

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No.GE (GL)-S-29/2015 - 16538 IR&DM Dated 3.6.2015

From

Dr. Mona Sharma, IAS  
Principal Secretary to Government

To

The Secretary, Board of Revenue, Odisha, Cuttack

**Sub: Principles for lease of brackish water areas in the State.**

Sir,

I am directed to say that the principles for lease of brackish water areas in the State, particularly in the coastal districts, were laid down in this Department G.O. No. 38800/R &DM dated 27.08.2012 which was subsequently modified to certain extent vide G.O No. 13361/ R&DM dated 08. 05.2014.

2. Recently, Fisheries & ARD Department has suggested some modifications in the aforesaid guidelines to make it more effective.

3. Keeping the above in view, Government, after careful consideration of the proposal and in supersession of the instructions contained in the G.Os cited above, have been pleased to decide as follows:

(i) The parties/ persons in whose favour lease will be granted shall be categorized into two separate groups i.e. 1<sup>st</sup> category and 2<sup>nd</sup> category.

1<sup>st</sup> Category:

The lessee intended in the 1<sup>st</sup> Category are again divided into two sub-groups such as Sub-Group-'A' and Sub-Group-'B'.

Sub-group-'A'

The following persons are to be included in Sub-Group-'A':

- (a) Beneficiaries of anti-poverty programme
- (b) Persons under BPL category
- (c) Fishermen by profession or by caste
- (d) Landless persons having income not more than Rs.40,000/- per annum.
- (e) Marginal farmers

Sub-group-'B'

The following types of lessees are to be included in Sub-Group-'B':

- (a) Educated unemployed persons (Matriculation and above)
- (b) Self Help Group (SHG)
- (c) Primary Fisherman Cooperative Society (PFCS)
- (d) Women Cooperatives

2<sup>nd</sup> Category:

The following types of lessees are to be included in the 2nd Category:

- (a) Partnership Firms
- (b) Technical entrepreneurs
- (c) State Owned Corporations
- (d) Companies/ Exporters registered in Odisha

(ii) The District Level Committee will identify the government land suitable for brackish water pisciculture. The land so identified should be recorded with full particulars in a separate register plot-wise and village-wise in each Tahasil and village-wise and Tahasil-wise in each district. The 50% of the suitable brackish water area so identified will be earmarked for the 1<sup>st</sup> Category of beneficiaries mentioned above and the remaining 50% of the brackish water area will be leased out to the 2<sup>nd</sup> Category of beneficiaries. The lease of land for brackish water pisciculture should not be allowed beyond the identified area as it may cause salination of soil resulting in environmental hazards.

(iii) While leasing out brackish water areas in favour of individual beneficiaries of 1<sup>st</sup> Category, preference will be given to

- 1. Existing farmers
- 2. Technically qualified persons
- 3. Trained and experienced persons

(iv) For any individual beneficiaries of sub-group-'A' of 1<sup>st</sup> category, the allotment of land should not exceed 1.00 Ha. whereas under sub-Group-'B', the area would be up to 5.00 Ha.

(v) The entrepreneurs, firms, Corporations, Companies, exporters etc. coming under the 2nd category may be allotted land not exceeding 10.00 Ha. on the recommendation of District Level Committee, which can be determined on the basis of

technical feasibility report to be prepared by the concerned District Fisheries Officer keeping the capacity for investment of the firm in view, which shall be approved by the District Level Committee. Lease for more than 10.00 Ha. of land requisitioned shall be sanctioned after approval of State Level Committee.

(vi) As per the delegation made in Schedule II of the OGLS Rules, 1983, the Collector of the district shall be competent to grant lease up to 10.00 Ha. of brackish water area. Similarly, Government in Revenue & DM Department shall be the competent authority to sanction lease exceeding 10.00 Ha. of brackish water area.

(vii) There shall be a District Level Committee under the chairmanship of the Collector of the district and consisting of the following members to identify the suitable land and finalize or recommend, as the case may be, all applications for lease of land to the beneficiaries coming under both the categories.

- |     |  |   |                           |
|-----|--|---|---------------------------|
| (a) | Collector  | - | Chairperson               |
| (b) | Divisional Forest Officer of the concerned Forest Division | - | Member                    |
| (c) | Sub-Collector of the concerned Sub-Division                | - | Member                    |
| (d) | Tahasildar of the respective Tahasil                       | - | Member                    |
| (e) | Representative of MPEDA                                    | - | Member                    |
| (f) | Representative of SEAI & OSFA                              | - | Stakeholder participation |
| (g) | District Fisheries Officer of the concerned District       | - | Member Convener           |

(viii) Similarly, there shall be a State Level Committee with the following composition for finalization of the lease of land exceeding 10.00 Ha. duly recommended by the District Level Committees.

- |     |   |   |                 |
|-----|---|---|-----------------|
| (a) | Secretary to Government, Revenue & Disaster Management Department   | - | Chairperson     |
| (b) | Secretary to Government, Fisheries & ARD Department   | - | Member          |
| (c) | Secretary to Government, Finance Department   | - | Member          |
| (d) | Secretary to Government, Forest & Environment Department  | - | Member          |
| (e) | Director of Fisheries, Odisha,  | - | Member          |
| (f) | An officer of Fisheries & ARD Department to be nominated by the Department                                  | - | Member Convener |
| (g) | Representative of MPEDA   | - | Member          |
| (h) | Representative of stakeholders in any category (who is not an applicant) to be nominated by FARD Department | - | Member          |

(ix) Any individual, entrepreneur, firm, Corporation, Company, exporter etc. willing to take brackish water area on lease shall apply before the District Fisheries Officer (DFO) along with necessary documents and scheme. The DFO, after examining the documents and scheme and ascertaining the eligibility of the applicant, would send the names to the concerned Tahasildar along with the documents and scheme within fifteen days from the date of receipt of application.

The Tahasildar, on receipt of the applications, shall cause a verification to be made with reference to the existing record-of-rights and maps, ascertain if the land applied for, is free from encroachment or encumbrance or not and whether the lease can be granted or not. Such verification shall, as far as practicable, be completed within a period of fifteen days from the date of receipt of the application.

After such verification, the Tahasildar will send back the names along with verification reports to the DFO. The DFO, as soon as possible after receipt of report from the Tahasildar, shall forward the names to the District Level Committee for consideration. If the proposal involves land not exceeding 10.00 Ha., the District Level Committee shall consider the same and recommend the deserving cases to the Collector. After a case is recommended by DLC, the Collector shall instruct the concerned Tahasildar to send the lease case record through Sub-Collector for necessary sanction at his level.

(x) On the other hand, if the proposal involves land exceeding 10.00 Ha., the District Level Committee shall recommend the deserving cases to the Director of Fisheries, Odisha. After receipt of the recommendations from different District Level Committees, the Director of Fisheries, Odisha shall forward the same to Fisheries & Animal Resources Development Department with his views for consideration at the State Level Committee. After a case is recommended by the State Level Committee, Revenue & DM Department shall instruct the concerned Tahasildar to send the lease case record through proper channel for necessary sanction at Government level.

(xi) Since there may be a considerable time-lag between filing of application by an applicant with DFO and it being recommended by District Level Committee or State Level Committee, as the case may be, the DFO, at the time of receiving the application, may advise the applicant to file requisition for lease of the land with the concerned Tahasildar as per the provisions of the OGLS Rules, 1983. The Tahasildar, soon after receipt of such requisition, shall process the lease proposal and complete all

formalities as required under the said Rules but shall recommend the proposal to his next higher authority only after the case is finalized by District Level Committee or the State Level Committee, as the case may be. After sanction of lease and execution of lease deed, the land will be handed over to the beneficiaries by the Tahasildar.

(xii) In all cases, lease term will be for a period of 15 (fifteen) years. The land leased out for the purpose shall be summarily resumed if the lessee fails to develop the land for shrimp culture within one year of execution of lease agreement. The lessee should apply for registration under Coastal Aquaculture Authority within one month of execution of Lease Deed. Only in suitable genuine cases, if the District Level committee (DLC) feels that the delay was beyond the control of the lessee, the said time limit can be relaxed by the said Committee to a reasonable extent.

(xiii) Premium @ Rs.2,500/- per Ha. per annum may be charged for leasing out the land to the beneficiaries coming under the 1st Category. The ground rent should be charged @ 1% of the premium per annum.

(xiv) For the beneficiaries coming under the 2nd category, the premium @ Rs. 10,000/- per Ha. per annum may be charged for leasing out of land to such beneficiaries. The ground rent should be charged @ 1 % of the premium per annum.

(xv) The lease deed form shall be the same as has been prescribed in erstwhile Revenue & Excise Department G.O. No. 33847/R dated 28.07.1993.

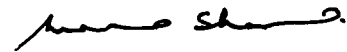
(xvi) The lessee can never sub-lease the allotted land but can use it as a collateral security in any Bank/Financial Institute for availing necessary finance after obtaining prior written permission of the lesser.

4. These principles will not apply to settlement of fisheries in Chilika lake area.

5. This Department G.O No. 38800/R &DM dated 27.08 2012 and G.O No. 13361 dated 08. 05.2014 are hereby superseded.

Suitable instructions may be issued for the guidance of the field officers.

Yours faithfully,

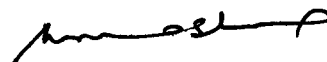


Principal Secretary to Government

By fax /e-mail

Memo No. 16539 /R&amp;D.M. Dated 3.6.2015

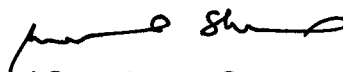
Copy forwarded to RDC (CD), Cuttack/ RDC (SD), Berhampur/ Collector, Balasore/ Bhadrak/ Cuttack/ Jagatsinghpur/ Kendrapara/ Puri/ Khurda/ Ganjam for information and necessary action.



Principal Secretary to Government

Memo No. 16540 /R&amp;D.M. Dated 3.6.2015

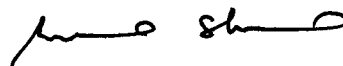
Copy forwarded to Fisheries and ARD Department for information and necessary action with reference to their letter No. 14064/ FARD dated 22.12.2014. They are requested to constitute the District Level Committees and State Level Committee at an early date under intimation to this Department.



Principal Secretary to Government

Memo No. 16541 /R&amp;D.M. Dated 3.6.2015

Copy forwarded to Finance Department/ Forest & Environment Department/ Agriculture Department/ Cooperation Department/ Director of Fisheries, Odisha, Cuttack for information and necessary action.



Principal Secretary to Government

Memo No. 16542 /R&amp;D.M. Dated 3.6.2015

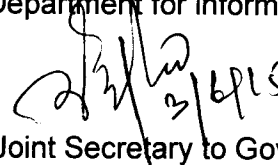
Copy forwarded to Addl. Chief Secretary to Chief Minister, Odisha/ P.S. to Minister, Revenue & DM. for kind information of Hon'ble Chief Minister and Hon'ble Minister, Revenue & D.M respectively.



Principal Secretary to Government

Memo No. 16543 /R&amp;D.M. Dated 3.6.2015

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR & GE (A)/ (B)/(C) Branch of Revenue & DM Department for information and necessary action.



Joint Secretary to Government