in the presence of the parties who attended and was placed for public inspection free of charge at.....for.....days."

23. Notice to the parties concerned to exercise option with regard to the manner of payment of levy.

- On publication of the award an betterment charges under Section 6 the Revenue Officer shall issue a notice in Form XIII to the effect that the landlords, occupancy tenants, service tenants and sub-tenants who have been liable to pay the betterment charges according to the award may intimate to him through an application, in writing, within 30 days of the notice, his option with regard to the manner of payment by him. The notice shall state that the option is to be exercised between-(a)one lump sum payment, and(b)by instalments as prescribed in Sub-section (2) of Section 7.If no intimation is received by the Revenue Officer within the said period from any of the persons named above the recoveries shall be made from him in instalments.

24. Application for relinquishment of land-How to be filed and how to be enquired into and disposed of.

(a)The application for relinquishment of the whole or any part of the land or delivering it in exchange in favour of the State Government shall contain the following particulars :(a)the village in which the land is situate(b)plot number and extent of the land and the rent assessed on the land;(c)the price of land as calculated by the applicant;(d)the amount of betterment charges leviable in respect of the land; and(e)if the owner wishes to relinquish or deliver in exchange a part of the land, the area of such part and the price of such part as calculated by the applicant.(b)All such applications received by the Revenue officer shall be transmitted to the Collector soon after the expiry of the period of exercising option as to the mode of payment. The Collector or an officer authorised in this behalf shall enter upon and inspect the lands and make an enquiry into each application on the following points :(1)he shall ascertain from the Collector of the district whether

the relinquishment of the land or its delivery in exchange is acceptable under the tenancy or the revenue laws in force;(2)whether the land is of inconvenient size or shape or is situated in an inconvenient location;(3)whether the land is in a compact block or not;(4)whether the area of land remaining with the applicant on relinquishment of the land in question is not less than the minimum area of land below which it is considered unprofitable to cultivate the land as a separate unit as may be declared under the provisions of Section 39 of the Orissa Agriculture Act, 1951 (Act XVI of 1951) ;(5)the market value of the land proposed for relinquishment or delivery in exchange;(6)whether the title of the applicant to the land is free from doubt; and(7)whether the land is burdened with encumbrances.(c)To satisfy himself that the applicant has good title to the land and that the land is free from encumbrances the Collector or the officer authorised in this behalf shall notify the proposed relinquishment in the locality where the land is situate and invite objections in the usual manner within a period not less than ten days from the date of publication of the notice. If no objection is received, the Collector or the officer authorised in this behalf shall satisfy himself by enquiry that the land is free from encumbrances and the title to the land is free from doubt.

25.

(a)Soon after completion of the enquiry in the manner specified under Rule 24 and of such other matters as may be considered necessary, the Collector, if he conducted the enquiry himself shall submit his report or the report received from the officer authorised in this behalf with his recommendations through the Board of Revenue to the State Government for necessary orders.(b)The State Government after considering the Collector's report and the views of the Board of Revenue thereon may refuse to accept or may allow the relinquishment or delivery of the land in exchange. If the application is refused, the recovery of the betterment charges will be made from the applicant in instalments unless otherwise he opts for payment in lump sum.

26. Relinquished lands-How to be disposed of.

(a)On the acceptance of the relinquishment or delivery in exchange by the State Government the land shall vest in the Government free from encumbrances and the Government may dispose it of in such manner as they deem fit. The Collector of the district shall take steps to enter the land in the Register of Government lands and correct the records of rights of the village accordingly.(b)The proceeds on account of the disposal of such land shall be credited as receipts of betterment charges.

27. Certain categories of lands not accepted for relinquishment or exchange.

- The State Government may by general or special order direct that relinquishment or delivery in exchange of certain categories of lands under Section 7 (4) shall not be accepted.

28. Issue of demand notice for collection of charges under Section 6.

- The Revenue Officer, as soon as may be, after the publication of the award under Section 6 of the

Act, shall issue the notice of demand in Form XIV specifying the date from which the betterment charges become payable, such date being the 15th day of April of the year next after the one following the kharif season in which irrigation facilities were provided or two months after the date of publication of the award under Section 6, whichever is later.

29. Manner of assessment of betterment charges on waste lands.

- Betterment charges on waste land leased out by Government for cultivation within the irrigable command of any irrigation scheme specified under Section 2 (d) of the Act shall be assessed at the time of sanctioning the lease and the recovery shall be made in the manner specified under Section 7 (1) of the Act.

30. Validity of entries in the Schedule of award under Section 6 of the Act.

- Every entry in the award published under Section 6 shall be evidence of the matter referred to in such entry and shall be presumed to be correct until it is proved by evidence to be incorrect or a new entry is substituted therefor in accordance with the procedure prescribed under law.

31. Land revenue collection staff to collect betterment charges.

- The revenue staff doing the collection of land revenue may be authorised to collect the betterment charges and grant receipts for the same. The statement of demand of betterment charges in that case, will be furnished to the officer in charge of subdivisions or Tahsils, as the case may be, in respect of their respective jurisdictions through the Collector of the district concerned.

Chapter IV

Miscellaneous-Procedure for appeal, revision, issue of summons and notices

32. Application for transfer of liability as required under Section 12 of the Act and manner of disposal.

- An application for transfer of liability under Section 12 may be made to the officer in charge of subdivision in which the land is situate and shall, as far as possible, be in Form XV. It shall be accompanied by the transfer deed or the copy of decree or judgement or order under which transfer of interest in the land was effected. (b) The Sub-divisional Officer or the officer not below the rank of a Sub-Deputy Collector authorised by him shall give notice to the parties and to such other persons whose interests may, in his opinion, be affected thereby to appear on a date and at a place specified in the notice for an enquiry. On the date fixed for enquiry and on such further date to which the same may be adjourned he shall hear the application and prepare a memorandum of evidence adduced. The Officer authorised to make the enquiry, as soon as may be after completion of the enquiry, shall submit his report along with the records of enquiry to the Sub divisional Officer. On the receipt of

the records of enquiry, the Sub-divisional Officer shall, if he considers that any further enquiry is necessary, himself make such enquiry or remit the case to the enquiring officer for making such further enquiry specifying the points on which such enquiry is necessary. On the completion of such further enquiry by himself or on the receipt of report of the enquiring officer, the Sub-divisional Officer shall record an order thereon. (c) If the application is allowed wholly or partly, a declaration in Form XVI shall be prepared by the Sub-divisional Officer and published in the village where the land is situate. The copies of the said declaration shall be served on the applicant and the person to whom the liability is transferred wholly or in part.

33. Fixation of liability under Section 12 (2) of the Act in the event of the death of the assessee.

(a) When information is received that any assessee of betterment charges is dead, the Sub-Divisional Officer in whose jurisdiction the land for which the deceased was liable to the payment of betterment charges is situate, shall find out by local enquiry and in consultation with the mutation records as to the person or persons who have succeeded to the deceased's interest in the land. Such person or persons shall be called upon by service of notice to appear at such time and place to be specified in the notice before the Sub-divisional Officer to show cause why the betterment charges due from the deceased should not be recovered from him or them. After hearing all such persons as may appear or if no one appears, the Sub-divisional Officer shall state in the order passed by him the person or persons liable to discharge the liability. (b) If it is found during the enquiry that some other person should have been rightly recorded in the place of the deceased, to pay the betterment charges, the S.D.O. without proceeding further with the enquiry shall notice to such persons to attend the enquiry at such time and place as may be fixed. A declaration in Form XVII shall be prepared according to the orders passed at the enquiry and published in the manner specified in Rule 32 (c). The copies of the declaration shall also be served on the person or persons affected by the transfer of liability of betterment charges.

34. Correction of records according to declaration made under Section 12 (3) of the Act.

- The records of betterment charges shall be corrected with reference to the declaration published under Rule 32 or 33, as the case may be, and revised demand notices shall issue to the persons liable to pay the betterment charges according to the declaration.

35. Appeals under Section 14 of the Act.

(a) Any appeal filed under Section 14 of the Act shall be accompanied by a copy of the award, declaration or order appealed against and shall state concisely the grounds upon which the appeal is preferred. The memorandum of appeal shall be signed and dated by the appellant or his recognised agent or counsel. (b) If the period prescribed expires on a day when the Collector's office is closed, the appeal may be presented on the day the office re-opens. In computing the period, the day when the order or decision was made and the time spent on obtaining a copy of the decision or order shall be

excluded.

36. Summary powers of the appellate authority.

- The appeal may be summarily rejected, if upon a perusal of the ground of appeal and the copy of the award, declaration or order appealed against, it appears to the appellate authority that there are no grounds for admitting the appeal.

37. Issue of notice to parties.

(a) Unless the appeal is rejected under Rule 36, notice of the date and place fixed for the hearing of the appeal shall be given to the appellant and every other party to the case whose interest is opposed to that of the appellant in such manner as the appellate authority directs. (b) The hearing of an appeal may be adjourned from time to time, in the presence of the parties as the appellate authority may deem fit, and shall be heard on the date fixed for hearing, notwithstanding the absence of any party. The appellate authority if it deems necessary may give notice of any adjourned date of hearing of the appeal.

38. Discretion of appellate authority for making further enquiry.

- The appellate authority, if it thinks that further enquiry is necessary, may conduct such enquiry himself or cause it to be made by any officer subordinate to it, specifying the points on which enquiry is necessary.

39. Decision on appeals how to be communicated.

- When the hearing of the appeal is concluded, decision or order of the appellate authority shall, when practicable be pronounced forthwith and explained to such of the parties or their representatives as are present when the decision or order is pronounced or given. A copy of the decision or order shall be transmitted by the appellate authority to the officer from whose decision or order the appeal was preferred.

40. Grant of copies of decisions to parties.

- A copy of the decision or order of the appellate authority may be granted to any person concerned or interested therein, who shall apply for the same, upon payment of the proper Court-fees and copying charges.

41. Revision of orders passed on appeal under Section 15.

- In any case in which an order on appeal is passed ex parte against a person. He may apply to the appellate authority, by which the order was passed within 15 days of the order to set it aside and if he satisfies the authority that the summons or notice was not duly served or that he was prevented

by any sufficient cause from appearing, when the appeal was called for hearing, the authority shall make an order setting aside the ex parte order against him upon such terms as it thinks fit and shall appoint a day for proceeding with the appeal.

42. Time for filing revision petition under Section 15 of the Act.

- Revision petitions under Section 15 of the Act shall be preferred within thirty days from the date of the order sought to be revised or within such further time as the Board of Revenue may for sufficient cause, shown, grant in its discretion,

43. Summary powers of appellate and revisional authority.

- An appellate or revisional authority may pass such order as it thinks fit.

44. Court-fee stamps on appeal and revision petitions under Sections 14 and 15.

- Appeals and revision petitions preferred under the Act, shall bear court-fee as laid down in the Court-fees Act, 1870 (Act VII of 1870) as subsequently amended in its application to the State of Orissa.

45. Manner of service of notice and summons to private parties.

- Every notice or declaration issued under Rules 21 (b) and (c), 23, 28, 32 (b), 32 (c), 33 and 37 shall be in writing in duplicate and shall state the purpose for which it is issued and shall be signed by the officer issuing it and shall also bear his official seal, if he has any ; they shall be served by serving a copy of it on the person to whom it is addressed or if he is not to be found, by serving it on any adult member of his family or agent or in their absence by affixing a copy of it on some conspicuous part of his usual residence.

46.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless the enquiring officer is satisfied that such error is a material one. Appendix Form I [See Rule 6] Notification under Sub-section (1) of Section 3 of the Orissa Betterment Charges Act, 1955 It is hereby notified that the lands under irrigable command of the Irrigation Scheme of the Hirakud Dam Project comprised within Sambalpur/ Delta* Zone as specified in the schedule below shall, for the purposes of determination of betterment charges under Sub-section (3) of Section 3 be divided into the following classes, namely :SI.
No.....Class.....By order of the Governor Signature Designation

Schedule

Name of District	Name of Sub-division	Name of police station	No. of block	Boundaries	Name of village or villages in which lands are situated	Remarks
EastNorth	WestSouth					
(1)	(2)	(3)	(4)	(5)	(6)	(7) (8)

*Strike out which is not necessary. Form II[See Rule 11] Notice announcing the proposed rates of the betterment charges under Section 3 (4) of the Orissa Betterment Charges Act, 1955 Notice is hereby given that the lands in the block/blocks mentioned in Column 1 of the appended schedule have been bought under irrigation by the irrigation Scheme of the Hirakud Dam Project and that it is proposed to fix the betterment charges in respect of those lands at the rates mentioned against each class of land in Col. 4 of the schedule under Section 3 of the Orissa Betterment Charges Act, 1955. Any person owning the lands in the block/blocks mentioned in the schedule or otherwise interested in such lands may send to the Collector of Betterment Charges his suggestions or objections, if any, in writing within 30 days from the date of the publication of the notice. The statement of suggestions or objections shall contain the grounds therefore and the nature of interest in the land and the address of the sender. No statements of suggestions or objections will be accepted after the expiry of the time allowed. Place : Date : Published on..... Collector of Betterment Charges Certified that the notice was published on the date specified above in the village and announced in the village by beat of drum.

Witnesses 1. Signature of Sarpanch/Member
2. Gram Panchayat

Schedule 2

Zone..... District..... Sub-division..... Police Station.....

Block No.	Village or villages in which lands lie	Class of lands	Rates of betterment charges per acre	Remarks
(1)	(2)	(3)	(4)	(5)

Form III[See Rule 13] Awards of the Collector on the rates of betterment charges under Section 3 (4) of the Orissa Betterment Charges Act, 1955 In exercise of the powers conferred on me by Sub-section (4) of Section

3. of the Orissa Betterment Charges Act, 1955, 1.....

the Collector of Betterment Charges make the following award on the rates of betterment charges leviable on each class of lands under irrigable command in the Block/Blocks specified

belowZone.....District.....Sub-division.....Police Station.....

Block No.	Village or villages in which lands lie	Class of lands	Rates of betterment charges fixed per acre	Remarks
(1)	(2)	(3)	(4)	(5)

Place.....Date.....Collector of Betterment ChargesForm IV[See Rule 15]Notice intimating the Collector's award on the rates of betterment charges if modified under Section 3 (5) of the Orissa Betterment Charges Act, 1955Intimation is hereby given that the rates of betterment charges determined in award made by the Collector of Betterment Charges under Section 3 (4) of the Orissa Betterment Charges Act, 1955 and published at pagesPart.....of the Orissa Gazette, dated.....have been modified by the Board of Revenue as specified below

:Zone.....District.....Sub-division.....Police Station.....

Block No.	Village or villages in which lands lie	Class of lands	Rates of betterment charges per acre as fixed inthe award of the Collector of betterment charges	Rates of betterment charges as modified on appeal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Place.....Date.....Collector of Betterment ChargesForm V[See Rule 19]

of lands prepared under Section 4

1. Thana of village and Thana No.....

2. Police Station.....

3. Sub-Division.....

4. District.....

5. Zone.....

Block	Plot No.	Area under irrigable command	Class of land according to settlement	At present	Class of land for the purpose of bettermentcharges	
Area	Area Irrigated	Area capable of being irrigated	At the time of Settlement			
(1)	(2)	(3)	(4)	(5)	(6)	(7) (8)

Cultivation (Dry or wet) practised prior to supply of irrigation	Name of owner, father's name and address	Status of land	Name of the occupier father's name and address	If held on produce rent its proportion to total produce expressed in a fraction	Nature of occupier's right	If service jagir land nature of service rendered
(9)	(10)	(11)	(12)	(13)	(14)	(15)

Persons from whom charges recoverable

Land other than service jagir land

Land receiving produce rent

Occupier rent Sub-tenant¹

Name	Percentage*	Name	Percentage*	Name	Percentage*
(16)	(17)	(18)	(19)	(20)	(21)

Persons from whom charges recoverable

Service and jagir land

Service tenant Sub-tenant (if any) on produce rent

Name of revision on abolition of the service	Name	Percentage if a Sub-tenant holds the lands on produce rent and is protected ²	Name	Percentage*	Remarks
(22)	(23)	(24)	(25)	(26)	(27)

* Percentage means the percentage of betterment charges payable. The total of Cols. (17), (19) and (21) should be hundred. Where the entire betterment charges are payable by any of the persons it should be written as 'full' of hundred percent in the percentage column.

1. Sub-tenant includes Bhag-tenant.

2. Service-tenant is required to pay 75% of betterment charges but when the service jagir land is held by a sub-tenant who is protected against eviction, the latter is liable to pay a part of betterment charges as specified in Sub-section (1) of Section 11.

In the case of lands held jointly, either as landlord, occupancy tenants, service tenants of sub-tenants, the respective share of betterment charges, where decided, payable by each co-sharers should be mentioned in the appropriate columns. Form VI [See Rule 21 (a)] Notice for publication of

the Schedule under Section 5 (1) of the Betterment Charges Act, 1955 Notice to the landlords, occupant tenants, sub-tenants, service tenants and occupants of and all persons otherwise interested in the lands under irrigable command of-

Village..... Sub-division.....

Thana No..... District.....

Police Station..... Zone.....

Take notice that the schedule of lands of the above-mentioned village under the irrigable command of.....canal in.Block No.....having been Prepared under Section 4 of the Orissa Betterment Charges Act, 1985, it will be published by the contents being read out on the.....day of.....19.....at All persons interested are called on to attend at that said place on the date specified.Take further notice that the aforesaid schedule will be placed at.....for 30 days form the date of publication and will be open to public inspection free of charge for the said period under Rule 23 (b) of the Orissa Betterment Charges Rules.

Place.....Date..... Revenue Officer

Certified that the above notice was published in the villageon.....

Witnesses-

1..... Signature of Sarpanch/Member

2..... Gram Panchayat

Form VII[See Rule 21 (b)]Notice under Sub-section (2) of Section 5 of the Orissa Betterment Charges Act, 1955 to file objections, if anyToShri.....ofTake notice that the under-mentioned lands which are under irrigable command of the Hirakud Irrigation Scheme have been included in the schedule prepared under Section 4 of the Orissa Betterment Charges Act, 1955 (Act II of 1956) and you-are liable to, the levy of betterment charges according to the provisions of Section II of the Act as shown,, in the schedule referred to above.If you have any objections to make-(a)to the inclusion of the land in the schedule as the lands under irrigable command ; or(b)to the classification of any plot of the levy of betterment charges; or(c)to the imposition of betterment charges from you ; or(d)to any other entry contained in the schedule;you are required to appear before the undersigned either personally or by agent duly authorised by you to file your objections, if any, onat.....or on such other date to which the filing of objections may be adjourned.If is further desired that the objection to be filed should as far as possible contain grounds in detail for each kind of objection or for objection to any entry in the schedule and a statement of relief sought.Particulars of Land

Village..... Sub-division.....

Thana No..... District.....

P.S.....

Block No.	Plot No.	Area	Classification	Nature of interest in the land for the liabilityof betterment charges	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Given under my hand and the seal office this day of.

20.....Place..... Revenue Officer

Mention which is appropriate whether land or /occupancy tenant/service tenant/
sub-tenant/reversioner on the abolition of service attached to the land. Form VIII [See Rule 21
(b)] Form of filing objections

Village..... Holding No.....

Police-station..... Plot Nos.....

Name of objector with father's name and address.....

Nature of objection.....

Statement of grounds of objection.....

Statement of relief sought.....

Date of filing

Signature of Objector

Form IX [See Rule 21-(c)] Notice fixing the date for the hearing of objection under Section 6 of the
Orissa Betterment Charges Act, 1955 Case No..... of 19..... Notice to

Shri.....:..... (Objector)..... (Address) Take notice that the objection filed by
you to the Schedule is fixed for enquiry by me at..... on..... You are hereby informed
that you should on the day fixed, appear personally or by agent at the place specified at o'clock to
adduce all your evidence in support of the objection. Dated the..... day of

..... 19..... SEAL Revenue Officer Form X [See Rule 21 (c)] Notice fixing the date of hearing
of an objection under Section 6 of the Orissa Betterment Charges Act, 1955 (Notice to interested
persons) Case No..... Notice to Shri..... (Address) Whereas
Shri..... of..... has filed an objection (copy of which is annexed) under Section
5 (2) of the Orissa Betterment Charges Act to the Schedule and it appears that your interest may be
affected (if the objection is allowed) you are hereby informed that you should appear before me at
..... on at..... O'clock to produce evidence you have at the enquiry fixed at the
aforesaid time and place. In case of your failing to appear at the said enquiry, orders will be passed
according to law. Dated this..... day of..... 19.....

Seal Revenue Officer

Form XI [See Rule 22 (a)] Award under Section 6 of the Orissa Betterment Charges Act, 1955

Number..... Dated.....

In exercise of the powers conferred on me by Section 6 of the Orissa Betterment Charges Act, 1955,
I..... Revenue Officer, Circle (*) after having considered objections/there being no objections
made to the schedule published at pages Part of the Orissa Gazette, make the following award for
levy of betterment charges in respect of the lands specified below under irrigable command of the
canal..... in village Police Station. District. Zone.

Part I – { |

Sl. No.	Holding No.	Plot No.	Area under irrigable command	Class of land	Rate of betterment charges	Amount of betterment charges leviable	Landlord receiving produce rent	Amount
Occupancy tenant	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	(9)	(10)	- }					

Persons from
whom

betterment
charges
recoverable and
appointment
land other
than service
land

Amount	Sub-tenant	Amount	Service-tenant	Amount	Sub-tenant	Amount	Revisioner on abolition of service	Amount	Date on which betterment charge leviable
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

Part II – Ledger

Serial No.	Name of assessee	Class of assessee	Plots on which betterment charges are payable	Amount of betterment charges	Date on which payable	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Revenue officer Circle.....Form XII[See Rule 22 (a)]Notice for Publication of the award made under Section 6 of the Orissa Betterment Charges Act, 1956Notice to the landlords, occupancy tenants, sub-tenants, service tenants and occupants of and all persons otherwise interested in the lands under irrigable command of-

Village..... Sub-division.....

Thana No..... District.....

P. S..... Zone.....

Take notice that the award made under Section 6 of the Orissa Betterment Charges Act. 1955, in respect of the lands of the above-mentioned village under the irrigable command of.....canal in Block No ;.....will be published by the contents being read out on the day of.....19.....at.....All persons interested are called on to attend at the said place on the date specified.Revenue Officer Circle.....Form XIII[See Rule 23]Notice to exercise option as to mode of payment of betterment charges under Section 7 of the Orissa Betterment Charges Act, 1955Notice to landlords, occupancy tenants, service tenants, subtenants and persons to whom service lands will revert on the abolition of service attached to the land of-VillageThana No.....P. S.....Take notice that the award showing the amount of betterment charges leviable on the persons liable to pay the same under Section 11 of the Orissa Betterment Charges Act, 1955, has already been published under Section 6 of the Act. You are required to intimate the undersigned through an application in writing within 30 days of the publication of this notice your option with reward to the manner of payment of the betterment charge in one of the following modes :(a)One lump sum payment;(b)In sixteen annual instalments,

the first two instalments at 1 /30th of the amount and the remaining 14 instalments at 11 15th of the amount with interest at the rate of 4.25 per cent per annum on the due date of payment of any instalment on the balance of the betterment charges remaining unpaid by the said date ; or(c)By relinquishing the whole or any part of the land of equivalent value on which the betterment charges are payable or delivering in exchange in favour of the State Government.If you exercise your option in the manner stated in (c) mentioned above, you shall furnish the following particulars of the land proposed for relinquishment of delivery in exchange :(1)The village in which land is situate;(2)Plot No. or Nos. and extent of the land and the rent assessed on the land ;(3)The price of the land as calculated by you;(4)The amount of betterment charges fixed on the land according to the schedule ;(5)If you want to relinquish or deliver in exchange a part of the land, the area of such part and the price of such part of land as estimated by you.If no intimation is received within the time specified above the recoveries will be made in instalments in the manner indicated at (b) above. It is also open to you to make payment of any one or more of such instalments in advance of the date on which such instalment falls due together with interest at the rate of 4.25 per cent per annum on the balance of the charges remaining unpaid by the date of such payment.Revenue

OfficerCircle.....Certified that the notice was published on the date specified above in the village and announced in the village by beat of drum.

Witnesses- Signature.....

1. Sarpanch/Member

2. Gram Panchayat.....

Place.....

Date.....

Form XIV[See Rule 28]Notice of demand to assesses of Betterment

ChargesToShri.....of.....Take notice that you are assessed to betterment charges as shown hereunder under Section 11 of the Orissa Betterment Charges Act in respect of the land/lands, particulars of which are given below, of which you are the owner or in which you have got an interest assessable to betterment charges. The amount is payable in sixteen annual instalments. The first instalment should be on.....day of.....19.....subsequent instalments should be paid at successive intervals of one year from the date specified above.The amount of betterment charges and interest payable in each instalment are shown herein below :You may pay the entire amount of betterment charges in a lumpsum on or before the date on which the 1st instalment is payable.If you wish to relinquish or deliver in exchange any land of equivalent value of betterment charges payable, you may make an application with the necessary particulars and within the period specified in the notice published in this regard.Village.....Thana No.....Police-station.....

Plot Nos. for which he is solely liable forbetterment charges	Amount of betterment charges	Plot Nos. for which he is partly liable for thecharges	Amount of betterment charges	Total Cols. (2 and 4)	Instalment	Amount of betterment charges	Interest	Total of Cols. 7 and 8	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Dated.....day of.....19SealRevenue OfficerCircleForm XV[See Rule 32]Form of application for transfer of liability under Section 12 of the Orissa Betterment Charges Act, 1955

1. Name of applicant, father's name and address.....

2. Village where land is situate and Police Station.....

3. Plot Nos. in respect of which transfer of liability of charges is applied for and their extent.....

4. Grounds on which the transfer of liability is sought.....

5. Date of instalment from which transfer of betterment charges is sought.....

6. Name of person who is liable for payment of betterment charges, his father's name and address

SignatureForm XVI[See Rule 32 (c)]Declaration under Section 12 of the Orissa Betterment Charges Act, 1955It is hereby declared for the information of all persons interested that the liability of betterment charge of Shri.....of.....respect of the land/lands specified below is transferred to Shri.....of.....as shown hereunder from.....the day of.....19.....on which the [instalment] [The particular annual instalment to be entered.] is due under Section 12 of the Orissa Betterment Charges Act, 1955.Village.....Thana No.....Police Station.....

As charged
after
transfer of
liability
Payable by
transferee

		As per award			Amount of each instalment				Total of Cols. (8) and (9)
Plot No.	Area	Amount of betterment charges levied	Balance due	Nature of interest acquired in the land	Amount of betterment charges payable	Instalment number	Betterment charges	Interest	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
As charged after transfer of liability Payable by the original assessee									
Amount of each instalment									
Nature of interest retained in the land	Amount of betterment charges	Instalment number	Betterment charges	Interest	Total of Cols. (14) and (15)	Date from which payable	Remarks		
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)		

Date.....SealSub-divisional OfficerForm XVII[See Rule 33 (b)]Declaration under Section 12 of the Orissa Betterment Charges Act, 1955It is hereby declared for the information of all persons interested that the liability of betterment charges of Shri.....of.....in respect of the land/lands specified below is passed on to Shri.....of..... as shown hereunder from the.....day of.....19.....on which the.....[instalment] [The particular annual instalment to be entered.] is due under Section 12 of the Orissa Betterment Charges Act, 1955.VillageThana No.....Police Station.....

Plot No.	Area	Amount of betterment charges levied	Balance due	Amount of each instalment	Remarks				
Instalment No.	Betterment charges	Interest	Total of Cols. 6						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	

Date.....Seal :Sub-divisional Officer