

Enclosure to letter No. 4898-R, dated 28-1-1966
INSTRUCTIONS FOR RESERVATION OF GOVERNMENT LAND FOR SPECIFIC PURPOSES IN RURAL AREAS

Reservation to precede settlement.

1. It is necessary to provide land for the common and development needs of the village before needs of individuals are considered. In every village not included in any urban area specific plots of land suitable for the common use of villagers or to be used for developmental or administrative purposes in future should, therefore, be reserved before meeting individual needs.

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†† 3. (1) In every surveyed village, 5 per cent of the effective area of the village shall be reserved for pasturage (Gochar). Another 10 per cent of such effective area shall be reserved for purposes of village forest, and for communal and developmental purposes including homestead for future.

(2) In every unsurveyed village reservation for pasturage shall be made at the rate of one acre for every fourteen inhabitants of the village. If the village is uninhabited, then reservation for pasturage shall be made at the rate of one acre for every three persons having land in the village. Double the area reserved for pasturage shall be reserved for purposes of village forest and for communal and developmental purposes including homestead for future.

† NOTE 1—"Effective area" of a village means the private agricultural land plus arable Government lands available for settlement after reservation is made in accordance with the principles enumerated above, but does not include—

- (i) lands known as Char and Diara,
- (ii) lands subject to the custom of Utbondi settlement
- (iii) canal-side and road-side lands and other lands considered temporarily surplus by the Works Department and Irrigation & Power Department which are placed at the disposal of the Revenue Department for temporary settlement,
- (iv) surplus Railway lands placed by the Ministry of Railways at the disposal of the Revenue Department for being utilised for the purpose of agriculture, and

* Deleted by Correction Slip No. 8, dated the 22nd January 1966
 † Substituted for the original by Correction Slip No. 1, dated the 11th August 1965.

†† Substituted for the original by Correction Slip No. 9, dated the 22nd January 1966.

(v) lands recorded or used for communal purposes.

NOTE 2—A land is said to be “Communal” when the village community or any particular section of it use it for a communal purpose like burying or cremating the dead, celebrating public festivals, holding Melas or common worship, etc., without any interference from anybody or without paying any fees to anybody for the purpose. Such lands are generally recorded in a separate Khatian in the record-of-rights, which is referred to as “Sarbasadharan” or by some like expression. Even if a land has not been recorded as such but is used for a communal purpose, the right of the community is not affected in any manner and such land is to be treated as communal. It is thus clear that any land which is not recorded as communal or is not used for a communal purpose does not assume the character of communal land only by being reserved for such a purpose. Reservation of a particular extent of land for “Communal and developmental purposes including homesteads for future” as mentioned in paragraph 3 implies that when any land is needed for any communal purpose in future suitable extent of land earmarked for use of the community under this category of reservation may be made available for actual communal use. Only after the land is put to such communal use, that it assumes a communal character with all rights and obligations attached to such land.

(3) When in a village or near about some major development project is under execution or is likely to be executed in the near future, say, in two or three years, some more Government lands out of the effective area shall be reserved for the requirement of the project. The exact extent to be reserved for this purpose will depend on the nature of the Project and its location and will be decided by the Collector in each case. In all cases, the lands already notified under rule 5 of the Orissa Prevention of Land Encroachment Rules, 1963 shall invariably be included in the reservation. In case of doubt, orders of the Revenue Divisional Commissioner will be taken.

Special
reservation.

4. (1) After the reservation envisaged under paragraph 3 is made arable Government lands, if available, can be settled with individualas. Twenty per cent of the area so available shall, however, be reserved for allotment to persons belonging to Orissa who have joined the regular Armed Forces, and for members of the Orissa Military Police and Territorial Army, belonging to Orissa who have been posted in the forward areas and personnel of the Auxiliary Air Force belonging to Orissa who have been called up. If, however, the arable Government land available in a village after the

Broad prin-
ples of
reservation

reservation as envisaged in paragraph 3 is less than five acres, then no reservation need be made for them in that village.

(2) After this reservation wherever required is made, a maximum of five acres out of the balance available for settlement would be earmarked for being allotted to the Grama Panchayat if it is not in possession of any arable land. If the Panchayat possesses some lands which is less than five acres, lands up to such extent as would make up five acres should be reserved in all the villages covering by the Grama Panchayat.

* NOTE—Lands to be allotted to the Grama Panchayats need not be confined to arable lands only but may include hillocks, sandy wastes, etc. Selection of such lands may be made in different villages in a Grama Panchayat to the extent of one acre or more according to availability of land and need not be confined to compact areas at one place only.

Broad principles of reservation.

5. (1) The limits of reservation mentioned in the paragraphs 3 and 4 are subject to availability of suitable Government land.

(2) In calculating the area to be reserved for different purposes, the extent shall be rounded off to the nearest acre.

† (3) Care should be taken to ensure that the land reserved is suitable for the purpose for which the reservation is made. Thus, any land which is reserved for the purpose of pasturage must be capable of growing grass or other vegetation suitable as cattle-feed. It should be connected by a road or footpath with the village Busti. As a rule, small bits should not be selected for the purpose of pasturage. The total number of blocks to be selected for pasturage will depend on the situation of the village, Busti or Bustis and the agricultural land. Lands already recorded as Gochar should ordinarily continue to be reserved for pasturage unless they are definitely unsuitable for the purpose. Similarly, lands not recorded as Gochar but considered suitable and convenient for the purpose, should be preferred for pasturage. If more land than what is required under these instructions have been recorded as "village forest" the excess can be selected for filling up the deficit, if any, under the head "Gochar". Similar principles may be followed in case a surplus is noticed under the head "Gochar" and a deficit under the head "village forest". Lands which are to be reserved for the purpose of being used as homestead in future should ordinarily be situated in a compact block for blocks

* Added by Correction Slip No. 10, dated the 22nd January 1966

† Substituted for the original by Correction Slip No. 2, dated the 11th August 1965

of reasonable extent or should adjoin existing Rustis and should be suitable for the purpose of construction of houses. Lands for developmental purposes should be selected on consideration of possible needs of the village, namely, for construction of school, houses, laying of roads, digging of a tank, etc. Reservation of lands for any specific developmental project as mentioned in sub-paragraph (3) of paragraph 3 will naturally be regulated by the special requirement of the project for which the selection is to be made. Selection of lands for communal purposes should be related to particular purposes in view as far as possible. For example, lands for a community meeting place should be selected near the village Busti whereas land for the purposes of a cremation or burial ground or for 'Mela' or 'Hat' should be conveniently situated away from the 'Busti' site.

* NOTE —With due regard to the principles for reservation of Government land as mentioned above, if alternate suitable lands are available then lands which are not communal in character but are in long standing possession of encroachers should not be reserved for any of the specific purposes because such land cannot be immediately made available for the purpose for which it may be reserved.

Illustration
of applica-
tion of the
principles of
reservation.

6. (1) The following illustration will indicate the procedure to be followed in making the necessary reservation.

(2) Supposing the following facts are ascertained from the up-to-date record-of-rights of a village the total area of which is 721 acres :—

	Acres
(a) Recorded as Gochar (of which 2 acres are a sand-hill).	10
(b) Occupied by local bodies and departments of Government for specific purposes like building, etc.	20
(c) Occupied by a P. W. D. Road	.. 2
(d) Recorded as a Nala	.. 1
(e) Recorded as a river	.. 30
(f) Occupied by a hillock	.. 25
(g) Recorded as village path and cattle path	.. 1
(h) Recorded as cremation ground	.. 2

* Added by Correction Slip No. 11, dated the 22nd January 1966

	Acres
(i) Recorded as village forest ..	45
(j) Occupied by a sand-hill [excluding the area recorded as Gochar as mentioned at (a) above].	5
(k) Recorded as Melan Padia ..	0.50
(l) Recorded as Anabadi but used as a Mela ground.	0.50
(m) Used as a drainage channel ..	1
(n) Recorded as homesteads of different persons.	11
(o) Diara and Char lands ..	21
(p) Recorded as Anabadi but subject to the custom of Utbandi settlement.	31
(q) Recorded as canal and canal side lands ..	5
(r) Recorded as railway land ..	2
(s) Occupied for purpose of a factory and its ancillary purposes.	75
(t) Private agricultural land ..	313
(u) Recorded as waste and is arable ..	120
Total ..	721

(3) Now, the total area of lands which are arable but are not any of the four categories mentioned in the exception provided in the Note—1 under sub-paragraph (2) of paragraph 3 are not communal land is calculated below :—

	Acres
(i) Gochar (excluding the sand-hill) ..	8
(ii) Village forests ..	45
(iii) Private agricultural land ..	313
(iv) Waste land which is arable ..	120
Total ..	486

*(4) In order to find out the effective area, the total area mentioned in sub-paragraph (3) will have to be multiplied by 20/23. When this is done, the effective area is found out to be 420 acres. Reservation for different purposes will be made as follows :—

- (i) Gochar at the rate of 5 per cent of 21 acres the effective area.
- (ii) Communal and developmental 42 acres purpose including homestead for future and village forests at 10 per cent of the effective area.

While reserving lands for communal and developmental purposes including homestead for future and village forests the lands already recorded as communal lands or actually used for communal purpose being already excluded out of the effective areas of the village as indicated in Note I below, sub-paragraph (2) of paragraph 3 are to be completely ignored. That is to say, in the village mentioned above the reservation for these purposes should be to the extent of 42 acres even though the lands mentioned at clauses (g), (h), (k), (l) and (m) of sub-paragraph (2) measuring five acres are actually used as communal lands. It is found that 45 acres of village forests and 10 acres of Gochar are already recorded but of the 10 acres recorded as Gochar, two acres being occupied by a sand-hill are not suitable as Gochar and will, therefore, be excluded. In other words, eight acres recorded as Gochar will be continued as such. Another 13 acres out of the ordinary waste land will have to be selected for being used as Gochar. As 45 acres of village forests are already available in this village and as only 42 acres are to be reserved for communal and developmental purpose including homestead and village forest, there is actually a surplus of 3 acres which can be diverted for being used as Gochar. The balance out of arable waste lands available after all these reservations is thus 11 acres. If, therefore, no reservation is made under sub-paragraph (3) of paragraph 3 the entire 110 acres, subject to the special reservation envisaged in paragraph 4 will be available for settlement with individuals for agricultural as well as for non-agricultural (excluding homestead) purposes.

* Substituted for the original by Correction Slip No. 12, dated the 22nd January 1966.

Procedure
for reser-
vation.

†7. * * * * *

8. (1) The Tahasildar shall open a case record for every village (which is not a part of any town as notified under the Orissa Urban Land Settlement Rules, 1959) in order to work out the reservation for various purposes. He shall first of all mention the category to which the village belongs. Thereafter the following procedure will be followed in finalising the reservations.

(2) If the village is surveyed the finally published or re-published record-of-rights whether or not maintained up-to-date, shall be consulted. If necessary, local enquiry will be conducted, so as to find out the exact nature of the land. Next step would be to calculate the extent of the area to be reserved for different purposes, according to the prescribed percentage of reservation mentioned in paragraphs†, 3 and 4 keeping in view the principles indicated in paragraphs 5 and *6†* and to select the specific plots of lands for such reservation.

(3) Where the village is not surveyed, the Tahasildar shall determine the area to be reserved in the manner explained in sub-paragraph (2) of paragraph 3 and record the total area to be reserved for different purposes in the village.

(4) After the reservation proposal is completed the Tahasildar shall furnish a copy of his order (giving the details of the proposed reservation) to the Divisional Forest Officer and the Grama Pancayat requesting them to offer suggestions, if any on the proposal within a period of one month from the date of referenc. A substance of the orders in Oriya shall be published in the village concerned (and if the village is uninhabited, then in a neighbouring village) and objections and suggestions to the proposal shall be invited. If during the period aforesaid, no objection or suggestions ore received, it shall be assumed that there is no objection to the proposal. If on the other hand objections are received or suggestions are made, the Tahasildar shall consider them all before finalising his proposals. Consideration of the proposals or suggestions will ordinarily be made in the presence of the parties and by holding spot enquiry, if necessary. The enquiry in this regard shall be summary in nature. After considering the objections and suggestions the Tahasildar shall finalise his proposals and submit the case record to the Subdivisional Officer for final orders.

*Inserted by Correction Slip No. 14, dated the 22nd January 1966

†Deleted by Correction Slip No. 13, dated the 22nd January 1969

†Omitted by Correction Slip No. 14, dated the 22nd January 1966

(5) The Subdivisional Officer shall examine the proposal from all aspects. In particular, he should see * if the calculation of area proposed to be reserved is correct, if the special reservations proposed in pursuance of sub-paragraph (3) of paragraph 3 and paragraph 4 are adequate and proper and if the objections and suggestions made under sub-paragraph 4 have been properly disposed of. In order to be satisfied about the suitability of the land proposed to be reserved for various purposes, he may make a test check on the spot.

If he is satisfied that the proposals of the Tahasildar is reasonable he shall accept the proposal and record an order to that effect. He shall have authority to amend the proposal of the Tahasildar. He may return it for revision and resubmission in accordance with such instructions as he issues in this regard. His orders regarding reservation of land for various purposes shall be final.

Final order
by the Sub-
divisional
Officer.

(6) When the Subdivisional Officer passes final orders for reservation the case record shall be returned to the Tahasildar. The Tahasildar shall publish on his notice-board a list of plots (or a description of land where the villages are unsurveyed) reserved for various purposes for the information of the public. Copies of the list shall be forwarded to the Divisional Forest Officer, the Grama Panchayat and the Revenue Inspector.

(7) The case record shall be preserved in the Tahasil office till a new record-of-rights is prepared and published under the provisions of the Orissa Survey and Settlement Act, 1958.

Record of
Reservation

9. (1) If the village is unsurveyed the Tahasildar shall open a register and enter in it villagewise description of lands reserved for different purposes. This register shall be preserved till a record-of-rights for all villages mentioned in the register is prepared and finally published under the provisions of the Orissa Survey and Settlement Act, 1958.

(2) If the village is surveyed the record-of-rights of the village shall be corrected by initiating a mutation proceedings. The rules prescribed in the Orissa Mutation Manual, 1962 shall be followed, for this purpose,

(2) All the lands of the village which are not the private property of any body shall be recorded in the following manner, namely:—

(a) Lands covered by rivers, nalas, hill, hillocks, stonefiats, sand-hills, lake, sea or other natural

* Deleted by Correction Slip No. 14, dated the 22nd January 1966

collections of water, etc., which are not ordinarily fit for occupation for any non-agricultural or agricultural purposes and over which there is no communal right will be recorded in a separate Khatian to be known as Abad-Ajogya Anabadi (ଅବାଦ ଅଯୋଗ୍ୟ ଅନାବାଦୀ)

- (b) Lands over which some communal right exists like cremation ground or burial ground, Mela ground, Melan Padia, Bhagabat Ghar, Public Path, Cattle Path, etc., will be recorded in a separate Khatian to be known as "Sarbasadharan" (ସର୍ବସାଧାରଣ)
- (c) Lands which are in possession of different Departments of Government of India or Government of Orissa, if alienated in their favour without any limitation of time (that is not for a definite period) by competent revenue authority or if acquired in their favour or if already recorded in their favour in the existing record-of-rights will be recorded in favour of the respective Departments in separate Khatians. All other land in possession of these Departments will be recorded in the Rakhit Khatian. It is clarified in this context that the land on which a Government building stands alongwith the compound of the building will be recorded in favour of that Department which uses the buildings. Thus the land on which a building used as the office of the Civil Surgeon stands will be recorded in the Khatian of the Health Department notwithstanding the fact that the building is borne in the books of the P. W. D.
- (d) Lands which are in possession in local bodies if alienated in the manner laid down in clause (c) above will be recorded in favour of the respective local bodies in separate Khatians. All other lands in occupation of such bodies will be recorded in the Rakhit Khatian.
- *(e) Lands used for specific Government purposes, under the control of the Revenue Department shall be recorded in the *Rokhit* (ରକ୍ଷିତ) Khatian. In addition certain other lands as mentioned in clauses (c) and (d) will also be recorded in that Khatian, the conditions under which each plot is used by another

*Substituted for the original by Correction Slip No. 4, dated the 11th August 1965

Department or a Local Body being mentioned in the remarks column of the plot.

Thirdly, lands recorded as Gochar will be recorded in this Khatian;

Fourthly, lands reserved for homestead purpose for future shall be recorded in this Khatian, its Kisam being *Basty Jogya* (ବସ୍ତି ଗୋଟ୍ୟା);

Fifthly, lands recorded for future communal use will be recorded in this Khatian, its Kisam being (ସଂଗଠନାଗୋଟ୍ୟା);

Sixthly, lands reserved for developmental purposes including lands reserved under sub-paragraph (3) of paragraph 3 will be recorded in this Khatian with the Kisam (ଉନ୍ନତକାରକଗୋଟ୍ୟା); and

Seventhly, all lands reserved as village forests will be recorded in this Khatian with the Kisam (ଗ୍ରାମ୍ୟଜଙ୍ଗଲ);

(f) Other lands will be recorded in a separate Khatian to be known as Abad-Jogya-Anabadi (ଆବାଦ ଗୋଟ୍ୟା ଅନାବାଦୀ) The lands reserved under paragraph 4 will also be recorded in this Khatian with suitable notes in the remarks column.

Use of land recorded in different Khatians.

10. (1) Encroachments over lands of the category mentioned in clauses (a) to (e) of sub-paragraph (3) of paragraph 9 will ordinarily be treated as *prima facie* objectionable within the meaning of the Orissa Prevention of Land Encroachment Act, 1954.

(2) Lands recorded in the Abad-Jogya-Anabadi Khatian as mentioned in clause (f) of sub-paragraph (3) of paragraph 9 will be available for settlement with private individuals or institutions or alienation in favour of any local body or Government Department excepting those reserved under paragraph 4 which will be available only for the purpose for which such reservation has been made unless prior Government orders for putting the land to any other use are obtained.

(3) Lands recorded in the Rakhit Khatian can be used only for public purposes with the prior sanction of competent authority except to the extent mentioned below:—

(a) Lands recorded as Basti-jogya will be available only for allotment to genuine applicant for purposes of homestead.

- (b) Lands recorded as Gramya Jungle will be available for use only as village forest.
- (c) Lands reserved for developmental purposes will be available for alienation or transfer or allotment for these purposes as well as for any public purpose.
- *(cc) Lands reserved for future communal purposes will be available only for use of the community or communities inhabiting the village for performing social, religious and other communal rites and functions.
- (d) Gochar land can be used only as grazing ground, it shall not be exchanged with any private land even if such exchanged is intended to serve a public purpose.
- †(e) Where Gochar land is required for a public purpose or for a company it has to be acquired under the provisions of the Land Acquisition Act, (provided such acquisition is atherwise permissible under the Act for the purpose for which it is required) but suitable private land for its replacement should simultaneously be acquired in accordance with the instructions contained in the Land Acquisition Manual.

‡(f) × × ×

(4) Lands recorded in the Abad-Ajogya Anabadi Khatian can be used only for a public purpose. If it is intended to be used for any other purpose and if such use will not cause any inconvenience to anybody it has first to be transferred to the Abad-Jogya-Anabadi Khatian under orders of the Subdivisional Officers.

(5) A land recorded in the Sarbasadharan Khatian cannot be used for any purpose whatsoever other than and inconsistent with that for which it is meant unless it is acquired under the land Acquisition Act provided such acquisition is otherwise permissible. When it is intended to use it for another purpose not inconsistent with the purpose for which it is meant sanction of Government in Revenue Department will be required.

* Added by Correction Slip No. 5; dated the 11th August 1965

† Substituted for the original by Correction Slip No. 6, dated the 8th September 1965

‡ Deleted by Correction Slip No. 6, dated the 8th September 1965

(6) Land recorded in the Khatian of a Department of Government (other than the Revenue Department) or that of a local body can be used only for the purpose for which it has been alienated or transferred to it. It has to be relinquished in favour of the Revenue Department when no longer required for the purposes and in that event it has to be transferred to the Rakhit Khatian under orders of the competent revenue authority.

(7) When a village is included in a town or a semi-urban or a fast-developing area, no land will be available for lease for agricultural purposes.

11. (1) Villages having no land recorded in the Abad-Jogya-Anabadi Khatian will be known as lease-barred villages. No land in such a village will be available for lease in favour of any private person or company excepting to the extent mentioned in clauses (a) and (b) of sub-paragraph (3) of paragraph 10.

Lease-barred and restricted Villages.

(2) Villages of the category mentioned in sub-paragraph (7) of paragraph 10 will be known as restricted villages. Lands in such a village can be leased out only for non-agricultural or homestead purposes.

Scope of instruction

12. An Assistant Settlement Officer preparing a record-of-rights shall follow these instructions in effecting reservation for various purposes. In such a case he need not send copies of his order containing proposals of reservation to the Divisional Forest Officer or Grama Panchayat nor need he submit his proposal to the Subdivisional Officer for approval. He should formulate his proposals in consultation with the Tahasildar's representative who attends the Attestation Camp and incorporate them in the record-of-rights before attesting it. The proposals will undergo modification only if such a modification is ordered on any objection (filed after draft publication of the record) or appeal or revision under the provisions of the Orissa Survey and Settlement Act, 1958.

Procedure to be followed by Assistant Settlement Officers preparing a record-of-rights.

13. (1) When any new village is constituted or the boundary of a village is so revised as to increase or decrease its area by 10 per cent or more, then the reserve-village with revised boundary as the case may be, will such constitution or revision shall stand cancelled and fresh reservation for newly constituted village or the village with revised boundary as the case may be, will be taken up under the preceding instructions.

Alternation in the reserve list.

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* Deleted by Correction Slip No. 15, dated the 22nd January 1966.

(3) If at any time after reservation of land in accordance with these instructions any land is notified under rule 5 of the Orissa Prevention of Land Encroachment Rules, 1963 or it is considered necessary to reserve land any major development project as envisaged in sub-paragraph (3) of paragraph 3, then proposal for such reservation shall be initiated by the Tahsildar without loss of time.

** (4) If any alteration in the list of lands already reserved under these instruction is considered necessary for any reason other than those mentioned in sub-paragraph (1) (+) like reservation under sub-paragraph (3) of paragraph 10 then such alteration can be ordered only through a revenue proceedings undertaken in the same manner as laid down for reservation of land.

(5) Record of such alteration shall be made in the manner laid down in paragraph 9.

Scope of instruction

14. (1) These instructions apply to all villages excepting those which from part of any town as notified under the Orissa State Urban Land Settlement Rules, 1959.

(2) In these instructions—

- (a) "town" means a town as notified under the Orissa State Urban Land Settlement Rules, 1959 ;
- (b) "Semi-urban area" means any village or group of contiguous villages notified as such by the Government in the official Gazette ; and
- (c) "Fast-developing area" means any village or group of contiguous villages notified as such by the Government in the official Gazette.

Sl. No. 26

Copy of letter No. 7876-R., dated the 3rd February 1965 from the Deputy Secretary to Government, Revenue and Excise Departments, Orissa to the Secretary, Board of Revenue, Orissa

SUBJECT—Fixation of rent on homestead lands in rural, semi-urban and fast developing areas and in urban areas

REFERENCE—Your letter No. 5447—XXXIII-2/64-LRS., dated the 22nd May 1964

In partial modification of Government orders communicated in this Department letters No. 48597-R., dated the 26th October 1961 and No. 6831-R., dated the 31st January 1964 on the subject noted

** Substituted for the original by Correction Slip No. 7, dated the 8th September 1965

(+) Deleted by Correction Slip No. 15, dated the 22nd January 1966.