

Government of Orissa
Revenue & Excise Department

No. 52412/R., Dt. 13-10-99

From

Shri P. B. Das,
Joint Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Instructions regarding issue of licences for temporary use of Government Land (excepting in urban areas of Bhubaneswar & Sunabeda) for the purpose of holding melas, exhibitions, festivals, circus , meetings & for putting up temporary shops and stalls for sale of seasonal articles.

Ref. : Board's letter No. II-184 / 98 - 2791 / R. dt. 22.8.98.

Sir,

I am directed to invite reference to Board's above cited letter and to say that in response to the said letter a set of draft instructions had been prepared and sent to Board, vide this Department D.O. Letter No. 16992 / R. dt. 19.3.99. with a request to communicate the views of Board of Revenue thereof. However, the same was not made available.

2. In the meanwhile, the aforesaid draft instructions have been finalised. The copy of the approved instructions are enclosed herewith for information and necessary action.

3. Copies of the instructions are also being forwarded to all R.D.Cs. all Collectors, all Sub-Collectors and all Tahasildars for their information and necessary implementation.

Yours faithfully

P. B. Das
Joint Secretary

Memo No. 52413 /R., 13-10-99

Copy alongwith copy of the instructions are forwarded to :-

1. Secretaries to all R.D.Cs.
2. All Collectors
3. All sub-Collectors
4. All Tahasildars,
for information and necessary action.

P. B. Das
Joint Secretary to Government

F-44

Instructions regarding issue of licence for temporary use of Government lands (excepting in urban areas of Bhubaneswar and Sunabeda) for the purpose of holding Melas, Exhibitions, Festivals, Circus, Meetings and for putting up temporary shops and stalls for sale of 'Rakhi', Fire works, Colours for Holi and ex-mass and New Year's Greeting Cards.

It has come to the notice of Government that difficulties are being experienced in the field for grant of permission to various applicants for use of vacant Government lands/sites for specific purposes like festivals, exhibitions, meetings and the like on realisation of fees in the absence of specific guidelines in this regard. Hence after careful consideration of the matter Government have been pleased to issue the following instructions in the matter of issue of licence for temporary use of vacant Government lands / sites on realisation of licence fee for specific purposes.

Purpose for which licence can be granted.

2. Licence for temporary use of government lands / sites may be granted only for specific purposes i.e. for festivals, meals, 'Yani -yatra', circus, exhibitions and meetings, including purposes incidental to such use such as parking place, roads, space for other fittings and fixture. Similar licence can also be granted for setting up temporary shops and stalls for sale of materials on festive occasions i.e. ex-mass & New Year's greeting cards, 'Rakhi' fire works and colours for holi.

2.1. In no case this licence should be issued for stacking or storing of any material or for setting up hutments for labourers or for any other similar purpose.

Licence fee and other fees.

3. For temporary use of the Government land as above licence fee and demarcation/ measurement fee should be collected at the following rates : -

(A)	Licence Fee Purpose	Licence Fee
(I)	For Meals, Festivals, Circus, Yani - Yatra, Exhibitions & meetings : -	
(a)	In respect of Berhampur, Cuttack, Sambalpur & Rourkela urban areas.	Rs. 100 per acre per day
(b)	Other towns & urban areas excepting those mentioned in (a) above and Bhubaneswar and Sunabeda.	Rs. 75/- per acre per day
(c)	Rural areas	Rs. 50/- per acre per day

(II) Setting up of temporary stalls / shops including roads side shops and stalls on specific festive occasions for sale of materials :-

- | | | |
|-----|---|-------------------------------------|
| (a) | In respect of Berhampur, Cuttack, Sambalpur & Rourkella urban areas | Rs. 40/- per
100 sq. ft. per day |
| (b) | Other towns and urban areas excepting those mentioned in (a) above and Bhubaneswar and Sunabeda | Rs. 30/- per
100 sq. ft. per day |
| (c) | Rural areas | Rs. 20/- per
100 sq. ft. per day |

(B) Measurement / demarcation fees

Besides the above licence fees the applicant will also be required to deposit demarcation / measurement fees for identifying the site on the ground at the rate of Rs. 4/- per 100 sq. ft. or part thereof.

- (C) The applicant is required to deposit with the concerned authority the full licence fees and demarcation fees before the site is handed over to him/her.
- (D) Further, Government reserve the right to modify and revise the above rates of licence fee and measurement fee as and when they deem it proper.

Conditions
of licences

4. (I) The grant of licence will be subject to the following conditions :-

- (i) No structure, either of permanent or semi-permanent nature, should be put up on the licence ground.
- (ii) In case of temporary use of Government land / sites for fairs, exhibitions, meetings etc. when large number of people are expected to congregate, additional measures, mentioned below, will have to be ensured.
- (a) Sufficient parking space should be available at the site for vehicles, two wheelers, cycles etc. of the visitors.
- (b) Provision should be made for adequate space within the licenced ground and outside so as to avoid any traffic congestion at the site.
- (c) Fire safety measures should be ensured at the licenced ground. There should be sufficient number of emergency exits from the licenced ground in case the same is enclosed or fenced. Detailed guidelines indicated in Annexure - I should be strictly followed and these should form a part of the agreement of licence for its due compliance.
- (d) Due care should be taken for sound electrification at the site and safety of such electrification should be certified by the authorised officer not below the rank of a Junior Engineer / Sub - Assistant Engineer of the GRIDCO or any other authorised organisation providing electric connection to the site.
- (e) Proper sanitation measures at the site should be ensured.

- (II) The licence will have to execute an agreement in Form No. II for the purpose which is appended to these instructions.
- Authority competent to grant licence.
5. (i) In respect of cities and towns including urban areas Collector of the district will be competent to grant such licences. For rural areas Tahasildar concerned may grant such licence after obtaining prior approval of the sub-Collector.
- (ii) The applicants should apply in Form No. I to the aforesaid authorities i.e. Collector & Tahasildar for grant of licence depending on the location of the site. The agreement will also be executed with the said authority.
- Period of licence
6. The maximum period for which the licence can be granted under these instructions is ONE MONTH. In case the licensee wants to use the land beyond one months licence period, he has to apply for a fresh licence which will be considered on merit.
- Summary cancellation of licence on violation of condition.
7. The licence will be revoked or summarily cancelled if any of the conditions of lease is violated by the licensee and the site will be immediately taken over by the licensor. In such an event the licensee will not be eligible for any compensation, whatsoever.
8. Exceptions :
- (i) Where there are already specific instruction for any area or where a set procedure is being followed for a pretty long time yeild more revenue, those instructions and procedure will continue to be adopted for the said area until further order.
- (ii) The Collector of the district concerned will intimate Government about such exceptions within a month from the date of receipt of these instructions for reference and record. Collector will simultaneously keep Board of Revenue and R.D.C. concerned informed of the same.

FORM - I
APPLICATION FOR TEMPORARY LICENCE OF GOVERNMENT LAND

To

The Collector/ Tahasildar

1. (a) Name of the applicant :
- (b) Age :
2. Father's / Husband's name :
3. (a) Present residential Address :
(in full)
- (b) Permanent home Address :
(in full)
4. Occupation :
5. Detailed particulars of land
applied for licence :
 - (a) Name of village / urban area :
 - (b) Holding number, if any :
 - (c) Plot number, if any :
 - (d) Area applied for (approx) :
 - (e) Boundary :
6. Purpose for which the land is required :

Date

Signature of the Applicant

FORM OF AGREEMENT FOR LICENCE FOR TEMPORARY USE OF GOVERNMENT LAND FOR A SPECIFIC PURPOSE

This Licence is made on the day of BETWEEN the Governor of Orissa (herein after called "the licensor") of the one part AND Shri Son of aged years by profession residing in in the district of (hereinafter called "the licensee") of the other part.

WHEREAS THE licensee desired to open a in and for that purpose applied to the licensor to be given a suitable vacant site and the necessary permission to carry on there on his aforesaid business and the licensor has agreed to the same subject to the following terms and conditions :

NOW THIS DEED WITNESSES AS FOLLOWS :-

1. In pursuance of the said agreement and in consideration of the terms and conditions herein specified and the licence fees payable therefor, the licensor hereby grants to the licensee LEAVE AND LICENCE to carry on his said business on the plot of land measuring more or less..... and situate in details whereof have been specified in the schedule appended hereto.
2. This licence is valid for a period of one month, with effect from
3. The licensee shall -
 - (i) Pay a licence fee of Rs. per day @ and measurement / demarcation fee of Rs. for the use of the said land for the above purpose to the licensor in advance, in the same manner in which land revenue is payable ;
 - (ii) not use the said site for any purpose other than the purpose aforesaid or transfer his licence to anybody else; nor shall erect any pucca or other structure of permanent or semi-permanent nature;
 - (iii) Surrender the licence hereby given as soon as he ceases to use the site for the above purpose and shall not claim any refund of the fees or any part of it if surrender is made before the expiry of the term of licence;
 - (iv) In case of temporary use of land for fairs, exhibition, meeting etc. when large number of people are expected to congregate, following measures will also have to be ensured :

The licensee shall -

 - (a) arrange sufficient parking place at the licenced ground for vehicles, two wheelers, cycles etc. of the visitors.
 - (b) arrange proper sanitation at the licenced ground.
 - (c) make adequate provision of space and roads within the licenced ground and outside so as to avoid any traffic congestion at the site.

- (d) ensure fire safety measures at the site as per guidelines in Annexure - 1 and provide for sufficient exists in the event of enclosing or fencing the licenced ground.
- (e) arrange for due certification of the electrification at the site by an authorised officer not below the rank of Junior Engineer / SAE of the GRIDCO or any other authorised agency giving the electric connection to the site.
- (v) Not claim any compensation on account of the outfits left standing on the said sits either after surrender of the licence as contemplated in sub-clause (iii) of clause 3 or after the expiry of the term of the licence.

Provided that the licensee shall be at liberty to dismantle the outfits and remove the materials within fifteen days of the date of such surrender of expiry;

- (vi) Surrender the site if it is required for any public purpose at any time during the currency of the licence on receipt of a notice in writing of 7 days and in such a case the licensee may be entitled to refund of licence fee already paid on "pro rate" basis and shall be at liberty to dismantle the outfits and remove the material within 7 days from the date of actual vacation in pursuance of the notice in writing.
 - (vii) Deliver up the said site on the expiration or earlier revocation of the said licence in such good and substantial order as it was originally delivered to him failing which the cost of bringing back the land to its former position will be recovered from him.
4. All arrears and other dues under this licence shall be recoverable as arrears of land revenue.
 5. The licensor shall be at liberty to revoke the licence upon breach of any of the conditions prescribed in Clause - 3 and take immediate possession of the site.
 6. It is an express condition of the licence and the licensee hereby expressly agrees that the licence hereby granted is purely personal to the licensee and is not heritable and does not create any interest in the property or any right to renewal.

IN WITNESS WHERE OF THE parties hereto have signed this deed on the dates respectively mentioned under their signatures.

SCHEDULE OF LAND

Name of the village :

Khata No.:

Plot No. :

Area :

Licensee :Licensor :

Witnesses :

(1)

(2).....

FIRE SAFETY MEASURES

1. Fire safety measures should be ensured while putting up any temporary structure which should include the following aspects :-
 - 1:1 (a) The location, materials, designs, constructions, fabrication or devices resorted to for construction of the temporary structure should be in such a manner that the entire gathering can be evacuated within a period of 10 minutes in the event of accidental fire at the site.
 - (b) All sides of the temporary structures should be left open. If this is not possible, there should be adequate provision for emergency exits. There shall be a clear opening of not less than 5 metres and Arch way (if any) should not have height of less than 5 metres or more than 8 metres. The approach point to the exit from any place within the temporary structure should not be more than 15 metres.
 - (c) In the matter of location of temporary structure proximity to the railway lines, electric substations, furnaces or other such hazardous sites should be avoided. There should be at least a safety distance of 16 mtrs. from any place likely to be hazardous. Care should also be taken not to locate the temporary structure below the running live electric wires.
 - (d) There should be a clear space of 4.5 mtrs. on all sides between the temporary structure and the adjacent building or other existing structures.
 - (e) In case the temporary structure is being used for large gathering, religious functions schools functions etc. the barricading, if provided, should not create any hindrance in orderly evacuation or movement of people in case of emergency.
 - (f) All exit points should be clearly indicated with the sign lights. This should be adequately illuminated. In the alternative, the existing board should be painted with fluorescent paint.
 - 1:2. As regards materials for constructions of temporary structures no combustible materials like straw etc. or explosive chemicals should be allowed to be stored or used in building the temporary structure. Similarly no synthetic materials or synthetic rope should be used in the temporary structure.

All fabric, decorative clothing used in construction and decoration of the temporary structure shall before use, be dipped in a fire retardent solution of prescribed variety or pretreated with other material to give a class - 1 flame spread factor.
 - 1:3. (a) No fire works or open flames of any kind shall be permitted in or close to the temporary structure.
 - (b) Kitchen area for cooking if any, shall be totally segregated from the main temporary structure and preferably made of G.I. sheets. Invariably some fire extinguishers, pots of water, dry loose sands and other fire fighting gadgets should be kept handy at the kitchen site.
- Location and internal arrangements.
- Storage and building materials.
- Open fire.

- (c) There should be sufficient storage and supply of water to put out any accidental fire at the site. For this purpose at least two 200 ltr. drums of water with two buckets each should be available at the site.
- (d) There should also be adequate storage of loose sand and other fire fighting devices at hand such as extinguishers of Carbondioxide etc.,
- (e) The site should be approachable by the fire fighting vehicles by road. No part of the temporary structure should be more than 4.5 metres away from the motorable road.

Electrification.

- 1:4. (a) Where electrification is done for the temporary structure, the same should be done by a competent licenced electrical agency and its safety should be certified by the authorised officer of the agency giving the temporary connection.
- (b) All electrical wiring in the temporary structure should be in PVC sheathed conductors or vulcanised rubber cables of tough rubber and all joints shall be made with porcelain insulated connectors. Twisted and taped joints should not be permitted and copper wiring of adequate rating shall only be permitted for internal electrification of the temporary structure. Electrical wiring of different metals should not be made together. Circuit breakers should be used in electrical circuits and no part of the electrical circuits in the temporary structure should be within 15 cms. of any decorative materials from the roof. No electric wiring should be laid below the carpets. Proper metal conduct channel should be used for this purpose.
- (c) Further, one bag of dry loose sand shall be kept near the electric main switch board and two fire extinguishers of carbondioxide having capacity of 4.5 K.G. should be provided to meet any exigencies.
- (d) Adequate number of battery operated emergency lights should be provided in the escape routes / exits.

Alternate lighting arrangements.

- 1:5. In case gas or portable lights are used for the temporary structure in stead of electricity, such light should not be hung from the ceiling of the main temporary structure but shall be placed on separate stand fixed securedly.

Advance intimation to the fire service station of the area regarding the proposed temporary structure.

- 1:6. Advance intimation should be given to the nearest fire service station of the proposed construction of any temporary structure indicating details of its nature and arrangements etc. for getting timely assistance from them in case of emergency.