

# **THE ANNUAL SURVEY OF STATE LAWS IN INDIA**

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# ODISHA

RAHUL MOHANTY\*

## Introduction

The legislature of Odisha is a unicameral legislature consisting only of the Vidhan Sabha, having 147 members. The present assembly is the 16<sup>th</sup> assembly, the elections for which were conducted simultaneously with the general elections in 2019. The year under survey (2023) covered the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> sessions of the state assembly.

The research mainly involved collecting primary and secondary data on the bills considered and passed in the Odisha Vidhan Sabha 2023. Primary data collection, especially through online sources, remained difficult as there was no centralised portal where all the bills passed were uploaded. The researcher relied upon the List of Business and Brief of Proceedings uploaded on the National E-Vidhan Portal (Odisha) and Odisha Assembly's own website to track the bills considered and passed during this period.

However, the data on these websites was not uploaded immediately and did not include a copy of the bills that were introduced or a verbatim record of the legislative debates. The researcher had to initially rely on several secondary sources, like media reports, to ascertain their existence and was only able to access them after a substantial time lag.

While some of the departments had uploaded a copy of the enacted bills, relevant to their department (after the Governor's assent), on their websites, that was not the case with many bills, which had to be tracked through secondary sources. The Odisha e-Gazette was also out of date and was not of much use in finding the enactments.

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## Quantitative Legislative Survey

Odisha Assembly sat for 34 days in 2023. The 30-day winter session only lasted for four days, due to a lack of legislative business.<sup>1</sup> This was a downward slide for Odisha, which, from 2012 to 2021, at 46 days had the highest average sitting days among all Indian state assemblies.<sup>2</sup> Even with the decline, the sitting day average of the Orissa legislature still remains higher than the sitting days average of all state legislatures, which has only been 21 days (of which around 60% on an average was utilised in the Budget session).<sup>3</sup> It is noteworthy that Rule 11 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly mandates a minimum of 60 sitting days every calendar year, though it appears that this number has only been reached a dozen times since 1950.<sup>4</sup> According to observers, this reduction in the sitting days of legislative bodies is a nationwide trend, both at the state and union levels.<sup>5</sup>

During the survey period, twelve bills were passed in the Odisha Assembly (excluding the Appropriation Bills), which covered a range of issues such as: welfare of SC, STs and backwards classes, rural development, land reforms, municipal reforms, apartment ownership, and upgradation of private colleges to universities.

## Qualitative Legislative Analysis

### Social Justice and Welfare

The Odisha government, in Budget session 2023 (12<sup>th</sup> session) introduced the Odisha State Commission for Backward Classes Welfare (Amendment) Bill, 2023, which sought to amend Section 9 of the Odisha State Commission For Backward Classes Act 1993 to enable the state government to include 22 castes and communities (who were already specified as

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<sup>1</sup> 'Speaker Adjourns Winter Session after 4 Days' *The Times of India* (25 November 2023) <<https://timesofindia.indiatimes.com/city/bhubaneswar/odisha-assembly-winter-session-ends-abruptly-4-days/articleshow/105487382.cms>> accessed 29 January 2024.

<sup>2</sup> 'Most State Assemblies Sit for Barely 30 Days a Year' *The Times of India* (17 February 2022) <<https://timesofindia.indiatimes.com/india/most-state-assemblies-sit-for-barely-30-days-a-year/articleshow/89626067.cms?from=mdr>> accessed 29 January 2024.

<sup>3</sup> Manas Gubbi, Niranjana S Menon and Siddharth Mandrekar Rao, 'Annual Review of State Laws 2022' [2023] PRS Legislative Research.

<sup>4</sup> Sandeep Mishra, 'Odisha Assembly's Minimum Sitting Days Rule A Joke: Is It Time For No-Work-No-Pay?' (*odishabytes*, 30 November 2019) <<https://odishabytes.com/odisha-assemblys-minimum-sitting-days-rule-a-joke-is-it-time-for-no-work-no-pay/>> accessed 29 January 2024.

<sup>5</sup> Pradeep Kumar Dubey, 'Shrinking of the Sittings of Legislatures' (2018); Karan Thapar, 'How Effectively Are India's Legislatures Functioning?' *Hindustan Times* (23 July 2022) <<https://www.hindustantimes.com/opinion/how-effectively-are-india-s-legislatures-functioning-101658585877875.html>> accessed 29 January 2024.

OBCs in the union government's list on Odisha) in the Socially and Educationally Backward Classes list of the state.<sup>6</sup> The bill only had one section, which proposed to allow the state government to include any backward classes in the list of SEBCs, as specified by the Central list in relation to Odisha.

This bill, along with two other pending bills,<sup>7</sup> was withdrawn a few days after being introduced and was subsequently promulgated as an ordinance in April 2023.<sup>8</sup> Although no reason was given by the government for the withdrawal, it was reported that the government wanted to end the assembly session after passing the Appropriation Bill, and was considering enacting the bill as an ordinance.<sup>9</sup> Next, the bill was reintroduced and passed in the monsoon session of 2023 and received the Governor's assent thereafter. The bill was, in fact, promulgated as an ordinance on 29<sup>th</sup> April 2023,<sup>10</sup> seemingly to clear the way to carry out the Socially and Educationally Backward Classes Survey ('SEBC survey'), which started on 1<sup>st</sup> May 2023.<sup>11</sup>

As some observers have noted, historically, there has been a limited political discourse on social justice and reservations in Odisha, and the Mandal Commission recommendation of 27% reservation for the SEBC has never been implemented.<sup>12</sup> The then BJD government had come under criticism in 2020 for failing to appoint the Odisha State Commission for Backwards Classes Welfare ('SEBC Commission'), despite demanding before the Union

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<sup>6</sup> Satyasundar Barik, 'Odisha Proposes Tweak in OBC Law to Include Castes in State List by Notification' *The Hindu* (24 March 2023) <<https://www.thehindu.com/news/national/other-states/odisha-proposes-tweak-in-obc-law-to-include-castes-in-state-list-by-notification/article66656820.ece>> accessed 29 January 2024.

<sup>7</sup> These two bills were the The Odisha Apartment (Ownership and Management) Bill and the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement (Odisha Amendment) Bill. The former was passed as an ordinance and subsequently enacted in the monsoon season. The latter was also passed in the monsoon session, but does not seem to have been assented as yet.

<sup>8</sup> Odisha State Commission for Backward Classes (Amendment) Act, 2023, Ordinance No. 01 of 2023.

<sup>9</sup> Indian Express, 'A week after tabling, Odisha government withdraws three bills' (01 April 2023) <<https://www.newindianexpress.com/states/odisha/2023/Apr/01/a-week-aftertabling-odisha-government-withdraws-three-bills-2561637.html>> accessed 5 August 2025.

<sup>10</sup> Odisha State Commission for Backward Classes (Amendment) Ordinance, 2023, Odisha Ordinance No. 1 of 2023.

<sup>11</sup> 'Odisha Begins Backward Classes Survey, Second After Bihar' (*NDTV.com*) <<https://www.ndtv.com/india-news/odisha-begins-backward-classes-survey-second-after-bihar-3994624>> accessed 29 January 2024.

<sup>12</sup> Jadumani Mahanand, 'Reservation Politics in the Absence of a Social Justice Discourse in Odisha' (*The Wire*, 25 July 2025) <<https://thewire.in/caste/reservation-politics-in-the-absence-of-a-social-justice-discourse-in-odisha>> accessed 5 August 2025; Jadumani Mahanand, 'The absence of Ambedkarite politics and the prevalence of soft Hindutva in Odisha' (*The Caravan*, 18 May 2024) <<https://caravanmagazine.in/politics/patnaik-soft-hindutva>> accessed 5 August 2025; Sagar, 'The Brahmin-Kayastha hegemony has overridden political social justice in Odisha' (*The Caravan*, 21 May 2019) <<https://caravanmagazine.in/politics/brahmin-kayastha-hegemony-re>> accessed 5 August 2025.

government that the socio-economic caste survey be a part of the national census.<sup>13</sup> Following this, the government reconstituted the SEBC Commission in 2020<sup>14</sup> and amended the 1993 Act (in 2020) to empower the commission to conduct surveys of the social and educational conditions of the people belonging to backward classes.<sup>15</sup> Although the proposal to conduct a survey had been approved in February 2021, no survey had been carried out yet.<sup>16</sup> After Bihar's caste census, Odisha decided to finally go ahead with the SEBC survey.<sup>17</sup> However, many castes and communities that were part of the Union's OBC list had not been included in the state's SEBC list. This amendment was brought in to empower the government to include these groups in the SEBC prior to the survey, which was conducted in May-July 2023.

Meanwhile, the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) (Amendment) Ordinance ('ORV' Ordinance) was promulgated to amend the original ORV 1975 Act and allow for reservation for SC and STs in contractual positions.<sup>18</sup> This was passed as a bill in the monsoon session of 2023 and subsequently received the assent of the Governor. With the rise in contractual government jobs, there had been proposals for introducing reservation in contractual positions in the past, including a bill that was originally introduced in 2013 and had been referred to a Select Committee.<sup>19</sup> However, the bill was not passed and subsequently lapsed with the dissolution of the Assembly in 2014.<sup>20</sup>

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<sup>13</sup> 'BJP, Congress slam Naveen Patnaik government over failure to appoint OBC Panel', (*The Times of India*, 14 January 2020), <<https://timesofindia.indiatimes.com/city/bhubaneswar/bjp-cong-slam-naveen-govt-over-failure-to-appoint-obc-panel/articleshow/73234909.cms>> accessed 5 August 2025.

<sup>14</sup> 'Odisha Forms Backward Classes Commission, Ends 27-Year Wait' (*The New Indian Express*, 13 February 2020) <<https://www.newindianexpress.com/states/odisha/2020/Feb/13/odisha-forms-backward-classes-commission-ends-27-year-wait-2102608.html>> accessed 29 January 2024.

<sup>15</sup> Odisha State Commission for Backward Classes (Amendment) Act, 2020, Act No. 3 of 2021.

<sup>16</sup> Notification No. 4860/M & BCW, ST & SC Development Department, Government of Odisha <<https://oscbc.odisha.gov.in/WebSite/download/4860.pdf>> accessed 5 August 2025.

<sup>17</sup> Satyasunder Barik, 'After Bihar, Odisha govt. begins Backward Class survey' (*The Hindu*, 2 May 2023) <<https://www.thehindu.com/news/national/other-states/after-bihar-odisha-govt-begins-backward-class-survey/article66799843.ece>> accessed 5 August 2025.

<sup>18</sup> Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) (Amendment) Ordinance, Ordinance No. 03 of 2023.

<sup>19</sup> 'Govt Promises to Change ORV Act' (*The New Indian Express*, 20 March 2015) <<https://www.newindianexpress.com/states/odisha/2015/Mar/20/govt-promises-to-change-orr-act-731039.html>> Accessed 5 August 2025.

<sup>20</sup> Business Standard, 'Odisha to Bring a Fresh Bill to Amend ORV Act' (20 March 2015) <[https://www.business-standard.com/article/pti-stories/odisha-to-bring-a-fresh-bill-to-amend-orr-act-115032000991\\_1.html](https://www.business-standard.com/article/pti-stories/odisha-to-bring-a-fresh-bill-to-amend-orr-act-115032000991_1.html)> accessed 3 February 2024.

The Odisha High Court, in December 2021, hearing a case concerning the denial of reservation and age relaxation in contractual positions advertised for Ayush doctors, noted that the ORV Act did not extend to contractual jobs. The Court, however, observed that when the ORV Act had been enacted in 1975, the concept of contractual jobs was not prevalent and advised the State to re-examine the ORV Act to extend it to contractual positions as well.<sup>21</sup> Similarly, the High Court, in a writ petition seeking the regularisation of the petitioners who were working as assistant drivers on a contractual basis, rejected the government's argument that such regularisation was not possible due to reservation norms. In the February 2023 order, the Court noted that reservations were not applicable to contractual jobs under the ORV Act.<sup>22</sup> These judicial observations may have prompted this amendment.

Both of these legislations may be contextualised in light of the 2024 elections, which in Odisha, was for both the State Assembly as well as for the Union Parliament, and a gradually growing discourse on social justice.

### **Apartment Ownership Legislation**

The Odisha Apartment Ownership Act 2023 was enacted to remove the apparent inconsistency between the Odisha Apartment Ownership (Amendment) Rules, 2021, made under the Odisha Apartment Ownership Act 1982, and the provisions of the Real Estate (Regulation and Development) Act, 2016 ('RERA Act').

A public interest litigation was filed before the Odisha High Court challenging the validity of the Odisha Apartment Ownership (Amendment) Rules, 2021, for being contrary to the RERA Act.<sup>23</sup> Section 17 (1) of the RERA Act required the ownership of the common areas of the project to be conveyed to the association of allottees by executing a conveyance deed to such effect. Unlike the RERA Act, the Odisha Apartment Ownership (Amendment) Rules, 2021, permitted an association of apartment owners to be formed only after the conveyance deeds were executed. As a result, contrary to the provision of the RERA Act, the real estate project promoters in Odisha proceeded to execute sale deeds conveying the proportionate interest in the common areas to the apartment owners rather than to the association of owners because such an association could not be formed till sale deeds were executed. The Odisha High Court, in an order dated 12 May 2022, ruled that the registering authority could

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<sup>21</sup> Dr. Pradeep Kumar Gochhayat v. State Of Odisha, W.P.(C) No. 10024 of 2014, W.P.(C) No. 9944 of 2014 And W.P.(C) No. 10157 of 2015, Judgment dated 16 December 2021.

<sup>22</sup> Manoranjan Swain & Others v. State of Odisha & Others (W.P.(C) No. 22008 of 2021, Judgment dated 24 February 2023.

<sup>23</sup> Bimalendu Pradhan v. State of Odisha and Ors., W.P. (C). No. 18799 of 2011.

not register an instrument for the transfer of sale deeds that had clauses contrary to the RERA Act.<sup>24</sup> This decision of the High Court halted registration of apartment sale deeds in the state until the regulations could be amended.<sup>25</sup>

The government of Odisha promulgated an Ordinance on 21<sup>st</sup> June 2023 to repeal and replace the Odisha Apartment Ownership Act 1982 and consolidate the law relating to apartment ownership in the state.<sup>26</sup> In order to remove the difficulty noted by the Odisha High Court, it provided that where any allotment or sale of an apartment has been made after the commencement of the RERA Act, but no deed of transfer in respect of the common areas had been executed, the promoter would have to execute a separate deed of transfer in favour of an association of allottees.<sup>27</sup> The Ordinance also ensured alignment with the provisions of the RERA Act in terms of the rights and responsibilities of the promoter and the allottees, and the creation and operation of the association of allottees. The Ordinance was later introduced as a bill in the monsoon session and enacted. Shortly thereafter, the government notified the draft Odisha Apartment (Ownership and Management) Rules 2023 for public consultation, which provided the procedure for registering the associations of allottees.<sup>28</sup> The final rules were subsequently notified in February 2024, thereby ending the legal deadlock on the registration of apartments in the state.<sup>29</sup>

## **Odisha Municipal Laws (Amendment) Act, 2023**

This legislation amended the Odisha Municipal Corporation Act, 2003 and the Odisha Municipal Act, 1950, to ensure the representation of various marginalised groups within the Ward Committees of Municipalities as provided under Article 243S of the Constitution of India. The composition of the nominated members within the Ward Committee was altered to include, two office bearers of Mission Shakti Groups,<sup>30</sup> at least one (and up to two) persons who were office bearers of Slum dweller associations,<sup>31</sup> one representative of a community-

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<sup>24</sup> Bimalendu Pradhan v. State of Odisha and Ors., W.P. (C). No. 18799 of 2011, Order dated 12 May 2022.

<sup>25</sup> Sudarsan Maharana, 'Odisha: Sale Deed Registration of Apartments Comes to a Halt' (*The New Indian Express*, 19 May 2022) <<https://www.newindianexpress.com/states/odisha/2022/May/19/odisha-sale-deed-registration-of-apartments-comes-to-a-halt-2455363.html>> accessed 29 January 2024.

<sup>26</sup> The Odisha Apartment (Ownership and Management) Ordinance, 2023, Odisha Ordinance No. 2 of 2023.

<sup>27</sup> Section 8, The Odisha Apartment (Ownership and Management) Ordinance, 2023, Odisha Ordinance No. 2 of 2023.

<sup>28</sup> Odisha Apartment (Ownership and Management) Rules 2023, dated 13 October 2023, File No. 20467, Housing and Urban Development Department, Government of Odisha.

<sup>29</sup> Odisha Apartment (Ownership and Management) Rules 2024, dated 16 February 2024.

<sup>30</sup> Mission Shakti Groups are women's self-help groups formed under the Odisha Government's Mission Shakti program. See: <<https://missionshakti.odisha.gov.in/about-us/overview>> .

<sup>31</sup> Slum Dweller Association has been defined as "an Association whether registered or not formed by the slum dwellers of the slums duly recognized by the Corporation in such manner and in such form as may be

based organisation, one official of the municipal corporation, and at least ten persons from the ward.<sup>32</sup> The Ward Committee was required to consider the recommendation of the Slum Dweller Association whilst making budgetary allocations and preparing action plans for the slum areas.<sup>33</sup> The government was obligated to notify classes of work that could be executed by 'community-based organisations'.<sup>34</sup> The amendment not only paves the way towards reconstituting ward committees to ensure greater representation of various marginalised groups, but also formalises the role of self-help groups like the Mission Shakti groups or Slum Dweller groups in local self-governance. The amendment also introduces a population-based formula for determining the number of citizen members from each ward, to ensure more representatives in more populous areas.<sup>35</sup> It is noteworthy that in a CAG Audit on urban local bodies in Odisha, delays in conducting elections and constituting Ward Committees had been noted, leading to the absence of community participation in the local governance.<sup>36</sup> This amendment could be seen as a precursor to reconstituting ward committees and providing a newer model of community participation in urban local bodies. The amendment also mandated the municipal corporations/municipalities to align their responsibilities with the Disaster Management Act, 2005, thereby requiring them to prepare Disaster Management Plans for their jurisdiction.<sup>37</sup> These changes, aimed at aligning urban governance with better disaster preparedness and climate change adaptation, can also be seen in the context of Odisha's State Action Plan on Climate Change (2021-30), which emphasised the role of local participation, particularly effective participation of women, as being critical for climate change adaptation actions.<sup>38</sup>

## **The Odisha Pani Panchayat (Amendment) Act, 2023**

Odisha has a system of participatory irrigation management under the Pani Panchayat Act, 2002.<sup>39</sup> Pani Panchayats are essentially local organisations of farmers and other 'water

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notified by the State Government, 5 from time to time, which is working for the upliftment and welfare of the slum dwellers and the expression 'slum dweller' shall have the same meaning as defined in clause (s) of Section 482": section 7 (b) (b), Odisha Municipal Laws (Amendment) Act, 2023, Odisha Act No. 7 of 2023.

<sup>32</sup> Sections 2 and 7, Odisha Municipal Laws (Amendment) Act, 2023, Odisha Act No. 7 of 2023.

<sup>33</sup> Sections 3 and 8, *ibid.*

<sup>34</sup> Section 10, *ibid.*

<sup>35</sup> Section 7, *ibid.*

<sup>36</sup> Report of the Comptroller and Auditor General of India on Local Bodies for the year ended March 2021, Chapter 5: Performance audit on the Efficacy of implementation of 74th Constitution Amendment Act with focus on 3Fs-Fund, Functions and Functionaries, Government of Odisha, Report No. 3 of 2023.

<sup>37</sup> Sections 5 and 11, *ibid.*

<sup>38</sup> Odisha Climate Change Action Plan 2021-30, Ministry of Forests, Environment and Climate Change, Government of Odisha.

<sup>39</sup> The Odisha Pani Panchayat Act, 2002, Act No. 10 of 2002.

users' who use water for irrigation. Pani Panchayats perform several water management functions like equitable distribution and regulation of water use, preparing plans for maintenance of irrigation systems at the end of each crop season, and preparing a cropping plan suitable for the local conditions.<sup>40</sup> Pani Panchayats have a 3-tier system for managing minor and medium-scale irrigation projects and a 4-tier system for managing major irrigation projects. As of 2021, there are more than 35,000 Pani Panchayats in the state.<sup>41</sup>

The amendment was intended to give greater powers to Pani Panchayats as well as make them more inclusive. For example, it defined 'mega lift' irrigation projects, as "*an irrigation system under an irrigation project having irrigable commanded area of more than 500 hectares and up to 2000 hectares by direct pumping from river or reservoir or existing irrigation system or water bodies*"<sup>42</sup> and empowered the concerned Additional Chief Engineer to delineate certain areas of such mega lift irrigation projects, on an hydraulic and administrative viability basis, and declare it as a Pani Panchayat.<sup>43</sup> included them under the ambit of Pani Panchayats. This represents a shift towards more decentralized water governance, even in relatively larger projects. The amendment also provides a five-year tenure for members of the *Chak*<sup>44</sup> Committee, who are elected by all landholders in the *Chak*. The amendment also enables better gender inclusivity by recognising that spouses of the land-owners can be members of Pani Panchayat.<sup>45</sup>

## **Odisha Goods and Services Tax (Amendment) Act, 2023**

This legislation aimed at simplifying and relaxing some of the procedures under the Odisha GST law.<sup>46</sup> For instance, it empowered the government to accept late submission of tax returns for a person or a class of persons,<sup>47</sup> and notify and exempt a category of persons from the need to register under the GST Act.<sup>48</sup> It also extended the ambit of the state GST to cover online gaming, and the supply of "specified actionable claims" (which included betting, casinos, gambling, horse racing, lottery, online money gaming) in terms of any

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<sup>40</sup> Section 17, *ibid.*

<sup>41</sup> Romita Dutta, 'How Pani Panchayats Have Ensured Water Supply in Odisha' *India Today* (29 March 2021) <<https://www.indiatoday.in/magazine/nation/story/20210329-rise-of-the-pani-panchayats-1781271-2021-03-20>> accessed 29 January 2024.

<sup>42</sup> Section 2, The Odisha Pani Panchayat (Amendment) Act, 2023, Act No. 11 of 2023.

<sup>43</sup> Section 3, *ibid.*

<sup>44</sup> *Chak* is the smallest hydraulic unit under the Pani Panchayat. It has been defined as "an area irrigated by one outlet", see: Section 2(1)(c), Pani Panchayat Act, 2002, Odisha Act No. 10 of 2002.

<sup>45</sup> Section 3, *ibid.*

<sup>46</sup> Odisha Goods and Services Tax (Amendment) Act, 2023, Odisha Act No. 4 of 2023.

<sup>47</sup> Section 10, *ibid.*

<sup>48</sup> Section 6, *ibid.*

consideration (including virtual digital assets).<sup>49</sup> This provision mirrors the amendments made under Section 2(102A) and Schedule III of the CGST Act, 2017<sup>50</sup> and Section 14A of the IGST Act, 2017,<sup>51</sup> introduced by the respective 2023 Amendment Acts to tax online gaming and specified actionable claims. This amendment was made in order to effectuate the decision of the GST council to impose 28% GST on online gaming.<sup>52</sup>

The government has also amended the Odisha GST Rules to implement this tax on online gaming and actionable claims, and provided the necessary forms regarding these businesses.<sup>53</sup>

## Odisha Land Reforms and Land Acquisition

There were two separate amendments enacted by Odisha in this period to amend the Odisha Land Reforms Act 1960. The first amendment, passed in the monsoon session, specified a market-linked conversion fee of one centum per acre of the market value of the agricultural land for its conversion to any non-agricultural purposes.<sup>54</sup> This replaced the previous Section 8-A of the Act, which had various fixed conversion fees applicable, depending on the location of the land. This amendment, which uniformly links the conversion fee to the market price, would prevent revenue loss during conversion, particularly in lands situated in or close to bigger cities.

The second amendment, introduced and passed in the winter session, allowed persons who were personally cultivating any land or using such land as a homestead as sub-tenants or under-raiyats in the state's record of rights to be recognised as the owners of the land and given a '*patta*' as evidence of the ownership.<sup>55</sup> Interestingly, both of these amendments were assented to and notified together.

According to the government, this amendment on recognition of sub-tenants' rights would benefit around two lakh farmers in coastal Odisha who cultivated lands which were sublet to them and categorised as traditional '*sikkim*' type land.<sup>56</sup> The Amendment Act allows

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<sup>49</sup> Section 2, *ibid*.

<sup>50</sup> Central Goods and Services Tax (Amendment) Act, 2023, Act No. 30 of 2023.

<sup>51</sup> Integrated Goods and Services Tax (Amendment) Act, 2023, Act No. 31 of 2023.

<sup>52</sup> Minutes of the 50th Meeting of the GST Council held on 11th July, 2023

<[https://gstcouncil.gov.in/sites/default/files/Minutes/minutes\\_of\\_50th\\_0.pdf](https://gstcouncil.gov.in/sites/default/files/Minutes/minutes_of_50th_0.pdf)> accessed 5 August 2025.

<sup>53</sup> Odisha Goods and Services Tax (Third Amendment) Rules, 2023, Finance Department, Government of Odisha, 30 September 2023.

<sup>54</sup> Odisha Land Reforms (Amendment) Act, 2023, Odisha Act No. 15 of 2023.

<sup>55</sup> Odisha Land Reforms (Second Amendment) Act, 2023, Odisha Act No. 14 of 2023.

<sup>56</sup> 'House Amends Land Reforms Bill, Owners of Sublet Land to Benefit' (*The Times of India* 24 November 2023) <<https://timesofindia.indiatimes.com/city/bhubaneswar/house-amends-land-reforms-bill-owners-of-sublet-land-to-benefit/articleshow/105458238.cms>> accessed 31 January 2024.

them to seek official recognition of their possession by applying for a *patta* within two years of the amendment coming into force.<sup>57</sup>

The state legislature also enacted the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act 2023, which amended the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972.<sup>58</sup> Chapter V of the 1972 Act prohibited the transfer or fragmentation of land which were consolidated and classified as '*chakabandi*' land (referring to a compact parcel of land allotted, after land consolidation, to a land-owner).<sup>59</sup> The Principal Act provided that such agricultural land could not be transferred or partitioned so as to create fragments. With the same objective, the Act allowed fragments to be only transferred to the land-owner of a contiguous *chaka*.<sup>60</sup> If owners were unable to effect such transfer on their own, they could apply to the *Tahasildar*, who would determine the market value of the land and sell it by auction among the land-owners of the contiguous land.<sup>61</sup> All these provisions, contained in Chapter V of the Act, have been omitted through the 2023 amendment.<sup>62</sup> The amendment also treats any transfer or partitions of agricultural land before the commencement of the 2023 Act, that would create a fragmentation under Principal Act, as valid.<sup>63</sup> This, in effect, retrospectively regularises any previous fragmentations.

The combined effect of the above amendments seems to aim at revitalising the land and real estate market in rural areas. Lack of official title deeds, restrictions on fragmentation and transfer of agricultural land had reduced the market for agricultural land, by making buying and selling them difficult. These amendments would allow farmers to fragment and sell smaller parcels of their land at market price, rather than being required to sell their entire land. While this may benefit many rural landowners, it may also lead to speculation in the agricultural land market.

Odisha also amended the land acquisition law to reportedly enable the government to exempt certain categories of projects from the requirement of social impact assessment. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Odisha Amendment) Bill 2023 ('LARR Amendment') was initially introduced

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<sup>57</sup> Section 2(b), Odisha Land Reforms (Amendment) Act, 2023.

<sup>58</sup> Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972, Odisha Act No. 21 of 1972.

<sup>59</sup> Section 34, *ibid*.

<sup>60</sup> *Ibid*, section 34(2).

<sup>61</sup> *Ibid*, Section 34 (3).

<sup>62</sup> Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act, 2023, Section 2.

<sup>63</sup> *Ibid*, Section 3.

in the Budget session 2023, but was withdrawn, along with other bills introduced in the budget session like the previously mentioned bills to amend the apartment ownership law and the SEBC Commission. In the monsoon session the Bill was re-introduced and passed. As noted earlier, there was no explanation given for withdrawing the bill in the budget session and reintroducing it in the monsoon session. It is important to note that the text of this amendment bill (neither the one that was introduced in the budget session nor the one introduced in the monsoon session) is available in public domain, and only a reference to Assembly's bulletin reveals that the bill was passed.<sup>64</sup> There is no information available on whether any changes were made in the interim. The Revenue Minister, while introducing the bill, sought to justify it on grounds that the provisions of the LARR Act, 2013, particularly those on social impact assessment, were causing a delay in land acquisition, which was affecting its plans for attracting larger private investment through its 'Make-in-Odisha' initiative.<sup>65</sup> He also claimed that a governmental task force which was examining the issue of facilitating transfer of land for the industrial projects, had recommended the amendment of LARR 2013.<sup>66</sup>

The bill was introduced and passed together with the Odisha Land Reforms Amendment Bill, which amended the conversion fee for converting agricultural land for non-agricultural use and linked it to the market price of the land. However, this LARR Amendment does not seem to have been assented by the Governor yet, unlike the latter amendment.

After the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 by the Parliament of India, there have been many amendments made to carve out exemptions. The Government of India promulgated an Ordinance to amend the LARR Act 2013, which among other provisions, sought to exempt projects which were vital for national security, defence, rural electrification, affordable housing, creation of industrial corridors or infrastructure projects, including projects under public-private-partnership where the land continued to vest with the government, from the requirement of conducting social impact assessment and

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<sup>64</sup> Brief Record of Proceedings, Bulletin No. 4, Odisha Legislative Assembly, Sixteenth Assembly, Thirteenth Session, 27 September 2023, <<https://www.odishaassembly.nic.in/AssemblyBulletin.aspx>> accessed 5 August 2025.

<sup>65</sup> Satyasunder Barik, 'Odisha Assembly passes Bill exempting projects from social impact assessment' (*The Hindu*, 27 September 2023) <<https://www.thehindu.com/news/national/other-states/odisha-assembly-passes-bill-exempting-projects-from-social-impact-assessment/article67353558.ece>> accessed 5 August 2023.

<sup>66</sup> *Ibid.*

consent.<sup>67</sup> Later, a bill incorporating these provisions was introduced and passed in the Lok Sabha, but was not passed in the Rajya Sabha. The ordinance was criticised by many for diluting the rights given to land owners under the 2013 Act, and for being based on an unfounded assumption that landowners are unwilling to consent to land acquisition for fair compensation.<sup>68</sup> However, many states, such as Andhra Pradesh, Telangana, Maharashtra, Jharkhand, Gujarat and Karnataka, seem to have taken a cue from the Ordinance and passed their own amendments that exempted different projects from the requirements of social impact assessment and the consent of land owners.<sup>69</sup> The Odisha LARR Amendment Act made a similar choice. Odisha's LARR Amendment Bill 2023 reportedly allowed the state government to exempt "projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production, infrastructure projects and industrial corridors set up by the State government and its undertakings" from the requirement of conducting a social impact assessment.<sup>70</sup> The government also justified the amendment by stating that the exemptions would reduce the delays in land acquisition and boost economic development and industrial promotion. In support of its decision, it gave examples of other states where similar amendments were made.<sup>71</sup>

## Bills Relating to Educational Institutions

Odisha also enacted three statutes that gave University status to two private educational institutions. These are the SILICON University Odisha Bill, 2023,<sup>72</sup> and NIST University

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<sup>67</sup> Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014

<sup>68</sup> 'Amendment to the LARR Act, 2013 and the Aspirations of the Rural Youth of India' (2018) 53 <<https://www.epw.in/journal/2018/32/special-articles/amendment-larr-act-2013-and-aspirations.html>> accessed 31 January 2024; KB Saxena, 'The Ordinance Amending the Land Acquisition Law (2013): Farmers Lose out in the Unequal Contest of Power' (2015) 45 Social Change 324.

<sup>69</sup> 'How Central and State Governments Have Diluted the Historic Land Legislation of 2013' *The Economic Times* (14 April 2018) <<https://economictimes.indiatimes.com/news/politics-and-nation/how-central-and-state-governments-have-diluted-the-historic-land-legislation-of-2013/articleshow/63764378.cms?from=mdr>> accessed 31 January 2024; Bar & Bench, 'From Policy To People – Rocky Road Behind and Ahead: How the LARR Act of 2013 Has Fared (Part I)' (*Bar and Bench - Indian Legal news*, 1 March 2018) <<https://www.barandbench.com/columns/policy-people-larr-act-2013>> accessed 31 January 2024; 'In State-Level Changes to Land Laws, a Return to Land Grabbing in Development's Name' (*The Wire*) <<https://thewire.in/law/state-level-changes-land-laws-return-land-grabbing-developments-name>> accessed 31 January 2024.

<sup>70</sup> *Supra* n. 65.

<sup>71</sup> 'Experts Raise Concerns as No More Social Impact Assessment for Odisha Projects' <<https://www.downtoearth.org.in/news/governance/experts-raise-concerns-as-no-more-social-impact-assessment-for-odisha-projects-92113>> accessed 31 January 2024.

<sup>72</sup> The Silicon University, Odisha Act, 2023, Odisha Act No. 12 of 2023.

Odisha Bill, 2023,<sup>73</sup> that were passed in the monsoon session of 2023. NIST and SILICON are autonomous institutions focusing on engineering and management that have now been upgraded to universities.

These statutes were on similar lines as previous legislations that have been enacted to grant university status to existing private educational institutions, such as the DRIEMS University Act, 2022.<sup>74</sup>

## Delegated Legislations

There were a large number of executive rules, regulations, orders and notifications notified by the government in 2023,<sup>75</sup> though most of these dealt with routine administrative matters like personnel transfers, or implementation of governmental schemes, changing departmental procedures and guidelines, and other routine orders. Some of the more noteworthy delegated legislations made this year pertained to the operationalisation of the legislations enacted this year. This included the Odisha Apartment Ownership Rules, 2023 and the Odisha Goods and Services Tax (Amendment) Rules, 2023, referred to earlier. A few other rules may require specific mention.

This includes the Odisha Lokayukta (Financial and Administrative Power) Rules, 2023, which replaced the Odisha Lokayukta (Financial and Administrative Power) Rules, 2019.<sup>76</sup> This rule clarified that any substantial modification of Lokayukta's budget estimate would require the Lokayukta to submit a supplementary estimate for the government's approval. It also clarified that various financial and administrative rules of the state government, specifically the Delegation of the Financial Power Rules, 1978, the Odisha General Financial Rules, 1959, the General Provident Fund (Odisha) Rules, 1938, the Odisha Travelling Allowance Rules, 1938, Odisha Budget Manual, 1963, the Odisha Records Manual, 1964 and the Odisha Treasury Code and Administrative Rules, will apply to Lokayukta *mutatis mutandis*.

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<sup>73</sup> NIST (National Institute of Science & Technology) University, Odisha Act, 2023. The Act did not come into force in 2023.

<sup>74</sup> The DRIEMS University Act, 2022, Odisha Act No. 6 of 2023.

<sup>75</sup> These can be accessed, under the relevant department, at:  
<[https://egazette.odisha.gov.in/extraordinary\\_archival](https://egazette.odisha.gov.in/extraordinary_archival)>.

<sup>76</sup> Odisha Lokayukta (Financial and Administrative Power) Rules, 2023, Odisha Gazette Notification S.R.O. No.515/2023, dated 1 August 2023.

The government also notified the Payment of Compensation to the Next of Kin (NOK) on account of Death of Prisoners in the Jails of Odisha Rules, 2023<sup>77</sup> which were made pursuant to an order of the Odisha High Court, where it directed the government to provide compensation, *inter alia*, in the case of death of prisoners in custody.<sup>78</sup> The rules provided that a compensation of Rs. 3.00 lakhs for deaths due to quarrels, attacks by inmates, firing, or torture attributable to jail authority's negligence would be provided to the next-of-kin of the deceased prisoners. A lower compensation of Rs. 2.00 lakhs is payable for deaths due to negligence by medical or paramedical staff. Whereas no compensation would be given in cases of natural deaths (including illness), deaths during escape, bail, leave, release, or due to suicide.

Other significant developments included the appointment of judges to operationalise the Motor Accident Claims Tribunals;<sup>79</sup> and the amendment of Wildlife (Protection) (Odisha) Rules, 1974, to amend the category of 'next-of-kin' for the purposes of compensating families of the victims of animal-related deaths.<sup>80</sup>

## Conclusion

2023 was a relatively 'uneventful' year, which did not see any change in government or major policy shifts, or external shocks like a pandemic. In the absence of any such trigger, the legislation enacted by the Odisha Assembly in 2023 did not reveal any discernible focus. They covered a wide range of issues, from rural development to water resource management, educational institutions helping industrial promotion, promoting rural agricultural land market, clarifying the norms of apartment ownership, welfare of backward classes and so on.

A few overall observations regarding the legislative business this year can be made. First, the legislative work remained opaque. In most cases, the bills were not available in the public domain prior to being passed. This opacity extended to details of the assembly debates, the transcripts of which are not available, beyond an official 'brief of proceedings' in a daily bulletin, which is extremely brief, to the point of being similar to an agenda list.

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<sup>77</sup> Payment of Compensation to the Next of Kin (NOK) on account of Death of Prisoners in the Jails of Odisha Rules, 2023, Home Department, Notification No. 8977-HOME-JAIL-RULE-0002/2022/JAILS, dated 2 March 2023.

<sup>78</sup> *Krushna Prasad Sahoo v. State of Odisha*, W.P. (C) No. 6610/2006, Order dated 23rd December, 2021

<sup>79</sup> Odisha Commerce & Transport (Transport) Department, Notification No. 4116-TRN-LC-MISC-0044/2017/T, dated 13 April 2023.

<sup>80</sup> Forest, Environment & Climate Change Department, Notification No. 27163-FE-WL-WLF-00337/7FE&CC, dated 16 October 2023.

Similarly, no reasons have been made available for the withdrawal and reintroduction of some bills. In most cases, the bills were only made available after they had been enacted with the assent of the Governor and notified in the Official Gazette. In some cases, like the LARR Amendment, even after the amendment was passed, it is not available, since it has not received the gubernatorial assent.

Second, many of the land reform policies, such as allowing fragmentation of agricultural land, market-linked conversion fees, and the attempt to exempt certain categories of land acquisition from SIA, seem to have been motivated by an underlying push to promote industries and real estate. Some of these policies, especially the proposed changes in land acquisition laws, have attracted significant criticism and are difficult to square with the claims of the government that it seeks to make it easier for the people to control and sell their own land without problems.

Third, being a pre-election year, some of the legislative work seemingly had electoral underpinnings. These particularly included the bills on extending reservations to contractual jobs and inclusion of more SEBCs into the state's list prior to initiating a survey.

It may be relevant to note in hindsight that Odisha had the same party in power since 2000 till 2024, and by 2023, most of its pressing legislative agenda was likely already implemented. As a result, 2023 was a relatively quiet year for Odisha in law-making.