



GOVERNMENT OF ORISSA



**COMPILATION
OF
IMPORTANT CIRCULARS & ORDERS**

VOLUME - II

**ISSUED BY :
REVENUE DEPARTMENT AND BOARD OF REVENUE**



GOVERNMENT OF INDIA

COMPILATION
OF
IMPORTANT CIRCULARS & ORDERS

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**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-3/89 (PT) 6490/R., Dt. 30.1.89

From

Rai Charan Das,
Addl. Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Manner of recording lands in "Bebandobasta" status.

Sir,

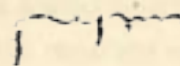
I am directed to say that it has been brought to the notice of the Govt. that in course of the Settlement Operations, in Rourkela area of Sundergarh District, Govt. lands under possession of the Rourkela Steel Plant, Rourkela have been recorded in the name of "Steel Authority of India Ltd." Rourkela Steel Plant Rourkela under "Bebandobasta" status. In column 2 of the Khatian meant for the name of the "Praja" the name of Steel Authority of India Ltd. Rourkela has been recorded. In column 6 of the Khatian ("special incidence, if any,") it has been mentioned that due to non-finalisation of the agreement relating to transfer of the land between Govt. of Orissa and the Steel Authority of India Ltd., Rourkela Steel Plant, the status and rent of this land have not been determined. Besides, the classification of such lands in some cases have been recorded as "Karaknana Jami" and in the column meant for details of classification, entries like "Bahal Sadharan", "Gharabari Ekk and Road etc. have been made. In the remarks column of some plots, entries like electric pillar -1, electric pillar -2 and electric pillar-3 etc. have also been made.

2. Recording of lands in the manner indicated above, does not seem to be consistent with laws/rules or Government instructions in force at present and hence, the mode and manner of preparation of the record-of-rights in the name of Steel Authority of India Ltd. as described above are not correct. As the matter stands at present, the issue relating to the lease-agreement with the Steel Authority of India Rourkela in connection with the transfer of land in their favour is yet to be finalised. Until and unless the lease deed is executed, the Steel Authority of India Ltd. Rourkela do not derive any valid right, title and interest over the lands which have been handed over to them and which are under their possession. Therefore, the lands under occupation of the Steel Authority of India Ltd., Rourkela Steel Plant, Rourkela should have been recorded in the "Abad-jogya Anabadi Khata" of the State Government with the existing classification and possession of the Steel Plant noted, in the remarks column of the plots in course of the Settlement Operations. By preparation of record-of-rights in their favour in the manner as indicated in the foregoing paragraph, the interest of the State Government will be adversely affected, specially, if litigation develops for some reason or other, in future.

3. It appears that the manner of recording lands in the "Bebandobasta" status has been misconceived. Ordinarily such lands come under section 7(g) and 7(h) of the Orissa Merged States (Laws) Act, 1950, and Sections 6,7 and 8(3) of the O.E.A. Act. In all these cases the lands are legally held by the concerned persons. U/s. 7 (g) of the O.M.S. Laws Act, 1950, the persons holding land on service tenure get occupancy rights on payment of rent assessed. U/s. 7 (h) of the said Act, a person holding Khammer/ Nij-jote lands of a Ruler acquires occupancy right, in respect of such lands on payment of fair and equitable rent. U/s. 6 of the O.E.A. Act the lands held by the intermediary as homesteaded, on payment of fair and equitable ground rent, become the tenanted land of the intermediary under Government. Similarly, the intermediary become a raiyat in respect of lands in his khas possession on payment of rent u/s. 7 of the O.E.A. Act. Thus, in all the cases the concerned persons legally hold land under a definite tenure and by the operation of a particular statute, the incidences of the tenure change and therefore, they acquire certain other rights such as occupancy rights, on fulfilment of certain conditions. Until their new rights/status are decided according to law, they remain in a state of suspended animation and can be said to be in an inchoate state. It is this right which is recorded as Bebandobasta, Thus, " Bebandobasta" connotes the fact that the incidences of the tenure of a land legally held by a person have not been finally determined by the competent authority.

4. It is, therefore, requested that necessary instructions may please be issued immediately to all concerned to ensure correct preparation of record-of-rights. A copy of the such instructions may be endorsed to Government for their information.

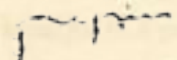
Yours faithfully,

 30/1.189

Addl. Secretary to Government

Memo No. 6491/R., dated 30.1.89

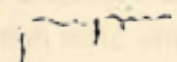
Copy forwarded to the D.L.R.S. Orissa, Cuttack/ Director, Consolidation, Orissa, Cuttack for information and necessary action.

 30/1.189

Addl. Secretary to Government

Memo No. 6492/R., dated 30.1.89

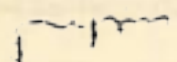
Copy to all Settlement Officers/ All Deputy Directors in charge of Consolidation Ranges/ All Charge Officers/ All Sub-Divisional Officers for information and necessary action.

 30/1.189

Addl. Secretary to Government

Memo No. 6493/R., dated 30.1.89

Five copies each to Settlement Branch/ G.E. (L.R.) (A) Branch.

 30/1.189

Addl. Secretary to Government

Government of Orissa
Revenue & Excise Department

No. GE (GL)-S-3/89 (PT) 6533/ R., Dt. 30.1.89

From

Rai Charan Das,
Addl. Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Preparation of Record-of-rights in respect of Government lands alienated in favour of various Industrial Organisations/ undertakings like Hindustan Steel Ltd. Rourkela, I.D.C.O., I.D.C. and other commercial and Industrial organisations local authorities and different entrepreneurs etc. Manner of recording lands.

Sir,

I am directed to say that some instances have been brought to the notice of Government where leasehold lands alienated for non-agricultural purposes have been recorded in the record-of-rights in course of the settlement operations in favour of the concerned lessees under "sthiban" status. In this connection it may be clarified here that the "sthiban status" (occupancy rights) pertains to a right over an agricultural holding. Under Rule 6(4) of the O.G.L.S. rules, 1983 no Govt. Lands including homestead) are settled in urban areas for agricultural purposes. Besides, the State Government give lands to various organisation, different industrial, commercial and public sector undertakings, corporations, local authorities and entrepreneurs etc. for various non-agricultural commercial and industrial purposes etc. In such cases a lease deed is executed laying down the terms and conditions of lease and the incidence of the land is governed by such terms and conditions. Only after the lease deed is executed in such cases, the status of the land should be recorded as "Pattadar" and not as "Sthiban".

2. The law on this point is rather well-settled. Agricultural tenancy is governed by the relevant Tenancy Acts and lease-hold lands given for non-agricultural purposes are not governed by the Tenancy Act but by the Crown or Government Grant Act or the Transfer of Property Act, as the case may be. The ratio of decisions in this regard leaves no doubt in this regard. If the tenancy is agricultural, the provisions of Crown or Government Grants Act or the Transfer of Property Act are not applicable if they are inconsistent with the provisions of the Tenancy Acts. It is not the actual use, but the original purpose of the Tenancy which determines the position of applicability of transfer of Property Act or the Tenancy Act as the case may be. When the original holding, being agricultural was surrendered and was subsequently leased out for non-agricultural purpose the subsequent tenancy is governed by Transfer of Property Act and not by the Tenancy Act. In a particular case where the disputed plot was situated in the heart of an urban area it was

held that unless evidence is led to show that the land was acquired for purposes, of cultivation the raiyat status can not be claimed.

3. It is, therefore, requested that necessary instructions may please be issued immediately to all concerned to ensure correct preparation of record-of-rights in the abvoe category of cases. A copy of the such instructions may be sent to Government for their information.

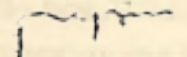
Yours faithfully,

 30/1/89

Addl. Secretary to Government

Memo No. 6534/R., dated 30.1.89

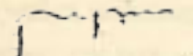
Copy forwarded to the D.L.R. & S. Orissa, Cuttack/ Director, Consolidation, Orissa, Cuttack for informaiton and necessary action.

 30/1/89

Addl. Secretary to Government

Memo No. 6535/R., dated 30.1.89

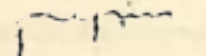
Copy to all Settlement Officers/ All Deputy Director in charge of Consolidation Ranges/ All charge Officers/ All Sub-Divisional Officers for informaiton and necessary action.

 30/1/89

Addl. Secretary to Government

Memo No. 6536/R., dated 30.1.89

Five copies each to Settlement Branch/ G.E. L.R. (A) Branch.

 30/1/89

Addl. Secretary to Government

Government of Orissa
Revenue & Excise Department

No. GE (GL)-S-24/89 (Pt) 9013/ R., Dated, the 8th February 1989.

From :

Rai Charan Das,
Addl. Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Centrally sponsored scheme for strengthening of Revenue Administration and updating of Land Records- Purchase of Modern Survey-Equipments for the Map publication Unit of Survey and Settlement organisation.

Sir,

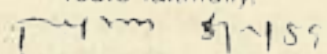
I am directed to convey the sanction of Governor to an expenditure of Rs. 68,00,000/- (Rupees Sixtyeight lakhs) only for purchase of modern Survey Equipments machinery for the Map Publication Unit of Survey and Settlement Organisation as per details enclosed during the current financial year.

2. The charge in respect of Rs. 34,00,000/- is debitable to "Demand No. 3-2029 Land Revenue-Centrally sponsored Plan-102-Survey and Settlement operation-(c)-updating of land records- other charges (voted)" and in respect of Rs. 34,00,000/- is debitable to "Demand No. 3-2029 Land Revenue-State Plan-102-Survey and Settlement operation-(c)-updating of Land records-other charges (voted)" in the Budget Estimate for 1988-89.

3. Expenditure shall be incurred subject to actuals and on receipt of clearance of the purchase committee that equipments and machinaries purchased one of satisfactory standard and quality.

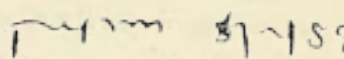
4. The Accountant General, Orissa is being informed.

Yours faithfully,


Addl. Secretary to Government

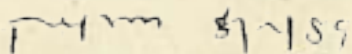
Memo No. 9014/R., dated 8.2.89

Copy in duplicate forwarded to the Accountant General, Orissa for information. This has been concurred by F.D. in their UOR No. 99 GS. 1 dt. 22.1.89.


Addl. Secretary to Government

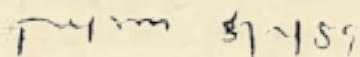
Memo No. 9015/R., dated 8.2.89

Copy forwarded to Finance Department / Planning and Co-ordination Department / Budget (A) Branch for information.


Addl. Secretary to Government

Memo No. 9016/R., dated 8.2.89

Copy forwarded to Commissioner, Land Records and Settlement, Orissa, Cuttack / Director, Land Records and Surveys, Orissa, Cuttack / Director, Survey and Map Publication, Orissa, Cuttack for information.


Addl. Secretary to Government

**Details of Modern Survey Equipments, Machinaries required for
Strengthening of Survey and Settlement organisation of Orissa State.**

Sl. No.	Items approved for Purchase	Number	Actual cost after call of tender
(1)	(2)	(3)	(4)
1.	Electronically regulated optic theodolite having facilities of elcetronics distance angle and height measurement equipments with Zeroerror (may be citation model C-1-450) models like it.	2 nos.	11,17,662.00
2.	K. P. 90. Electronic Degital Planimetre.	12 nos.	3,30,672.00
3.	Cabulpal Tent with bath room 10' x 10'	10 nos.	50,550.00
4.	Servant Pal Tent 10' x 10'	30 nos.	57,267.00
5.	Engineering Calculators 8 digit Fx-82A or 82 B	10 nos.	6,345.00
6.	Dark room based vertical fully automatic process camera size 30" x 30" with electric computer controller and with coloured fitter mageta/ gray contact screen & other equipment.	1 no.	1,21,226.00
7.	Movable vaccum printing down frame size 66" x 36"	1 no.	35,204.00
8.	Off-set proof press suitable to print maps in A-1 /double demy size.	1 no.	24,00,000.00
9.	3 phase manual step up voltage stabilizer with automatic below 375 volts and above 460 volts capacity 4 KW for use in the 3 KW metal halide lamp.	4 nos.	1,07,928.00
10.	Pulse Xerox light source to substitute the free lamp in the existing camera.	4 nos.	13,515.00
11.	N.E.C. Motor 75 K.W. 1 H. P. single phase 1425 RPM.	2 nos.	5,718.00
12.	N.E.C. Motor 1 KW three phase 1425 RPM.	1 no.	3,215.00
13.	Graphic Art lith film 30" x 100" roll suitable for making line negative.	70 rolls	2,71,649.00
14.	Lith Developer (in packets of 4.5 lts.)	1000 packets	45,759.00
15.	Automatic hard fed stop clylinder letter press printing machine A/2 Demy size.	1 no.	1,45,464.00

(1)	(2)	(3)	(4)
16.	Guillettine knife grinding / sharpening machine.	1 no.	64,150.00
17.	Hydraulic pallet truck for transporting paper and other materials.	1. no.	8,933.00
18.	Desk Top (Photo composint, publicing system bilingal (English & Oriya) capable of compositing type sized ranging from 5pt. to 72 pts. It should have rearrangement to correct & delete, enlarge, reduces per requirement for map drawing unit including scanner for D. T. publicing Unit.	1 no.	4,78,393.00
19.	Other camp accessories (Steel table, Chair, bucket, torch, water bottle, Box, camp cash bag etc.)	...	56,140.00
20.	Photo copier size to size.	12 nos.	8,16,000.00
21.	Training staff for handling new instruments and machineries.	...	1,00,000.00
22.	Swiss cot tent 12' x 12' with attached bathroom and Varandha.	4 nos.	43,632.00
23.	Office tent 30' x 15' with side wall	1 no.	11,999.00
24.	Photo copiers reduction and enlargement.	1 no.	78,400.00
25.	Details to be intimated later on.	...	4,30,179.00
		Total	Rs. 68,00,000.00

Government of Orissa
Revenue & Excise Department

No. GE (GL)-S-57/89, 9017/R., Bhubaneswar, dated the 8.2.89

From

Rai Charan Das,
Addl. Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

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

Ref. : (i) Government letter No. 71006-R., Dated 1.12.81
(ii) Government letter No. 61172/R., Dated 22.9.88

Sir,

I am directed to say that in paragraph-4 of the letter cited at (ii) above it was indicated that the following delegation of powers depending on area of land in favour of different sub-ordinate revenue authorities have been decided upon and necessary amendments to item 14 of Schedule - II of the O.G.L.S. Rules, 1983 would be made in due course.

Schedule - II

<u>Item</u>	<u>In whose favour</u>	<u>Officer exercising power</u>	<u>Extent of Power</u>
14.	For Brackish water Pisciculture		
(a)	E.R.R.P. beneficiaries / poor fishermen / small entrepreneurs.	(1) S.D.O. (2) Collector	¼th hectare ½ hectare
(b)	Established enterpreneures / Farms / Companies / Corporations / Individual entrepreneurs.	(1) R.D.C. (2) Board	20.00 acres 50.00 acres

2. But Government have finally decided that instead of the above delegation the following delegations would be made, namely.

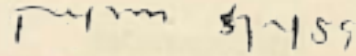
14.	For brackish water Pisciculture / prawn culture	i) Subdivisional Officer ii) Collector iii) R.D.C. (iv) Government	- - - -	Not exceeding ½ acre. Not exceeding one acre. Not exceeding two and a half Full power.
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The above powers of the Sub-divisional Officers and the Collectors shall be exercised in respect of beneficiaries under anti-poverty programmes, professional fishermen and landless persons whose annual income together with income of other members of their families does not exceed Rs. 4,800/- (Rupees four thousand and eight hundred only). The income restriction, however, will not apply to educated unemployed persons in whose favour the above power would also be exercised.

Formal amendment to item 14 of Schedule II of the O.G.L.S. Rules is being issued sparately.

3. It is, therefore, requested that suitable instructions may please be issued to sub-ordinate revenue authorities for their information and guidance.

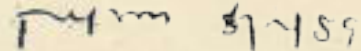
Yours faithfully,



Addl. Secretary to Government

Memo No. 9018 /R., Date 8.2.89

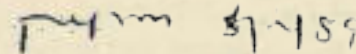
Copy forwarded to Revenue Divisional Commissioners, Central Division, Southern Division/Collectors, Cuttack / Puri / Balasore / Ganjam in continuation of Government Memo No. 61173-R., dated 22.9.88.



Addl. Secretary to Government.

Memo No. 9019/ R., Date 8.2.89

Copy forwarded to F. F. & A.H. Department / A & C Department / Director, Fisheries / L.R.G.E. (A) / (B)/ (C) Branches for information in continuation of Government Memo No. 62274-R dated 22.9.88.



Addl. Secretary to Government.

Government of Orissa
Revenue & Excise Department

No. GE (Sund)-67/90, 10107/R., Dated, Bhubaneswar the 16.2.89

From

Rai Charan Das,
Addl. Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Delegation of powers in favour of sub-ordinate Revenue Officers to sanction transfer of Govt. land in favour of Deptt. of Govt. - Issue of Clarification.

Sir,

I am directed to say that sanction of alienation of Govt. land in favour of Deptts. of Govt. in the State is now being regulated according to the provisions made in schedule-II of the Orissa Govt. land settlement (Amendment) Rules, 1987. Similarly, with a view to ensuring timely allotment of land for execution of various projects in the field, powers have also been delegated in favour of sub-ordinate Revenue authorities in this Deptt. Circular letter No. 31385/R., dt. 27.5.87 to sanction advance possession of Govt. land in favour of different Deptts. of Govt. But as it appears, the word "in favour of Departments of Govt." mentioned in the aforesaid rules and circulars is being interpreted differently in the field. In some cases, sub-ordinate Revenue authorities are sanctioning transfer of Govt. land in favour of Deptts. of Govt. including Deptts. of Govt. of India and in some cases transfer of Govt. land to govt. of India is being submitted to Govt. for sanction. It is, therefore, necessary to clarify as to whether the aforesaid delegation of power applies to transfer of Govt. land in favour of Govt. of India by sub-ordinate revenue authority.

2. Ordinarily Deptt. of Govt. shall mean Deptt. of the State Govt. Since the enactment is of the State Govt., without specific mention of deptts. of Govt. of India, the present delegation can not be exercised by sub-ordinate Revenue authorities for sanction of transfer of Govt. land in favour of Deptts. of Govt. of India. In such cases, sanction would be without jurisdiction. It is, therefore, clarified that the aforesaid delegation of power is meant for Deptt. of State Govt. and not for Central Govt. So hence forward all cases of transfer advance possession of Govt. land in favour of Govt. of India should be submitted to Govt. for sanction till OGLS Rules (Schedule - II) is amended suitably.

3. All sub-ordinate Revenue authorities are being instructed accordingly.

Yours faithfully

R. C. Das

Addl. Secretary to Government

Memo No. 10108/R., Dt. 16.2.89

Copy forwarded to the Secretaries of All R.D.Cs/ All Collectors for information and necessary action.

Sd/-

Addl. Secretary to Government

Memo No. 10109/R., Dt. 16.2.89

Copy forwarded to All Sub-Divisional Officers / All Tahasildars for information and necessary action.

Sd/-

Addl. Secretary to Government

Memo No. 10110/R., Dt. 16.2.89

Copy forwarded to L.R. & G. E. (B) Br. / L.R. & G.E. (C) Branch for information and necessary action.

Sd/-

Addl. Secretary to Government

Government of Orissa
Revenue & Excise Department

No. GE (GL)-S-18/89, 11767/R., Dt. 24.2.89

From

Sri S. N. Mohanty, O.A.S.,
Under Secretary to Government.

To

The Collector, Sambalpur.

Sub. : Clarification regarding status of Nazul land.

Ref : (i) Government letter No. 72659 R., dt. 21.11.,88
(ii) Your letter No. 6939/ Rev. dt. 19.12.88.

Sir,

I am directed to invite a reference to the correspondence cited above and to say that a copy of the standard form of lease deed in respect of Nazul land may please be furnished to Government for their information. Clarification sought for are furnished as here under.

(a) Subsisting leases are governed by the terms and conditions of the lease deed. Therefore, permission asked for by the lessees in accordance with the terms and conditions of the existing lease deeds would have to be accorded by the Collector. However, each case has to be decided on merit.

(b) The O.G.L.S. Rules, 1983 do not prescribe any condition for renewal. The renewal of the lease in respect of nazul lands were governed earlier by the terms and conditions of the lease deed, read with rule 23 of Chapter XXI of Sambalpur Manual Volume-II. The question of renewal of lease deed is now under the active consideration of Government. Instructions on the matter will be issued separately.

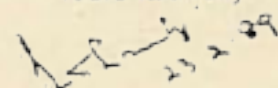
(c) There might be some applications pending at the level of Collector for execution of the lease deeds in respect of lease already sanctioned such as the case of Bharat Petroleum Corporation Ltd. The same may be completed within a period of 3 (three) months. The time limit for execution of such pending leases may be treated to have been extended by three months.

(d) It has been brought to the notice of Govt. that certain applications are pending at the level of Collector for exchange of lease hold lands already sanctioned. Such cases may be disposed of by the Collector on merit. In this connection copy of application Sri J. P. Pradhan at Govt. level is enclosed for necessary action.

(e) All future cases of lease of nazul lands will be governed by provisions of O.G.L.S. Acts and Rules there under.

For information of Government a report regarding the total extent of nazul lands, the extent leases out (with no of lease holds and area); the extent not yet utilised or leased out, the number pending for execution (with area) the number pending for renewal (with area) alongwith other relevant particulars may be furnished to Government.

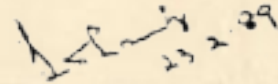
Yours faithfully



Under Secretary to Government

Memo No. 11768 /R., Dt. 24.2.89

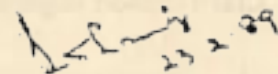
Copy to Secretary to Revenue Divisional Commissioner, Northern Division, Sambalpur / Secretary to Revenue Divisional Commissioner, Southern Division, Berhampur for information and necessary action.



Under Secretary to Government

Memo No. 11769 /R., Dt. 24.2.89

Copy to all Assistants of L.R. & G. E. (A), (B) & (C) Branches / G.A. (B) Branch / 20 spare copies to L. R. & G. E. (A) Branch for reference and necessary action.



Under Secretary to Government

Government of Orissa
Revenue & Excise Department
Notification

Dated, Bhubaneswar, dt. 28th Feb, 1989

No.GE (Puri) - 356/89-12693 / R.- In exercise of the powers conferred on the State Government, under item (iii) of Clause (b) of the First Proviso to sub-section (2) of section - 7 of the Orissa Prevention of Land Encroachment Act, 1972 (Orissa Act-6 of 1972) and under Sub-clause (a) of clause (1) of Section 3 of the Orissa Government Land Settlement Act, 1962 (Orissa Act-33 of 1962), the State Government do hereby declare that the land, which are the property of Government available in the villages of Nimapara and Kakatpur Tahasil of Puri district as mentioned in the schedule appended hereto are likely to be required for planned development of Konark area and therefore there shall be no settlement of any such land in the said villages.

SCHEDULE

Sl.No.	Name of the Village	Name of the Tahasil	Name of the P.S.	Thana Number
1.	2	3	4	5
1.	Konark	Nimapara	Gop	223
2.	Madhipur	Nimapara	Gop	221
3.	Junei alias- Ranapada	Nimapara	Gop	220
4.	Beruan	Nimapara	Gop	203
5.	Karamanga	Nimapara	Gop	216
6.	Malisahi	Nimapara	Gop	219
7.	Gagapur	Nimapara	Gop	217
8.	Gayapur	Nimapara	Gop	138
9.	Gadahangar	Nimapara	Gop	139
10.	Bangar	Nimapara	Gop	141
11.	Badagan	Nimapara	Gop	143
12.	Kualakata	Nimapara	Gop	140
13.	Tarakora	Nimapara	Gop	201
14.	Sutan	Nimapara	Gop	202
15.	Sahukhanta	Nimapara	Gop	222
16.	Duhibar	Kakatpur	Kakatpur	73
17.	Champahar	Kakatpur	Kakatpur	72
18.	Kunja	Kakatpur	Kakatpur	73
19.	Kanujanga	Kakatpur	Kakatpur	38
20.	Jamara	Kakatpur	Kakatpur	74
21.	Godhanpara	Kakatpur	Kakatpur	75
22.	Abadan	Kakatpur	Kakatpur	77
23.	Guhapur	Kakatpur	Kakatpur	76
24.	Singharpal	Kakatpur	Kakatpur	104

By order of the Governor
Rai Charan Das

Addl. Secretary to Government

Memo No. 12694/R, dt. 28-2-89

Copy forwarded to the Secretary, Board of Revenue Orissa, Cuttack for information and necessary action.

[Handwritten Signature] 27/2/89

Additional Secretary to Government

Memo No. 12695/R, dt. 28-2-89

Copy forwarded to the Collector, Puri /Tahasildar, Nimapara / Kakatpur / S.D.O., Puri for information and necessary action.

[Handwritten Signature] 27/2/89

Additional Secretary to Government

Memo No. 12696/R, dt. 28-2-89

Copy forwarded to the Director, Printing, Stationary and Publication, Orissa Cuttack for publication in the next issue of the extra ordinary Gazette of the State.

He is requested to supply 1000/- (One thousand copy) of the publication to this Department for circulation.

[Handwritten Signature] 27/2/89

Additional Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-24/89(Pt), 16631 / R, dtd. 14.3.89

From

Rai Charan Das,
Addl. Secretary to Government,

To

The Director,
Land Records & Surveys, Orissa, Cuttack.

Sub. : Centrally Sponsored Scheme for strengthening of Revenue Administration and Updating of Land Records – Purchase of Modern Survey Equipments for the Map Publication Unit of Survey and Settlement Organisation.

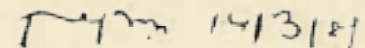
Sir,

I am directed to say that Governor has been pleased to sanction to draw an amount of Rs. 68,00,000.00 (Rupees Sixty Eight Lakhs) only sanctioned in G.O.No. 16515/R, dtd. 14.3.89 in A.C. Bill and keep in Civil Deposit Account for the purpose of purchase of modern survey equipments and machineries for the Map Publication unit of Survey and Settlement Organisation which will be adjusted in D.C. Bills within a period of thirty days from the date of drawal under provisions of S.R. 261 of Orissa Treasury Code, Volume-I.

2. The charge in respect of Rs. 34,00,000/- is debitible to "Demand No. 3-2029 Land Revenue-Centrally Sponsored Plan-102-Survey and Settlement Operation-(C)-Updating of Land Records-other charges (voted)" and in respect of Rs. 34,00,000.00 is debitible to "Demand No. 3-2029 Land Revenue-State Plan-102-Survey & Settlement Operation-(C)-Updating of Land Records-Other charges (voted)" in the Budget Estimate for 1988-89.

3. The Accountant General, Orissa, is being informed.

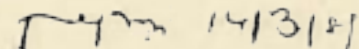
Yours faithfully,



Addl. Secretary to Government

Memo No. 16632 / R, dtd. 14.3.89

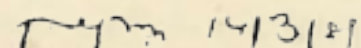
Copy in duplicate forwarded to the Accountant General, Orissa, with reference to this Deptt. Memo No. 16516/R, dtd. 14.3.89 for information and necessary action. This has been concurred by Finance Deptt., in their UOR No. 178-GSI dtd. 27.2.89.



Addl. Secretary to Government

Memo No. 16633 / R, dtd. 14.3.89

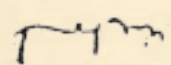
Copy forwarded to Finance Deptt. / Planning & Co-ordination Deptt./ Budget (A) Br., for information and necessary action with reference to this Deptt. Memo No. 16517/R., dtd. 14.3.89.



Addl. Secretary to Government

Memo No. 16634 / R, dtd. 14.3.89

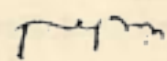
Copy forwarded to Secretary, Board of Revenue Orissa, Cuttack/Commissioner, Land Records & Settlement, Orissa, Cuttack/Director, Survey and Map Publication, Orissa, Cuttack with reference to this Deptt. Memo No. 16518/R., dtd. 14.3.89 for information and necessary action.

 14/3/89

Addl. Secretary to Government

Memo No. 16635 / R., dtd. 14.3.89

10 (Ten) spare copies to L.R. & G.E.(A) Branch for reference.

 14/3/89

Addl. Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-96/89, 16789 / R,
Bhubaneswar, dated the 15th March, 1989

From

Shri Rai Charan Das,
Addl. Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Supply of up-to-date Revenue laws/law books to the Revenue Courts under the centrally sponsored scheme for strengthening of Revenue Administration and updating of Land Records.

Sir,

In supersession to this Department letter No. 8275/R, dt. 6.2.89 I am directed to convey the sanction of Governor to an expenditure of Rs. 8,50,000/- (Rupees Eight Lakhs and Fifty Thousand) only for purchase of up-to-date books on Revenue laws and rules to augment the library facilities of Revenue Courts of 142 Tahasils including 28 heavy Tahasils as per the break-up given below for strengthening of Revenue Administration during the current financial year.

28 Heavy Tahasils	@ Rs. 10,000/-	=	Rs. 2,80,000/-
114 Tahasils	@ Rs. 5,000/-	=	Rs. 5,70,000/-
TOTAL 142 Tahasils	TOTAL		Rs. 8,50,000/-

2. The charge of Rs. 4,25,000/- (Rupees Four Lakhs and Twenty Five Thousand) only is debitible to Demand No. 3-2029- Land Revenue Centrally Sponsored Plan (Revenue)-102-Survey & Settlement Operation-(C)-Updating of Land Records-other charges and Rs. 4,25,000/- (Rupees Four Lakhs and Twenty Five Thousand) is debitible under "Demand No. 3-2029-Land Revenue-State Plan-102-Survey & Settlement Operation-(G)-Updating of Land Records in the Budget estimates for 1988-89.

3. The funds shall be placed at the disposal of the Commissioner Land Records and Settlement, Orissa.

4. The books should be centrally purchased by a Committee to be constituted by the Member, Board of Revenue for the purpose. The Committee shall comprise of C.L.R. & S/D.L.R. & S/ R.D.C (CD) and Secretary, Board of Revenue as members with Member, Board of Revenue as Chairman. The Committee shall list out the books to be kept in each set.

5. Government in Revenue Deptt. may be kept informed of none utilisation of funds sanctioned for this purpose.

6. The A.G. Orissa is being informed.

Yours faithfully,

[Signature]

Addl. Secretary to Government

Memo No. 16790 / R, Dt. 15.3.89

Copy in duplicate forwarded to the A.G.Orissa, Bhubaneswar for information with reference to this Deptt. Memo No. 8276/R, dt. 6.2.89.

This has been concurred in by Finance Department in their U.O.R. No. 685 GSI dt. 15-12-88

[Signature]

Addl. Secretary to Government

Memo No. 16791 / R, dt. 15.3.89

Copy forwarded to Finance Department / P & C Deptt./Budget (A) Branch of this Department for information with reference to this Deptt. Memo No. 8277/R, dt. 6.2.89.

[Signature]

Addl. Secretary to Government

Memo No. 16792 / R, dt. 15.3.89

Copy forwarded to Commissioner, Land Records and Settlement Orissa, Cuttack with reference to his letter No. 2887 dt. 27.9.88 and this Deptt. Memo No. 8278/R, dt. 6.2.89.

[Signature]

Addl. Secretary to Government

Memo No. 16793/R, dt. 15.3.89

Copy forwarded to Secretary to all Revenue Divisional Commissioners with reference to this Deptt. Memo No. 8279/R, dt. 6.2.89.

[Signature]

Addl. Secretary to Government

Memo No. 16794/R, dt. 15.3.89

Ten(10) spare copies to L.R. & G.E.(A) Branch for reference.

[Signature]

Addl. Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)S-28/89-16853 / R, dated the 15.3.1989

From

Shri S. N. Mohanty, O.A.S.,
Under Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Centrally sponsored scheme for the strengthening of Revenue Administration and updating of land records (SRA and ULR)-Computerisation of Management information system for land reform implementation during the current financial year.

Sir,

I am directed to convey the sanction of Governor to an expenditure of Rs. 3,00,000/- (Rupees Three lakhs) only for computerisation of Management information system to strengthen the monitoring of progress of land reform implementation as detailed below during the current finance year.

(a) Installation of project cost of computer system	Rs. 2.75 lakhs
(b) Training of staff	Rs. 0.25 lakhs

Total Rs. 3.00 lakhs

(Rs. Three Lakhs) only

(2) The Chagre in respect of Rs. 1,50,000/- (Rupees One Lakh and fifty thousand) is debitible to "Demand No. 3-2029-Land Revenue-Centrally sponsored plan - 102 - Survey and Settlement Operation - (C) - updating of Land Records - other charges (voted)" in respect of Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand) is debitible to "Demand No. 3-2029-Land Revenue - State plan - 102 - Survey and Settlement Operation - (C)- updating of Land Records-State share in centrally sponsored plan other charges (Voted)" in the Budget estimates for 1988-89

(3) The A.G. Orissa is being informed.

Yours faithfully,

S. N. Mohanty
15.3.89

Under Secretary to Government

Memo No. 16854 / R, Dt. 15-3-89

Copy in duplicate forwarded to the A.G. Orissa for information. This has been concurred in by Finance Department vide their UOR No. 210 GSI dated. 9-3-89.

S. N. Mohanty
15.3.89

Under Secretary to Government

Memo No. 16855 / R, Dt. 15-3-89

Copy forwarded to C. L. R. & S. Cuttack / D. L. R. & S. Cuttack for information and necessary action.

Ashanti
15.3.89

Under Secretary to Government

Memo No. 16856 / R, Dt. 15-3-89

Copy forwarded to Finance Department / P & C Department / Budget (A) Branch of this Department for information.

Ashanti
15.3.89

Under Secretary to Government

Memo No. 16857 / R, Dt. 15-3-89

Ten (10) spare copies to L. R. & G. E. (A) Branch for reference.

Ashanti
15.3.89

Under Secretary to Government

OFFICE OF THE PRINCIPAL, CHIEF CONSERVATOR OF FORESTS, ORISSA

No. Cons. 1/88 (Vol II) 14817/9 F.

Dated, Bhubaneswar, the 27th June, 1989.

From

The Principal, Chief Conservator of Forests, Orissa.

To

The Secretary to Govt. of Orissa
Forest, Fisheries & A. H. Department
Bhubaneswar.

Sub. : Application of Section 2 of Forest Conservation Act regarding.

Sir,

I enclose herewith a copy of Govt. of India's letter No. 8-3/83-FC dt. 11-4-89 together with copies of its enclosures for favour of information of Govt. The Hon'ble Supreme Court have held that any land where section 4 under OFA 72 has been issued cannot be diverted without concurrence of Govt. of India under section 2 of the FCA 1980.

Yours faithfully,

Sd/-

For Principal,

Chief Conservator of Forests, Orissa

Memo No. 14818/R, dt. 27-6-89.

Copy together with copies of its enclosures referred to above forwarded to the Secretary to Govt. of Orissa Revenue and Excise Department for favour of information.

Sd/-

For Principal,

Chief Conservator of Forests, Orissa

A. G. Oka,
Inspector General of Forests

Telegram : PARAYAVARAN
NEW DELHI
Telephone : 361509
Telex : W- 66185 DEO IN
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
PARAYAVARAN BHAWAN,
C.G.O., COMPLEX
Dated the 11th April, 1989

D.O. No. 8-3/83-FC

Sub. : Application of section 2 of Forests (Conservation) Act-Regarding.

Dear Shri

Recently in a Writ Petition (Banbasi Seva Ashram Versus State of U.P.) filled in the Supreme Court of India, the Hon'ble Court has given the view that the lands which are subjected to the Notification under section 4 of the Forest Act would also come within the purview of section 2 of the Forest (Conservation) Act, 1980.

The copy of the judgement of the Hon'ble Supreme Court is enclosed. I request you to kindly bring this to the notice of all concerned departments.

With regards,

Yours sincerely,
(A. G. Oka)

Copy along with a copy of the Hon'ble Supreme Court judgement, to the Principal/Chief conservator of Forests (by name), Go t. of

Sd/
(A. G. Oka)
Inspector General of Forests

Item No. 7

Court No. 1

Section XV

SUPREME COURT OF INDIA 171305
RECORD OF PROCEEDINGS

Writ petition (S) (Civil) No. (S) ... 1061 of 1982
Banawasi Seva Ashram ... PETITIONER (S)
Versus
State of U. P. RESPONDENT (S)
Date : 8-2-1989 This / These petition (s) was / were, called on for hearing today

CORAM :

Hon'ble Mr. Justice Ranganath Mishra,
Hon'ble Mr. Justice M. N. Venkatachalia

Certified to be a true copy
Sd/-
Assistant Register (Ind1)
2-3-1989
Supreme Court of India

For the petitioner (s) Mr. M. A. Krishnamurthy, Mrs. Chandana Rammurthi, Advocate.

For r : Mr. Gopal Subramaniam, Advocate.
Mr. D. Bhandari, Advocate.

For the Respondent (s) : Ms. A. Subhashini, Mrs. Sushma Suri, Advocates.

For r NTPC : Ms. J. C. Seth, D. D. Sharma, Advocaters.

**Upon hearing Counsel the Court made the following
ORDER**

On November 20, 1986, this court made the following order, so far as the Rihand Super Thermal Power Project of the N.T.P.C. is concerned :

"The land sought to be acquired for the Rihand Super Thermal Power Project of the N.T.P.C. shall be freed from the ban of dispossession. Such land is said to be about 153 acres for Ash pipe line and 1643 acres for Ash Dyke and are located in the villages of Khamakiya, Nithanai, Parabatwa, Jheeltola, Dodhar and Jharha. Possession thereof may be taken after complying with the provisions of the Land Acquisition Act, but such possession should be taken in the presence of one of the Commissioners who are being appointed by this order and a detailed record of the nature and extend of the land, the name of the person who is being dispossessed and the nature of enjoyment of the land and all other relevant particulars should be kept for appropriate use in future. Such records shall be duly certified by the Commissioner in whose presence possession is taken and the same should be available for use in all proceedings that may be taken subsequently.

" The N.T.P.C. has agreed before the Court that it shall strictly follow the policy on facilities to be given to land oustees as placed before the Court in the matter of lands which are subjected to acquisition for its purpose. The same shall be taken as an undertaking to the Court.

As it appears the requirement of the N.T.P.C. has now increased to 2495 acres. Out of these lands 1322 acres are said to be under occupancy, 185 acres constitute Goan Sabha Lands and 987 acres are said to be forest lands. 791 acres of these lands seem to have been notified as reserved forest under

section 20 of the Indian Forest Act, 1927; they are outside the purview of the writ petition as already directed by this Court. Release of such Lands can only be done by satisfying the requirement of the Forest (Conservation) Act, 1980 and our order has, therefore, nothing to do with those 791 acres of land.

195 acres are said to be covered by a Notification under section 4 of the Forest Act. The balance of 942 acres seem to have been notified under section 4 of the Forest Act and they are covered by the present survey and record operations under the supervision of the Commissioners appointed by the Court. So far as the lands covered by survey and record operations, it is agreed by Mr. Gopal Subramaniam appearing for the State of Uttar Pradesh, that the record operations shall be completed upto the level of A.R.O. within an outer limit of 30 days from today. Counsel for the N.T.P.C. says that this has already been done while petitioner's counsel does not accept this position. We make it clear that in case the record upto A.R.O. level has been completed, the same need not be repeated but in case it has not been done, immediate steps should be taken to complete the operations upto that level. Mr. Pandey, one of the Commissioners, is directed to ensure that the work is continued and the record upto the level of A.R.O. in regard to the lands is completed and on the basis of such record containing the particulars indicated in our directions of November, 1986 possession has to be made over to N.T.P.C. Mr. Gopal Subramaniam has assured us that all facilities would be extended to Mr. Pandey to comply with this direction.

We are of the view that the lands which are subjected to the Notification under section 4 of the Forest Act would also come within the purview of Sec. 2 of the Forest (Conservation) Act, 1980 and it would, therefore be necessary for the N.T.P.C. to obtain appropriate clearance under that Act from the appropriate authority.

After the records, as stated above, are completed Mr. Pandey is directed to hand over the possession of the land to N.T.P.C. we hope and trust that the records should properly reflect the existing position so that persons who may be entitled to compensation may not in any manner be prejudiced. Counsel for the N.T.P.C. undertakes to comply with the conditions mentioned in the minutes of the meeting held on 27th December, 1988 a copy where of is placed on record.

List this matter after six weeks few directions.

Sd/
(K. Bala Sood)
Court Master

Urgent fee Rs. 5/-
(Seal)

Sd/
Dt. 2-3-89
Sealed in my presence

Government of Orissa
Revenue and Excise Department

No. GE (GL)-S-57/89-26420/ R,
Dated, Bhubaneswar, the 1.5.1989

From

R. C. Das,
Additional Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

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

- Ref. : (i) Government letter No. 71006/R., dt. 1-12-81
(ii) Government letter No. 61172/R., dt. 22-9-88

Sir,

In partial modification of Government order communicated in this Department G.O. No. 9017 dated 8.2.89 on the subject **noted above** and to say that Government have finally decided to delegate power of granting lease to all **Sub-Coll**ectors, Collectors and Revenue Divisional Commissioners to the extent of half hectare, one hectare and two and half hectare to grant lease of land for brakish water prawn culture respectively. Accordingly it is proposed to amend item-14 of Schedule-II of the Orissa Government Land Settlement Rules, 1983 as under :-

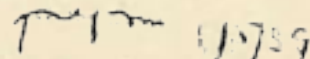
For Brakish Water	i) Sub-Collectors	...	Not exceeding 1/2 hectare
Pisci Culture /Prawn	ii) Collectors	...	Not exceeding one hectare
Culture.	iii) Revenue Divisional Commissioner	...	Not exceeding two & half
hectares	iv) Government	...	Full Power

The above powers of the Sub-Collectors and the Collectors shall be exercised in respect of beneficiaries under anti-poverty programmes, professional fishermen and landless persons whose annual income together with income of other members of their families does not exceed Rs. 4,800/- (Rupees four thousand and eight hundred) only. The income restriction however, will not apply to educated unemployed persons in whose favour the above power would also be exercised.

Formal amendment to item 14 of Schedule-II of the O.G.L.S. Rules is being issued separately.

3. It is, therefore, requested that suitable instructions may please be issued to Sub-ordinate revenue authorities for their information and guidance.

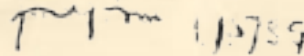
Yours faithfully,



Additional Secretary to Government

Memo No. 26421/R, dt. 1.5.1989

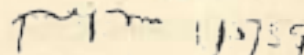
Copy forwarded to Revenue Divisional Commissioner, Central Division, Cuttack / Revenue Divisional Commissioner, Southern Division, Berhampur / Collectors, Cuttack / Puri / Balasore / Ganjam in continuation of Government Memo No. 61173/R., dated 22-9-88.



Additional Secretary to Government

Memo No. 26422/R., dt. 1.5.1989

Copy forwarded to F. F. & A. H. Department / A. & C. Department / Director, Fisheries / L.R.G.E. (A), (B) and (C) Branches for information in continuation of Government Memo No. 61174 dated 22.9.88.



Additional Secretary to Government



**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-E-28/89- 31124/R.,
Dated, Bhubaneswar, the 20th May, 89.

From Ral Charan Das,
Additional Secretary to Government.

To The Collector, Cuttack.

Sub. : Settlement of Government land for homestead purpose in favour of homesteadless persons.

Ref : Your letter No. 598/Rev., dt. 2.2.1989.

Sir,

I am directed to invite a reference to the correspondence cited above and to say that doubts have been expressed about the scope of O.P.L.E. (Amendment) Act, 1987 (Act 10 of 1988) which amended Section 7 of the parent Act. In this connection I am to state that Section 7 (1) of the O.P.L.E. Act lays down the general provision that the encroacher should be summarily evicted. Section 7 (2) of the Act enjoins that if the encroacher is either a "homesteadless person" or a "landless person" then the encroached land should be settled with him, within certain limits. For the purpose of this Sub-Section, "landless person" and "homestead less person" would have the same meaning as defined in Section 3 (a-1) and Section 3 (a-2) of the Act respectively.

2. The first proviso of Section 7 (2) of the Act lays down what constitutes "objectionable encroachment". If the encroachment is objectionable, then even if the person is landless or homesteadless, the land cannot be settled with him. The amending Act, 1987 added a new Sub-Section (2-a) after sub-section 2 of Section 7. In terms of sub-section (2-a) encroachments on some categories of lands which were earlier treated as objectionable under the first proviso would no longer be treated as objectionable if the encroachers a homesteadless persons and has constructed a house thereon on or before 10.3.85 and is actually residing therein. In such cases the land should be settled with the encroacher. The land settled with him shall not exceed one twentyfifth of an acre. The position is explained in the table furnished below.

Objactionable, Encroached by a "homesteadless" persons who is using it as homestead and residing thereon by actually constructing a house on or before 10.3.1985.

Provisio to Section 7 (2) (Pre-amendment)	Provisio to Section 7 (2) after Amendment	
	Objactionable (2)	Unobjactionable (3)
(1)	(2)	(3)
(a) Lands recorded as Gochar, Rakhit or Sarbasadharan in any RORs prepared under any law.	Gochar, Rakhit or Sarbasadharan and	...
(b) Which are set apart for (i) Common use of villagers	Used as burial ground, tanks, roads.	Place set apart for other purposes of common use (exced those in col. 2) used as house site.

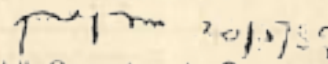
(1)	(2)	(3)
(ii) Used as house site, backward, or temple site whether or not recorded as such in the ROR.	Public places of worship.	...
(iii) Likely to be required for any development scheme and declared as such by the State Govt. by a notification.	Government premises	Other places likely to be required for any development scheme and are declared as such by the State Govt. by a notification.
and		
(c) belonging to an establishment, undertaking owned, controlled or managed by.	....	belonging to an establishment, undertaking or managed by
(i) State Govt./ Deptt. of Government	....	(a) State Govt./ Deptt. of Govt.
(ii) Company in which not less than 51% of the share capital is held by Government.	....	(b) Company
(iii) Corporation established by Law which is owned, controlled or managed by Government.	...	(c) Corporation (as in Col. 1)

3. The position can be summarised as follows :-

- (a) Prior to amendment, all encroachments on land mentioned in Col. No. 1 of the statement above were treated as objectionable and hence no such land could be settled with the encroachers even if they are homesteadless or landless persons.
- (b) After the amendment i.e. w.e.f. 3.5.1988, the encroachments on lands mentioned in Col. 2 of the statement above are also treated as objectionable and no such land can be settled with homesteadless / landless encroachers.
- (c) If a homesteadless / landless person has encroached upon any category of land mentioned in Col. 3 of the statement above and has constructed a house thereon, on or before 10.3.85 and is actually residing therein then the same can be settled with him so however that the extent of land shall not exceed 1/25th of an acre.

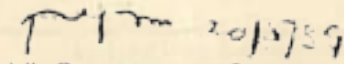
4. This may be brought to the notice of all concerned.

Yours faithfully,


Addl. Secretary to Government

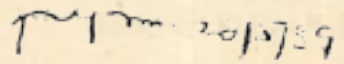
Memo No. 31125 /R., dt. 20.5.89

Copy forwarded to Secretary to Board of Revenue, Orissa, Cuttack / All R.D.Cs/ All Collectors (except Cuttack)/ D.L.R.S., Orissa, Cuttack / Director of Consolidation, Orissa, Cuttack for information and necessary action.


Addl. Secretary to Government.

Memo No. 31126 /R., dt. 20.5.89

Copy forwarded to all Sub-Collectors / All Tahasildars for information and necessary action.


Addl. Secretary to Government.

Government of Orissa
Revenue & Excise Department

No. ~~Rev~~-104/89- 31374/R.,
Dated, Bhubaneswar, the 22nd May, 1989.

From

B. C. Patnaik,
Secretary to Government.

To

All Collectors.

Sub. : Conversion of agricultural land into industrial purposes.

Sir,

Instances have come to the notice of the Government that loans sanctioned by the Orissa State Financial Corporation in favour of persons desirous of setting up industrial units on agricultural lands are not being disbursed as the entrepreneurs fail to produce before them 'No Objection Certificate' from the concerned Revenue Authority in support of conversion of the land for non-agricultural uses.

2. The problems has arisen because section 8 (1) (c) of the Orissa Land Reforms Act, 1960 stipulates that no raiyat shall use his agricultural land for any purpose other than agriculture except for his (or for his family members) own residential purpose and if he does so, he will be evicted. Government, however have allowed conversion of agricultural land into non-agricultural purposes in deserving cases through executive instruction which requires the concerned raiyat to first surrender (on eviction) his agricultural land, to the Government for subsequent lease in his favour for non-agricultural purposes on payment of salami calculated in accordance with the manner indicated in this Department Circular No. 69283-R., dated 14.12.70, copy of which was endorsed to you in the next memo of even date.

3. The Orissa Land Reforms Act and Rules framed thereunder do not lay down any clear-cut procedure for evicting person, who converts his agricultural land into non-agricultural purposes. As a result of this, difficulties are encountered by the Revenue authorities at the Tahasil level to implement the above Government instructions.

4. To resolve the above difficulties, a proposal to regularise all cases of conversions of agricultural land into non-agricultural uses already made in the rural and urban areas and allow conversions of agricultural land into non-agricultural purpose on payment of premium and subject to terms and conditions as may be prescribed in that behalf, is now under active consideration of Government. There is also a proposal to recover premium not paid during the prescribed period as arrears of land revenue. For this purpose Government are contemplating to amend section 8 of the Orissa Land Reforms Act, 1960.

5. With a view to facilitating regularisation of post cases of conversions of agricultural land into non-agricultural uses, instructions were issued to all Collectors in this Department. G.O. No. 71442 -R., dt. 14.11.84 to book all such pending cases from the date of commencement of the O.L.R. Act, 1960 and issue show cause notice to the person concerned.

6. In order to provide facilities to the entrepreneurs to avail themselves of the loan sanctioned by the Orissa State Financial Corporation/ Other agencies to set up their industrial units in their agricultural land, Government now desire that pending finalisation of amendment to section 8 of the Orissa Land Reforms Act, 1960 and framing of procedure the rate of premium to be charged for conversion of agricultural

land into non-agricultural uses and other terms and conditions in the corresponding rules, the following guidelines should be followed in respect of conversion of agricultural land for industrial purposes :-

(a) Only cases where loans has been sanctioned Orissa State Financial Corporation (OSFC) will be entitled to the benefit of these concessions.

(b) In such cases, eviction of the persons proposing to avail finance from the Orissa State Financial Corporation for setting up an industrial unit will be kept an abeyance. They will be given a 'No Objection Certificate' or 'letter of assurance' with copy to the Orissa State Financial Corporation to the effect that they may avail themselves of finance from Orissa State Financial Corporation for setting up an industry on the land by mortgaging it and that ultimately the land will be converted into non-agricultural category and settled with them on payment of premium to be fixed by the Government and as per the terms and conditions to be prescribed.

(c) The industrial concerns should be asked to give an undertaking to the effect that at the time of such settlement/ regularisation, they will pay the premium at the rate as may be prescribed by the Government from time to time and also abide by the terms and conditions as may be laid down by Government.

(d) The applications of the industrial concerns shall be routed through the Orissa State Financial Corporation (OSFC) O.S.F.C. will forward the application to the Tahasindar. While forwarding the application, O.S.F.C. should give an undertaking that in the event of the parties failing to comply with the above terms and conditions and in payment of salami and other dues, the O.S.F.C. should remain responsible for payment of premium etc. on behalf of the entrepreneurs.

(e) When the land is taken up for settlement / regularisation, copy of the notice should be sent to the O.S.F.C.

7. Tahasildars may be instructed suitably to dispose of applications from industrial units in accordance with these instructions.

Yours faithfully,

P. Pattnaik 27/5

Secretary to Government

Memo No. 31375 /R, Dated, Bhubaneswar, the 22nd, May 1989.

Copy forwarded to the Land Reforms Commissioner, Orissa, Cuttack / All Revenue Divisional Commissioner/ Secretary, Board of Revenue, Orissa, Cuttack for information and necessary action.

Joint Secretary to Government 22/5/89

Joint Secretary to Government

Memo No. 31376 /R, Dated, Bhubaneswar, the 22nd, May 1989.

Copy forwarded to the Industry Department/ Director of Industries, Orissa, Cuttack/ Managing Director, Orissa State Financial Corporation, Cuttack for favour of information and necessary action.

Joint Secretary to Government 22/5/89

Joint Secretary to Government

Memo No. 31377 /R, Dated, Bhubaneswar, the 22nd, May 1989.

Copy forwarded to the L. R. & G. E. (A)/ (B)/ (C) Branch / L. A. Branch/ G. A. (B) Branch for information.

Joint Secretary to Government 22/5/89

Joint Secretary to Government.

**Government of Orissa
Revenue & Excise Department**

No. GE (Puri) 352 / 89 - 38369 /R., dated, 27.6.89

From

B. C. Patnaik,
Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Recording of note of unauthorised possession of Government lands in the settlement records—Abolition of.

Ref. : Board of Revenue letter No. XLIII-66/87- 8080/LRS dt. 13.7.87.

Sir,

I am directed to say that in the Board's letter cited above, instructions were issued to the effect that there should not be any note of possession, illegal or forcible, in the remarks column of the khatian in the settlement records in respect of private lands. It was felt that the practice of recording note of possession in the record-of-rights during settlement operations has caused considerable confusion and avoidable litigation and has been used by land grabbers and mischief mongers to the detriment of the interests of Raiyats. It was further laid down in the above circular that in respect of Government lands the practice of recording unauthorised possession will continue as usual, but there should not be any indication of any date or year of occupation.

2. The question of recording the unauthorised possession of Government lands in the settlement records has been examined carefully. When an order is made under Section-11 of the O.S.S. Act, 1958 (Act 3 of 1959) the particulars to be recorded are specified in the said order and may include, either without or in addition to other particulars, all or any of the particulars enumerated in Rule 21 of the O.S.S. Rules, 1962. Recording of note of unauthorised possession of Government lands in the record-of-rights does not strictly come within any of the particulars specified in Rule 21.

3. Instructions have been issued in Government letter No. 53825/R., dt. 25.7.79 for granting permission to Soil Conservation Organisation for occupation of Government land to implement soil conservation measures. Similar instructions have been issued in Government letter No. 37883/R., dt. 6.6.84 for raising plantations under SIDA assisted social forestry projects. Again, instructions have been issued in Government letter No. 35216/R., dt. 29.5.86 for utilisation of waste lands for plantation under schemes formulated by National/State Waste Land Development Boards. It has come to the notice of Government that permissive possession given by Government to particular organisations/ agencies for implementing particular schemes, have not been recorded and instead unauthorised occupation of individuals have been recorded on such Govt. lands in some cases without sufficient evidence causing dislocation in the implementation of the schemes.

4. In the district of Ganjam, the system of occupation of assessed Government land on payment of assessment (known as Taram Assessment) was earlier in vogue. Such occupations were in the nature of permissive occupation and were otherwise known as 'Sivaigama' occupation. It has been brought to the

notice of Government that such occupations have been recorded as unauthorised occupation of Government land.

5. Instances have also been brought to the notice of Government that adverse possession against Government is decided on the strength of such entries. In this connection instructions communicated in Government letter No. 26590 dt. 1.5.89 may please be referred to. Needless to say, an entry of unauthorised occupation of Government land does not necessarily take into account all the ingredients of adverse possession, but may result in compromising interestes of Govt. Besides, the recording of note of unauthorised occupation tends to encourage encroachment.

6. Government, after careful consideration, have been pleased to decide that henceforward unauthorised occupation of Government land by private individuals shall not be recorded in the R.O.Rs. during settlement opearitions. The practice of recording such notes in the R.O.Rs should be discontinued.

7. Necessary instructions may be issued to all concerned in this regard under intimation to Government.

Your faithfully,

B. Patnaik
27/6

Secretary to Government

Memo No. 38370 /R., dated, 27.6.89

- Copy to
- i) Director, Land Records & Surveys, Orissa, Cuttack.
 - ii) Director Consolidation, Orissa, Cuttack.
 - iii) All Settlement Officers/Deputy Directors, Consolidation.
 - iv) All Charge Officers for information and necessary action.

M. M. 27/6/89

Addl. Secretary to Government

Memo No. 38371/R., dated, 27.6.89

Copy to All Revenue Divisional Commissioners/ All Collectors/ All Sub-Divisional Officers/All Tahasildars for information in continuation of Boards' Memo No. 8081/LRS dt. 13.7.87.

M. M. 27/6/89

Addl. Secretary to Government

Memo No. 38372/R., dated 27.6.89

5 copies each to Settlement/Consolidation/LRGE Braches.

27.6.89

Under Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)S-24-89- 42152 / R, dated the 17.7.89

From

Shri P. Mishra, O.F.S.,
F.A.-cum-Joint Secretary to Government.

To

The Director,
Land Records and Surveys,
Orissa, Cuttack.

Sub. : Centrally sponsored scheme for the strengthening of Revenue Administration and updating of Land Records-purchase of modern Survey Equipments for the Map Publication unit of Survey and Settlement Organisation.

Ref. : Your letter No. 59 dated 26.6.89

Sir,

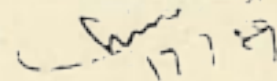
In partial modification of this Department letter No. 16515/R, dated 14.3.89, I am direct to convey the sanction of Governor to an expenditure of Rs. 68,00,000/- (Rupees Sixty Eight Lakhs) only for purchase of modern Survey Equipment Machineries for the Map Publication Unit of Survey and Settlement Organisation as per details enclosed.

2. The charge in respect of Rs. 34,00,000/- is debitable to "Demand No. 3-2029-Land Revenue-Centrally Sponsored Plan-102-Survey and Settlement Operation-(c)-updating of land records- Other charges (voted)" and in respect of Rs. 34,00,000/- is debitable to "Demand No. 3-2029-Land Revenue-State Plan-102-Survey and Settlement Operation(c)-updating of Land Records-Other charges (voted)" in the Budget Estimate for 1988-89.

3. Expenditure shall be incurred subject to actuals and on receipt of clearance of the purchase committee that equipments and machineries purchased one of satisfactory standard and quality.

4. The Accountant General, Orissa, is being informed.

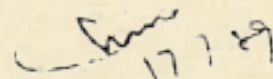
Yours faithfully,



F.A.-cum-Joint Secretary to Government

Memo No. 42153/R, dt. 17.7.89

Copy in duplicate forwarded to the Accountant General, Orissa, Bhubaneswar with reference to this Department Memo No. 16516/R., dt. 14.3.89 for information. This has been concurred in by F.A. of this Department.



F.A.-cum-Joint Secretary to Government

Memo No. 42154/R., dt. 17.7.89

Copy forwarded to Finance Department Planning and Co-ordination Department/Budget(A) Branch for information with reference to this Department Memo No. 16517/R., dt. 14.3.89.

[Handwritten signature]
17.7.89

F.A.-cum-Joint Secretary to Government

Memo No. 42155/R., dt. 17.7.89

Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack/Commissioner, Land Records and Settlement Orissa, Cuttack/ Director, Survey & Map Publication, Orissa, Cuttack for information with reference to this Department Memo No. 16518/R., dt. 14.3.89/Ten(10) spare copies to L.R. G.E.(A) Branch for reference.

[Handwritten signature]
17.7.89

F.A.-cum-Joint Secretary to Government

Details of Modern Survey Equipments, Machineries requirements for strengthening of Survey and Settlement Organisation of Orissa.

Sl. No.	Name of the Items	Quantity	Total cost including all charges
1.	Electronically Regulated optic theodolite having facilities of Electronic Distance Angle & height measurement equipments with Zero error (may be citation model CI - 450) model like it.	2 Nos.	Rs. 9,63,040.00
2.	K.P. 90 Electronic Digital Planimetre	17 Nos.	Rs. 4,68,995.00
3.	Dark room based vertical fully Automatic process camera size 30" x 30" with Electric computer controller and with coloured filter magenta / gray contact screen and other equipment.	1 No.	Rs. 1,21,226.00
4.	Movable vacuum printing down frame size 66" x 36"	1 No.	Rs. 35,204.00
5.	3 Phase manual step up voltage stabiliser with automatic below 375 Volt & above 460 Volt capacity 4 K.W. for use in 3 K.W. metal Halide Lamp.	4 Nos.	Rs. 1,07,928.00
6.	Pulse Xenon light source to substitute the free lamp in the existing camera.	4 Nos.	Rs. 13,515.00
7.	N.E.C. Motor 75 K.W. 1 H.P. single phase 1425 RPM.	2 Nos.	Rs. 5,718.00
8.	N.E.C. Motor 1 K.W. three phase 1425 RPM.	1 No.	Rs. 3,215.00
9.	Graphic Art lith Film 30" x 100' roll suitable for making line negative.	70 roll	Rs. 1,71,188.00
10.	Lith Developer (in packets of 4.5 Liters)	1000 packets.	Rs. 47,877.00
11.	Automatic hand fed stop Cylinder letter press printing machine A/2 Demy size.	1 No.	Rs. 1,43,236.00
12.	Guillotine knife grinding/sharppending machine.	1 No.	Rs. 64,150.00
13.	Hydraulic pallet Truck for Transporting paper & other materials	1 No.	Rs. 8,933.00

14.	Desk top (photo composing publishing system bilingual (English & Oriya) capable of composing from 5 pt to 72 pts. it should have rearrangement to correct and delete, enlarge, reduce per requirement for map drawing unit including scanner for D.T. publishing Unit.	1 No.	Rs. 4,78,393.00
15.	Photo copier with Zooming facility & reduction & enlargement (with stabiliser)	16 Nos.	Rs. 15,19,827.00
16.	Electronic typewriter 30K Facit model 9410	1 No.	Rs. 23,674.00
17.	Engineering calculator casio Japan make FX-82A	20 Nos.	Rs. 12,692.00
18.	Calculators of Desk Top Model-05-2M with 12 digit (for settlement office)	9 Nos.	Rs. 9,325.00
19.	Calculator of Model 06PD with 12 digit (for DLR & S office use)	1 No.	Rs. 3,458.00
20.	Calculator of Model 02 with 8 digit (for Revenue Deptt. Auditors Use)	10 Nos.	Rs. 2,095.00
21.	Pentagraph of size 42" (Brass) (Stanly London)	10 Nos.	Rs. 1,84,228.00
22.	Automatic off-set printing press single coloured sheet fed H.M.T. make model INVICTA-36/R/PMIR	1 No.	Rs. 12,64,000.00
23.	Training Staff for handling new instruments & machineries		Rs. 50,000.00
24.	Details to be intimated lateron		Rs. 10,38,083.00
			Total Rs. 68,00,000.00

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-188/89 (LR&GE-A)- 42495 / R, dated, the 18.7.89

From

Rai Charan Das,
Addl. Secretary to Government.

To

The Director,
Land Records and Surveys, Board of Revenue,
Orissa, Cuttack.

Sub. : Purchase of A.4 Azure laid paper.

Sir,

I am directed to invite reference to your letter No. 5820/LRS., dated 12.5.89 on the above subject and to convey the sanction of Governor to an expenditure, not exceeding Rs. 5.00 lakhs (Rupees Five Lakhs) only for purchase of 25,25,000 sheets of Azure laid papers for printing of village maps during the current financial year subject to the condition that the papers should be purchased through Orissa Government Press at DGSD rate.

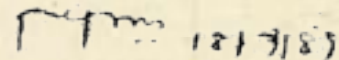
2. The charge is debitable to "Demand No. 3-2029-Land Revenue (State Plan) 102-Survey and Settlement Operation (B)-Advance Survey and Map Publication-(1)-Machinery and Equipments for the year 1989-90.

3. The store purchase rules must be observed in effecting purchase of the Azure laid papers.

4. This has been concurred in by Finance Deptt. in their U.O.R. No. 447 GSI Dt. 21.6.89.

5. The Accountant General, Orissa is being informed.

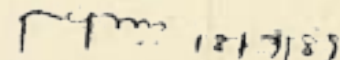
Yours faithfully,



Addl. Secretary to Government

Memo No. 42496/R., dt. 18.7.89

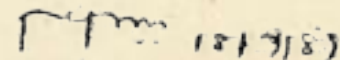
Copy in duplicate forwarded to the Accountant General, Orissa, Bhubaneswar for information.



Addl. Secretary to Government

Memo No. 42497/R., dt. 18.7.89

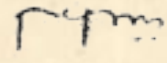
Copy forwarded to Finance Department/Planning and Co-ordination Department/Budget (A) Branch for information.



Addl. Secretary to Government

Memo No. 42498/R., dt. 18.7.89

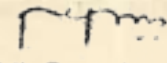
Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/Commissioner, Land Records and Settlement, Orissa, Cuttack/Director, Survey and Map Publication, Orissa, Cuttack for information.

 18/7/89

Addl. Secretary to Government

Memo No. 42499/R., dt. 18.7.89

5 (Five) spare copies to L.R. & G.E.(A) Branch for reference.

 18/7/89

Addl. Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-35/89-LR & GE (A) Br.- 44003 / R,
Dated, Bhubaneswar, the 25th July, 89

From

B. C. Patnaik,
Secretary to Government,

To

The Collectors,

Sub. : Transfer of Govt. land in favour of the Orissa Industrial Infrastructure Development Corporation-Payment of premium and annual ground rent.

Sir,

I am directed to say that in resolution No. 16281/R., dt. 8.3.83 the modality of transfer of Govt. land, payment of premium and annual rent by I.D.C.O. was prescribed. In terms of the said resolution, lease shall be granted by the concerned revenue authorities and the lease deed executed without physical payment of premium at the time of grant of lease with the stipulation that payment of premium will be made and monitored by the Industries Department at the end of the respective financial year. On receipt of the detailed information from the Collector, Industries Department would sanction loan equivalent to the amount of premium payable in favour of I.D.C.O. and credit the amount to the receipt head of the Revenue Department.

2. Information regarding areas alienated in favour of entrepreneurs, the amount of premium payable and that actually paid was called for from both IDCO and the Collectors. The reports so far received reveal the during the years 1982-83 to 1986-87, 4970-665 acres were alienated in favour of IDCO for which the premium payable was Rs. 1,15,74,818.65. Although, there are some variations between the figures furnished by the Collectors and IDCO, the fact remains that Government revenue to the tune of more than Rs. 1 crore is yet to be cleared by IDCO. Besides, in many cases annual ground rent and cess etc. have not been paid by the IDCO.

3. In order to eliminate procedural delay and facilitate speedy sanction of lease of Government land for setting up industries, the Collectors were delegated with powers in G.O.No. 28677 dt. 27.4.81 to dispose of all cases of alienation of Government land requisitioned by IDCO at their level without making any reference to R.D.C./Board of Revenue/Government. In view of mounting arrears of Government revenue outstanding against IDCO it is considered desirable that hence forward no land should be transferred to IDCO without pre-payment of the premium.

4. Government have, therefore been pleased to decide that, all pending cases of alienation of land in favour of IDCO and all such future cases should be disposed of only after pre-payment of the premium. Necessary instructions may be issued in this regard to all concerned.

Yours faithfully,

B. Patnaik
Secretary to Government

Memo No. 44004 / R., dt. 25.7.89

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/I.D.C.O., Janapath, Bhubaneswar/
Industries Department for information and necessary action.

25/7/89.
Addl. Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-191/89-LR & GE (A)- 44394 / R., dated 26.7.89

From

Rai Charan Das,
Addl. Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Allotment of land/building to religious, pseudo-religious or Socio-political Organisations by Government Departments/ Establishments etc.

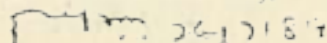
Sir,

I am directed to invite reference to this Department letter No. 65061/R., dt. 2-11-87 and No. 54462 dt. 22.8.88 on the above subject wherein instruction was issued to all sub-ordinate Revenue authorities that applications received from the above-mentioned organisations for lease of Government land or building should be examined carefully and lease granted after obtaining clearance from Home (Special Section) Department. It has come to the notice of Government that some Tahasildars are mis-interpreting the above instruction and directing the individual organisations applying for Government land to obtain clearance from Home (Special Section) Department direct.

In the above circumstances it is clarified that Home (Special Section) Department do not give clearance for lease of Government land to any individual organisation direct. On the other hand it was clearly mentioned in this Department letter referred to above that the competent authorities vested with the power to grant lease of Government land are required to examine each such application in respect of individual institution carefully and obtain the required clearance from Home (Special Section) Department prior to grant of lease. In no case the applicant concerned be asked to obtain such clearance from Home Department.

Suitable instructions to all concerned may be issued accordingly.

Yours faithfully,


Additional Secretary to Government

Memo No. 44395 / R., dated 26.7.89

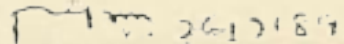
1. Copy forwarded to Home (Special Section) Department with reference to their letter No. 3069/C dated 3-6-89 for information and necessary action.

2. Copy forwarded to All Revenue Divisional Commissioners / All Collectors with reference to this Department Memo No. 65062/R., dated 2-11-87 and No. 54463/R., dated 22-8-88 for information and necessary action.

3. Copy forwarded to All Sub-Collectors/ All Tahasildars with reference to this Department Memo No. 65063/R., dated 2-11-87 and No. 54464/R., dated 22-8-88 for information and necessary action.

4. Copy forwarded to All Assistants of L.R. & G.E. (A), (B) and (C) Branches / G.A. (B) Branch for information and necessary action.

Ten (10) spare copies to L.R. & G.E. (A) Branch for reference.


Additional Secretary to Government

The Orissa



Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1178 CUTTACK, FRIDAY, AUGUST 11, 1989 / SRABANA 20, 1911

REVENUE AND EXCISE DEPARTMENT NOTIFICATION

The 27th July, 1989

S.R.O. No 565/89 — The following draft of certain rules further to amend the Orissa Government Land Settlement Rules, 1983, which the State Government propose to make, in exercise of the powers conferred by Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of one month from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft before expiry of the period so specified will be taken into consideration by the State Government.

DRAFT

1. (1) These Rules may be called the Orissa Government Land Settlement (Amendment) Rules, 1989
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa Government Land Settlement Rules, 1983, in Schedule-II, for serial numbers 14 and 15 and entries appearing against them under columns (2), (3), (4) and (5), the following serial numbers and the entries against them in the respective columns, shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
14	For Brackish water Pisciculture / Prawn culture,	(i) Sub- Collector	Not exceeding 1/2 hectare.	Nil
		(ii) Collector	Not exceeding one hectare.	Nil
		(iii) Revenue Divisional Commissioner	Not exceeding two and half hectares.	Nil
		(iv) Government	Full power	Full power
Note —	The powers of Sub-Collector and Collector shall be exercised in respect of beneficiaries under anti-poverty programmes, professional fisherman and landless persons, whose annual income together with the income of other members of their families does not exceed four thousand and eight hundred rupees. In case of educated unemployed, the income criterion will not apply.			
15	For Coffee Plantation	Government	Full power	Full power

[No. 44768-GE (GL)-S-57/89-L.R. & G.E. (A) Br.-R]

By order of the Governor

B. C. PATNAIK

Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-24/89 Pt. LR & GE (A) Br.- 50409 /R., dated 7.8.1989

From

Sri P. Mishra, OFS (I),
Financial Advisor-cum-Joint Secretary to Government.

To

The Treasury Officer, Cuttack,

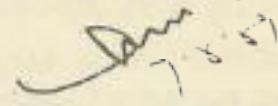
Sub. : Drawl of amount deposited in Civil Deposit.

Sir,

I am directed to say that after careful consideration of the proposal of Director, Land Records and Surveys, Orissa, Cuttack, Government have been pleased to accord permission for release of Rs. 35,14,175.00 (Rupees Thirty five lakhs fourteen thousand and one hundred seventy five) only out of the total amount of Rs. 68.00 lakhs sanctioned in G.O. No. 9013/R., dt 8.2.89 read with G.O. No. 42152/R., dt. 17.7.1989 and drawn in two A. C. Bills i.e. Bill No. 1464/88-89 and Bill No. 1465/88-89 and deposited in Civil Deposit vide Cuttack Treasury Challan No. 164 and 165 dated 31.3.89.

2. This has been concurred in by Finance Department in their UOR No. 191-TRI dated, 27.7.89.


Yours faithfully,



FA-cum-Joint Secretary to Government

Memo No. 50410 /R., dated 7-8-1989

Copy forwarded to Finance Department / Budget (A) Branch of Revenue Department for information and necessary action.



FA-cum-Joint Secretary to Government

Memo No. 50411 /R., dated 7-8-1989

Copy forwarded to Director, Land Records and Surveys, Orissa, Cuttack with reference his letter No. Nil, dated 21-7-89 for information and necessary action. The amount of Rs. 35,14,175/- may be utilised as proposed in your letter No. 60 / LRS dt. 26-6-89 read with your letter No. Camp.1 / dt. 21-7-89.



FA-cum-Joint Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL) S-57/89-LR & GE (A)-52485/R., dated 18.8.89

From

R. C. Das,
Addl. Secretary to Government,

To

The Collector,
Cuttack/ Puri/ Balasore/ Ganjam.

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

Ref. : Government Memo No. 26421/R., dt. 1.5.89.

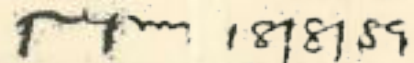
Sir,

I am directed to invite a reference to the subject cited above and to say that in paragraph 2 of Government letter No. 26420/R., dt. 1.5.89, copy communicated to you in the memo cited above, it was intimated that in order to come to the aid to of the beneficiaries under the anti-poverty programmes, professional fishermen and landless persons a revised delegation of powers for lease of land for brackish water pisciculture/prawn culture has been finalised by Government, and formal amendment of item 14 of Schedule-II of O.G.L.S Rules, 1983 will be issued shortly.

2. Before sanction of lease, certain formalities are required to be observed under the O.G.L.S. Rules, 1983. It is, therefore requested that the applications received for brackish water pisciculture/prawn culture from beneficiaries under anti-poverty programmes, professional fishermen and landless persons may be processed, if not already done and all formalities gone through so that orders regarding sanction of lease can immediately be issued soon after the amendments are finalised and intimated to you.

3. Immediate necessary action may be taken on the matter on top priority basis.

Yours faithfully,

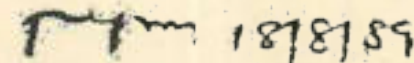


Addl. Secretary to Government

Memo No. 52486/R. dt. 18.8.89

Copy to Secretary, Board of Revenue, Orissa, Cuttack in continuation of this Department letter No. 26420/R., dt. 1.5.89.


Copy to Revenue Divisional Commissioner (CD), Cuttack in continuation of Government Memo No. 26421/R., dt. 1.5.89 for information.



Addl. Secretary to Government

Memo No. 52487/R, dt. 18.8.89

Copy to F. F. & A. H. Department/ A. & C. Department/ Director of Fisheries for information in continuation of Government Memo No. 26422/R, dt. 1.5.89.

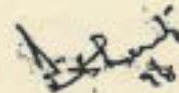
 18/8/89

Addl. Secretary to Government

Memo No. 52488/R, dt. 18.8.89

Copy to L. R. & G. E. (A) / (B) / (C) Branches for information and necessary action.

Ten copies be supplied to L. R. & G. E. (A) Branch.

 18.8.89

Under Secretary to Government

Government of Orissa
Revenue and Excise Department

No. G. E. (GL) S-150/89 (Pt)- 61269/R., dated 28.8.89

To

The Secretary, Board of Revenue,
Orissa, Cuttack.

Sub. : Instructions for reservation of Government lands for specific purposes in rural areas.

Ref. : Government letters

- (1) No. 73063 dated 7.12.64
- (2) No. 4898/R., dt. 28.1.66
- (3) No. 3410/R., dt. 19.1.66
- (4) Paragraph 3 of Government letter No. 30656/R., dt. 5.6.1970.
- (5) Paragraph 2 of Government letter No. 7880/R., dated 3.2.65.

Sir,

I am directed to say that instructions were issued in the Government letters cited above regarding reservation of Government lands for specific purposes in rural areas. Where settlement operations were not taken up earlier or where the Settlement Authorities have not reserved lands for various purposes in course of Settlement operations, reservation is done by the Tahasildar. In areas where Consolidation operations are in progress, reservation of land is made under Section 8 (2) (a) of the O.C.H. and P.F.L. Act, 1972 (Act 21 of 1972) read with Rule 17 of the O.C.H. and P.F.L. Rules, 1973. After the coming into force of the Orissa Government Land Settlement Act, 1962 (Act 33 of 1962), reservation of lands for different purposes is made U/s. 3 (1) (a) of the said Act read with instructions communicated in Government letter No. 7880/R., dt. 3.2.1965.

2. According to the normal procedure of reservation, lands reserved for homestead purposes for future is recorded in the Abad Jogya Anabadi Khata in the Kisam "Basti Jogya". Similarly, lands reserved for future use of the community or for development purposes are recorded in Kisam "Sarva-sadharan Jogya" or "Unati Jojana Jogya" respectively. But all lands reserved as "village forests" were being recorded in the kisam "Gramya jungle".

3. Therefore, Government have been pleased to decide that all lands which are reserved for being used as village forests in future should not be recorded as Gramya jungle, but should be recorded as "Gramya Jungle Jogya".

Yours faithfully,

Sd/-

Addl. Secretary to Government

Memo No. 61270/R, dt. 28.8.89

Copy to all R.D.Cs /C.L.R.S, Orissa, Cuttack/ D.L.R.S., Orissa, Cuttack/ Director, Consolidation, Orissa, Cuttack/ All Collectors/ All Settlement Officers/ All Deputy Directors of Consolidation, for information and necessary action.

Sd/-

Addl. Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. FT-17/89- 56942/R., dated 8.9.89

From

Raicharan Das,
Addl. Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Kuduki tenure in the ex-khalsa and ex-zamindari areas.

- Ref. : 1. Govt. letter No. 41034/R., dt. 23.6.88
2. Govt. letter No. 68277/R., dt. 31.10.88

Sir,

I am directed to say that an inquiry into the Kuduki tenure of Kalahandi district was taken up with a view to finding out if tenants have any right on trees standing on the land comprised in such tenure. There were allegations that large scale felling and removal of forest growth had taken place in the district of Kalahandi and that whenever apprehended, those engaged in this practice had taken the plea that the trees were on Kuduki lands.

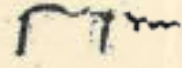
2. The question of abolition of Kuduki tenure has been under the active consideration of Government for sometime past. If the system is abolished it may not immediately be possible to provide requisite area of land which may come to more than one lakh acres in favour of those recorded as Kuduki tenants in Dongar Khasras. Therefore, after careful consideration Government have been pleased to decide that since it is not immediately proposed to evict Kuduki tenants to their land and since they are not entitled to any occupancy rights there is little point in abolishing the assessment that is now collected. However it has been decided that no further land should be brought under this tenure.

3. Further, Government have also been pleased to decide that where a Kuduki tenant surrenders his holding, the surrender may be accepted and the land should be taken to the respective Anabadi Khata. The assessment, if any, will naturally be cancelled and the demand reduced-correspondingly.

4. During the year 1986-87 the rent policy in respect of Kalahandi Sadar Sub-division consisting of Bhawanipatna, Kesinga, Nurla, Langigarh, Thuamal-Rampur and Madanpur-Rampur Police Station areas i. e. part of ex-khalsa and ex-zamindari areas of Kalahandi district was approved by Government in their letter No. 70779, dt. 4.11.86. The area consisted of 1557 villages. For the said area no assessment was ordered for the erstwhile Kuduki Chas area. The Settlement Officer, Sambalpur in his proposal had indicated that during the present settlement operation no map or records in respect of shifting cultivator has been prepared and hence no proposal for the assessment of any rent for any cultivation has been made. In view of the Government decision on the continuance of Kuduki assessment, the views of the Board of Revenue regarding reimposition of assessment in the Kalahandi Sadar Sub-division or otherwise may please be indicated to Government.

5. Necessary instructions in this regard may be issued to all concerned under intimation to Government.


Yours faithfully,

 817189

Addl. Secretary to Government

Memo No. 56943/R, dt. 8.9.89

Copy to Collector, Kalahandi/ Koraput/ Settlement Officer, Sambalpur/ Charge Officer, Kalahandi/ Jeypore for information.

 817189

Addl. Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE & LR (C) Br. FT - 17/89- 57047/R., Dated 8.9.89

From

B. C. Patnaik,
Secretary to Government.

To

The Secretary to Government,
Forest, Fisheries and A. H. Department.

Sub. : Issues relating to Kuduki Patta system in Kalahandi district - proceedings of the meeting held on 26.5.88 under the Chairmanship of Principal Secretary-cum-Addl. Chief Secretary.

Ref. : Your letter No. 26602 dt. 2.12.88
Your letter No. 3015 dt. 8.2.89

Sir,

I am directed to say that an enquiry into the Kuduki tenure prevalent in Kalahandi district was taken up with a view to finding out if the Kuduki tenants have any right on trees standing on land comprised in such tenure. There were allegations that large scale felling and removal of forest growth is taking place in Kalahandi district and that whenever apprehended, those engaged in this have taken the plea that the trees are on Kuduki land.

2. Kuduki cultivation refers to shifting cultivation on hill slopes. These were prevalent in the Ex-Khalsa and Ex-Zamindari areas of Kalahandi district in more than 850 villages covering approximately of 1.25 lakh acres roughly equivalent to 25000 Kuduki measures. All such lands whether in the ex-Zamindari areas or in the Khalsa areas have been recorded in a Dongar Khasra. The total number of such tenures have been enumerated to be 17,754 in the ex-Zamindari areas and 7,495 in the khalsa areas, while some Kudukis are assessed to a fee, others are not. But the tenure does not confer any right on the person other than the permission to use the land for agriculture. This has been clearly stipulated in the Dongar Khasra issued in favour of individual persons wherein it has been mentioned that no occupancy right would accrue in the land. The tenants, therefore, have no right on standing trees and cannot dispose them of. Since the system of Kuduki has in the area has been continuing for quite a long period since 1950s or even before, and since the number of such tenants is fixed and cultivation has been going on for years, it is unlikely that there is any standing trees on any Kuduki land.

3. It is, therefore, requested that instructions may be issued to all concerned to the effect that no timber transit permit should be issued in respect of any timber said to have been removed from any Kuduki land.

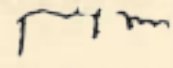
Yours faithfully,

B. C. Patnaik

Secretary to Government

Memo No. 57048/R., Dated 8.9.89

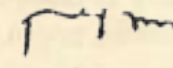
Copy to Principal Chief Conservator of Forest, Orissa, Cuttack for information.

 719/89

Addl. Secretary to Government

Memo No. 57049/R., Dated 8.9.89

Copy to Secretary, Board of Revenue, Orissa, Cuttack/Collector, Kalahandi/Settlement Officer, Sambalpur/Charge Officer, Kalahandi for information and necessary action.

 719/89

Addl. Secretary to Government

10 copies to L.R.G.E. Branch.

**Government of Orissa
Revenue and Excise Department**

No. GE (GL)-S-253/89 59444/R., Dated 20.9.89

From

Rai Charan Das,
Additional Secretary to Government.

To

All Collectors.

Sub. : Payment of outstanding dues by Orissa State Electricity Board towards premium of land.

Sir,

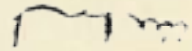
I am directed to say that it has come to the notice of Government that in a large number of cases of alienation/transfer of Government land in favour of Orissa State Electricity Board for various purposes, the amount towards premium of land has not been paid by the O.S.E.B. Detailed information tahasil/districtwise on outstanding dues towards premium of land to be paid by the Board are required to workout the total amount payable by Orissa State Electricity Board towards land premium to Revenue Department.

2. It is therefore, requested that tahasilwise statement showing the extent of land alienated/ transferred in favour of O.S.E.B. and the amount outstanding against the Board towards premium of land relating to your district may please be compiled and furnished to this Department within a period of one month from the date of issue of this letter.

3. A copy of this letter is being marked to all Tahasildars for immediate action at their end in furnishing the required information to you.

4. This may please be treated as extremely urgent.

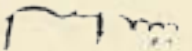
Yours faithfully,

 20/9/89
Addl. Secretary to Government

Memo No. 59445/R., Dated 20.9.89

Copy forwarded to all Tahasildars for information and necessary action.

They are requested to furnish the above information relating to their tahasil to their respective Collectors under intimation to this Department within a fortnight from the date of issue of this letter.

 20/9/89
Addl. Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-135/89 LR & GE (A) Br./ 59446 /R., dated 20-9-1989

To

The Home Department.

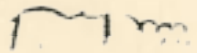
Sub. : Up-gradation of standards of Police Administration recommended by the 8th Finance Commission - Construction of Police Station Building and residential quarters for Police personnel.

The undersigned is directed to invite reference their Memo No. 694/P dt. 4-1-86 on the subject noted above and to say that they had issued instruction to all collectors in their letter No. 693 dt. 4-1-86 for locating appropriate sites for construction of 56 police stations and 237 police out-posts at various places of the State which are opened/proposed to be opened within the period from 1985-86 to 1988-89. Their suggestion was to locate 2 (two) acres of land for each Police Station and 1 (One) acre of land for each out post at different places of the State irrespective of urban or rural areas. The list of 293 places contains a number of urban and industrial areas. In urban areas, land is very scarce as well as much valuable.

In view of the above fact the following norm is agreed to by this Department for the purpose of locating police stations and outposts in urban and Industrial area and Rural areas of the state.

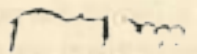
	<u>Urban and Industrial Area</u>	<u>Rural Area</u>
1. Police Station	Ac. 1.00 (subject to availability)	Ac. 2.00
2. Outpost	Ac. 0.50 (subject to availability)	Ac. 1.00

All Revenue Divisional Commissioners and all collectors are being informed accordingly.


20/9/89
Additional Secretary to Government

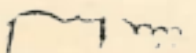
Memo No. 59447 /R., dated 20.9.89

Copy forwarded to all Revenue Divisional Commissioners, for information and necessary action with reference to Home Department Memo No. 696(3) dated 4-1-86 to their Address.


20/9/89
Additional Secretary to Government

Memo No. 59448 /R., dated 20.9.89

Copy forwarded to all Collectors for information and necessary action with reference to Home Department Letter No. 693(13) dated 4-1-86 to their Address.


20/9/89
Additional Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL) -S-9/89 (LR & GE (A) 59988 / R., dated 22.9.1989

From

Shri S.N. Mohanty, O.A.S.,
Under Secretary to Government,

To

The Collector, Puri

Sub. : Grant of land concessions to Jawans Clarification regarding.

Sir,

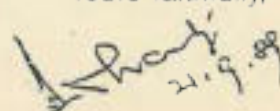
I am directed to invite reference to the D.O. letter No. 11384 dated 30-12-87 and D.O. letter No. 1372 dated 20-2-88 from A.D.M., Puri ending with his last D.O. letter No. 1735 dated 3-3-89 on the above subject and to say that as per Home Department Resolution No. 20827-POLL dated 7.7.1969, the facility of settlement of land will be available only to such personnel who are "landless". As defined in the said G.O., a person shall be deemed to be landless if the total extent of his land alongwith the land held as a tenant or raiyat by all members of his family living with him in one mess in less than 5 acres. It is, therefore, not necessary to define "family" since person eligible for land has been defined clearly in the said G.O. of Home Department which envisages that land held by all members of the family living in one mess shall be taken into account for determination of eligibility or otherwise of the person (Jawan). This presupposes that a family means or include father, mother, brothers, sisters, self and his /her spouse and their children living and enjoying immovable assets of their own or by way of succession as per the succession Act, unless separated in accordance with law. So far the purpose of computation land owned by all these family members of Jawans if the family is not partitioned should be taken into consideration and eligibility of Jawan for allotment of land under the aforesaid G.O. is to be determined.

2. As per Home Department resolution cited above, land is to be allotted in favour of the Jawans who served in the forward areas during the period from 26-10-1962 to 31-1-1964. In such cases no income criteria has been prescribed and so the question of assessing other profitable means of livelihood does not arise. In these cases, the Tahasildars have been empowered to sanction Government land under the Government Grants Act — 1895 as per Revenue Department Circular letter No. 48798/R., dated 2-8-86.

But under the O.G.L.S. Act, 1962 lands are to be given to the landless ex-Servicemen who have no profitable means of livelihood. The annual income of a person together with the annual income of all the members of his family from all sources if exceeds Rs. 3,600/- or any amount as may be notified by Government from time to time may be treated as profitable means of livelihood as has been described in the definition of a "homesteadless" person in Rule 2 (1) (dd) of Orissa Government Land Settlement (Amendment) Rules-1987. As such, the annual income of an ex-serviceman from all sources if exceeds Rs. 3,600/- he will come under ineligible category for settlement of land under the O.G.L.S. Act, 1962.

3. All concerned are being informed accordingly.

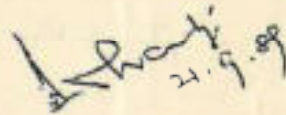
Yours faithfully,



Under Secretary to Government

Memo No. 59989 / R., dated 22.9.89

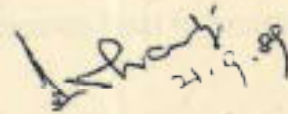
Copy forwarded to Secretary, Board of Revenue Orissa, Cuttack / Secretary to All Revenue Divisional Commissioners / All collectors for information.



Under Secretary to Government

Memo No. 59990 / R., dated 22.9.89

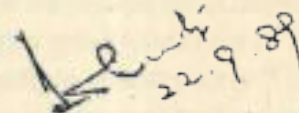
Copy forwarded to all Sub-Collectors / All Tahasildars for information and necessary action.



Under Secretary to Government

Memo No. 59991 / R., dated 22.9.89

Copy to All Assistants of L. R. & G. E. (A) (B) and (C) Branches/ G. A. (B) Branch for compilation/ 20 (twenty) spare copies to L R. & G. E. (A) Branch for reference.



Under Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-9/89 (LR & GE-A) 59995/R.,
Dated, Bhubaneswar, the 22nd Sept. '89.

From,

Shri S. N. Mohanty, O.A.S.,
Under Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

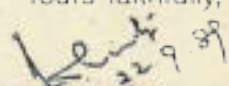
Sub. : Grant of land concession to Jawans—clarification regarding.

Sir,

I am directed to say that as per Home Department Resolution No. 20827-Poll, dt. 7.7.1969, the facility of settlement of land will be available to only such personal who have served in the forward areas during the period from 26.10.1962 to 31.1.1964. It has come to the notice of Government that persons eligible to avail the concessions mentioned in the above cited G. O. of Home Department are filing applications for allotment of land in and around Urban areas like Bhubaneswar and other district headquarters. But the intention of the aforesaid G. O. is to provide land in their own village or in neighbouring villages and not in and around urban areas outside their native places. So, such persons shall be eligible for settlement of Govt. land in their own or adjoining villages and not elsewhere. But the above instruction will not have any effect on the settlement of land already made with the Jawans in pursuance of the aforesaid G. O. of Home Department.

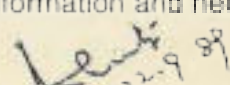
2. All concerned are being informed accordingly.

Yours faithfully,


Under Secretary to Government

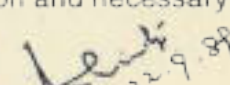
Memo No. 59996 /R., dated 22.9.89

Copy forwarded to the Secretary to all R.D.Cs/ all Collectors for information and necessary action.


Under Secretary to Government

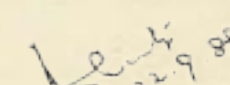
Memo No. 59997/R., dated 22.9.89

Copy forwarded to all Sub-Collectors/All Tahasildars for information and necessary action.


Under Secretary to Government.

Memo No. 59998/R., dated 22.9.89

Copy forwarded to All Assistants of L. R. & G. E. (A), (B) and (C) Branches/ G. A. (B) Branch for compilation/20 spare copies to L. R. & G. E. (A) Branch for reference.


Under Secretary to Government.

Government of Orissa
Revenue and Excise Department

No. GE-GL-E-4/89 61206/R.,
Dated, Bhubaneswar, the 28th Sept. '89.

From, Rai Charan Das,
Addl. Secretary to Government,

To The Collectors,

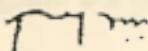
Sub. : Disposal of encroachment cases.

Sir,

I am directed to say that instructions were issued in Chief Secretary's wireless message No. 854/CS., dated 7.3.89 that eviction of all encroachments should be stopped forthwith and that new encroachments should be prevented at all costs.

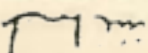
Instances of eviction of encroachments resulting in the demolition of houses have come to the notice of the Government. It is reiterated that eviction of all encroachments resulting in the demolition of houses should be stopped. In case it becomes imperative to evict such objectionable encroachments on the National Highways, the State Highways, the Major District Roads, the Institutional areas and the "Sarba-Sadharan" or "Rakhit" lands, specific prior permission of the State Government should be obtained.

Yours faithfully,

 2819189
Addl. Secretary to Government

Memo No. 61207 /R., dated 28.9.89

Copy to all Revenue Divisional Commissioners/Secretary, Board of Revenue for information.

 2819189
Addl. Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE-GL-S-86/89 (LR & GE-A) 62531/R.,
Dated, Bhubaneswar, the 12th Oct. '89.

From,

B. C. Patnaik,
Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Waiving of annual rent of rupee one per tree for Tribal beneficiaries on the Tribal Sub-Plan area.

Sir,

I am directed to say that different Schemes for conferment of usufructuary rights on E.R.R.P. beneficiaries have been framed and implemented in the State at different times from 1979 onwards. During March, 1979 a Scheme of temporary allotment of land for a period of 3 years in favour of small/marginal farmers/agricultural labourers in selected areas of Boudh, Khondmals and Kalahandi was framed and implemented. Thereafter, a Scheme of plantation for fodder development in a cluster of villages in Bhubaneswar Tahasil was also implemented. During January, 1980 as a measure against shifting cultivation, a scheme of plantation of trees in Podu-affected areas and conferment of usufructuary rights thereon to the Podu cultivators was also implemented.

During May, 1981 another Scheme for plantation of coconut and other fruit bearing trees on/along canal/flood protection embankments was implemented. Further during July, 1981 a land-based Scheme (Plantation) for E.R.R.P. beneficiaries was also framed and implemented. A synopsis of the above Scheme is furnished below.

Programme (1)	Govt. letter No. and date (2)	Fees for usufructuary right (3)
1. E.R.R.P. through food for work programme. Temporary allotment of one hectare of land for 3 years in favour of small / marginal farmers / agricultural labourers in selected areas of Boudh / Khondmal / Kalahandi.	No. 22057/R., dt. 20.3.79	Free of any payment.
2. Development of kantabada cluster of villages in Bhubaneswar Tahasil for plantation & fodder Development Scheme.	No. 48808/R., dt. 3.7.79	Rs. 2 50 per acre subject to (Revision in 5 years) per annum
3. Measures against shifting cultivation-allotment of podu affected land for plantation.	No. 3755/R., dt. 18.1.80	Re. 1/- per tree per annum after five years i.e. payable from 6th year.
4. For coconut and other fruit bearing trees on / along canal / flood protection embankments in favour of landless / poor.	No. 33789/R., dt. 20.5.81	Re. 1/- per tree per annum.
5. Land based schemes for E.R.R.P. plantation in Abada Ajogya Anabadi lands etc.	No. 37565/R., dt. 20.7.81	Re. 1/- per tree per annum.

It has been brought to the notice of the Government that charging of one rupee per tree per year for tribal beneficiaries is causing financial hardship to them in the Tribal areas of the State. Similar difficulties are also being faced by beneficiaries in other areas on whom the usufructory rights have been conferred.

In order to provide relief to the beneficiaries, particularly those belonging to S.Cs and S.Ts., Government have been pleased to decide that an annual fee of Re. 0.10 (ten) paise per tree would be charged from the beneficiaries instead of Re. 1/- (Rupee one) per tree.

As regards beneficiaries in respect of coconut and other fruit bearing trees on an along the canal embankments, a fee of fifty paise in stead of one rupee per annum would be charged per tree.

Suitable instructions in the matter may please be issued to all the Revenue Divisional Commissioners, Collectors and other Revenue Authorities.

Yours faithfully,

12/10/89

Secretary to Government

Memo No. 62532 /R., dated 12. 10. 89

Copy forwarded to :-

1. All Revenue Divisional Commisssioners,
2. Land Reforms Commisssioners,
3. Commisssioners, Land Records & Settlement,
4. Director of Land Records and Surveys, Orissa,
5. All Collectors,
6. All Settlement Officers,
7. All Sub-Collectors,
8. All Tahasildars,

12/10/89

Additional Secretary to Government

Memo No. 62533 /R., dated 12. 10. 89

Copy forwarded to :-

1. Planning and Co-ordination Department,
2. Agriculture & Co-operation Department,
3. Forest, Fisheries and A. H. Department,
4. Tribal & Rural Welfare Department,
5. Irrigation and Power Department,
6. Director of Horticulture,
7. Director of Soil Conservation,
8. Director of Agriculture & Food Production /
Director of Animal Husbandry & Veterinary Services,
Orissa, Cuttack,
9. Chief Conservator of Forests, Cuttack /
Chief Engineer, Irrigation.

for information and necessary action,

12/10/89

Additional Secretary to Government

Government of Orissa
Revenue Department

No. GE(GL)-S-18/89- 64459 / R., dated 26.10.89

From:

Sir,
Under Secretary to Government,

To:

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Clarification regarding status of Nazul land.

Sir,

I am directed to invite reference to your letter No. 1658 dtd. 5.5.89 and No. 3002 dt. 16.9.89 and to furnish herewith the clarification sought for therein on under :-

(a) Regarding renewal of Nazul lease cases. Government are now contemplating to regionalise the duration of lease holds in different Nazul and Khasmahal areas of the state. This will take some time. Necessary instructions regarding renewal of Nazul lease cases will be issued after Government decision in the said matter is obtained.

(b) In this connection the number of lease pending for renewal may be reported to Government. Regarding grant of permanent occupation right on Nazul land it may be stated that occupancy right relates to agricultural tenancy. The Nazul lands being essentially non-agricultural and being governed by the terms and conditions of the lease deed the status of the lessees will be "Pattadar" and not occupancy rayate.

(c) As regards violation of conditions of leases, the total number of such pending cases the type and nature of the violation may please be reported in order to take a decision. Nowever, ordinarily the Collector is to go by the terms and conditions of the lease deed in such cases.

(d) Regarding unauthorised occupatin of Nazul land it has since been clarified that they are "Government land" within the meaning of O.G.L.S. Act-1962 and hence the provisions of O.R.L.E. Act will apply for un-authorised occupation.

All concerned are being informed accordingly.

Yours faithfully,

Sd/-

Under Secretary to Government

Memo No. 64460 / R., dated 26.10.89

Copy forwarded to Secretary to R.D.C. (N.B) Sambalpur, R.D.C. (S.D) Berhampur for information and necessary action.

Sd/-

Under Secretary to Government

Memo No. 64461 / R., dated 26.10.89

Copy forwarded to Collector Sambalpur / Kalahandi for information and necessary action.

Sd/-

Under Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-35/89 (LR&GE.A)- 64574 / R., dt. 27.10.89

From

B.C. Patnaik,
Secretary to Government.

To

All Collectors.

Sub. : Transfer of Government land in favour of the Orissa Industrial Infrastructure Development Corporation-payment of premium and annual ground rent.

Ref. : 1. This Deptt. letter No. 44003/R., dt. 25.7.89.
2. Industries Deptt. Memo No. 31197/l., dt. 25.9.89.
3. Government Memo No. 62387/R., dt. 6.10.89.

Sir,

I am directed to invite a reference to the correspondence on the subject cited above and to say that in view of the huge amount of arrears towards payment of premium payable by IDCO on account of lands alienated in their favour, it was decided that all pending cases of alienation of land and all such future cases in favour of IDCO should be disposed of only after payment of premium. Since then, Government in the Industries Department have, in their letter cited at (2) above, sanctioned an amount of Rs. 115.75 lakhs as loan to IDCO towards payment of premium in respect of Government lands transferred in their favour during the period from 1982-83 to 1987-88. The area involved in each District and the premium payable therefore has also been intimated to the Collectors in the said memo.

2. In view of the changed context, it has now been decided as follows :-

(a) Before sanctioning alienation of any land in favour of IDCO, the concerned Collectors should verify at the first instance, the exact area transferred in favour of IDCO till the date of such alienation and the amount of premium payable on account of the said lands. The amounts furnished by the Industries Department in the memo cited above should, thus, be checked first and in case any further amount is required to be paid towards premium after setting off the amount now sanctioned by them, the detailed account thereof should be intimated to the Industries Department, Director of Industries, Managing Director, IDCO with copy to this Deptt. only after the present account is made upto date and intimated to all concerned as mentioned above, then only further fresh cases of alienation can be taken up.

(b) After the account is finalised and all concerned are intimated pending and fresh cases of alienation can be taken up by the concerned Collectors and sanctioned without payment of premium.

(c) If the premium in respect of lands alienated during the current year is not paid within the next year in terms of the original Resolution No. 16281/R., dt. 8.3.83, then no further alienation would be sanctioned in their favour during the next year until the backlog and arrears in respect of the previous year is cleared.

(d) Before sanctioning fresh cases of alienation Collector should ascertain whether lands already allotted have been utilised or not.

3. Necessary instructions may please be issued in this regard to all concerned.

Yours faithfully,

Polatman

Secretary to Government

Memo No. 64575/ R., dated, 27.10.89

Copy forwarded to Secretary to Board of Revenue, Orissa, Cuttack in continuation of Govt. Memo No. 44004, dt. 25.7.89/Industries Department with reference to their Memo No. 31197/I., dt. 25.9.89 and U.O.I. No. 953/I., dt. 28.7.89 and this Deptt. Memo No. 62388/R., dt. 6.10.89 for information.

Polatman 27/10/89

Addl. Secretary to Government

Memo No. 64576 / R., dated, 27.10.89

Copy forwarded to the Managing Director, IDCO, Janpath, Bhubaneswar for information with reference to Govt. in Revenue Deptt., Memo No. 44004/R., dt. 25.7.89 and Memo No. 62388/R., dt. 6.10.89.

Polatman 27/10/89

Addl. Secretary to Government

Memo No. 64577/R., dated 27.10.89

Copy forwarded to all Revenue Divisional Commissioners for information.

Polatman 27/10/89

Addl. Secretary to Government

The Orissa



Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1531 CUTTACK, WEDNESDAY, NOVEMBER 1, 1989 / KARTIKA 10, 1911

REVENUE AND EXCISE DEPARTMENT NOTIFICATION

The 1st November 1989

S.R.O. No. 760/89 — Whereas the draft of the Orissa Government Land Settlement (Amendment) Rules, 1989 was published as required by Sub-section (1) of section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), in an extraordinary issue of *Orissa Gazette* No. 1178, dated the 11th August 1989 bearing S.R.O. No. 565/89 under the notification of the Government of Orissa in the Revenue and Excise Department No. 44768 -GE-(GL)-S 57/89-R., dated 27th July 1989, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of one month from the date of such publication;

And whereas no objections and suggestions have been received from any persons during the aforesaid period;

Now, therefore, in exercise of the powers conferred by section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby make the following rules further to amend the Orissa Government Land Settlement Rules, 1983 namely :-

1. (i) These Rules may be called the Orissa Government Land Settlement (Amendment) Rule, 1989.
- (ii) They shall come into force on the date of their publication in the official Gazette.

2. In the Orissa Government Land Settlement Rules 1983, in Schedule II, for serial numbers 14 and 15 and entries appearing against them under columns (2), (3), (4) and (5), the following serial numbers and the entries against them in the respective columns, shall be substituted, namely :-

(1)	(2)	(3)	(4)	(5)
14.	For Brackish water	(i) Sub-Collector	.. Not exceeding 1/2 hectare	... Nil
	Pisciculture/Prawn culture,	(ii) Collector	.. Not exceeding one hectare	... Nil
		(iii) Revenue Divisional Commissioner	.. Not exceeding two and half hectares	... Nil
		(iv) Government	.. Full power	... Full Power

Note — The powers of Sub-Collector and Collector shall be exercised in respect of beneficiaries under anti-poverty programmes, professional fisherman and landless persons, whose annual income together with the income of other members of their families does not exceed four thousand and eight hundred rupees. In case of educated unemployed, the income criterion will not apply.

15	For Coffee Plantation	Government	Full power	Full power
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[No. 65751-GE(GL)S-57/89-R.]
By order of the Governor
B. C. PATNAIK
Secretary to Government

PROCEEDINGS OF THE MEETING HELD IN THE CHAMBER OF MINISTER,
REVENUE, FINANCE AND LAW AT 5.30 P. M. ON 5.10.1989

Present :

1. Shri Jugal Kishore Pattanaik, Minister
Revenue, Finance and Law.
2. Shri R. K. Mishra, I.A.S.
Chief Secretary & Development Commissioner.
3. Shri S. K. Mohanty,
Secretary, Law Department.
4. Shri R. C. Das, Addl. Secretary to Govt.,
Revenue & Excise Department.
5. Shri K. C. Mishra, I.A.S.,
Addl. Secretary to Government,
I & P Department.
6. Shri M. M. Ratho, I.A.S.,
Secretary, Board of Revenue, Orissa, Cuttack.
7. Shri S. N. Mohanty, O.A.S.,
Under Secretary to Government,
Revenue & Excise Department.

The matters relating to Khasmahal, Parambok, Abadi and Nazul lands and certain other matters of the Revenue Department were discussed in the meeting and the following decision were taken : —

(1) There are khasmahal lands in Cuttack, Balasore, Chandabali, Puri, Jatni and Angul etc. These lands are managed directly by the Government under the provisions of the Government Estates Manual. The term of leases in these areas vary from 10 years to 40 years.

It was decided that the terms and conditions of the the leases in khasmahal areas will be rationalised and brought at par with that in Bhubaneswar. The proposal for legislation in this regard has been furnished to the Law Department. The Law Department were requested to clear it early.

(Action Law Department)

(2) In the Khasmahal areas the collectors are competent, according to the terms of the lease deed to grant permission for sub lease of lease hold lands. Such sub-leases create Darpattadars and also sometimes Dar-Darpattadars. Moreover, induction of a sub lease in a lease hold land in Khasmahal areas, specially in Cuttack, may also amount to evading the Urban Land (Ceiling and Regulation) Act, 1976. It was therefore decided that pending rationalisation of Khasmahal leases sub- infeudation or sub-lease cases in Khasmahal areas may be prohibited with effect from coming into force the Urban Land (Ceiling and Regulation) Act.

(Action Revenue Department)

(3) In the administration of Urban Land (Ceiling and Regulation) Act, 1976 the Board of Revenue functions as the appellate authority. In course of time this Act may be extended besides Cuttack urban

areas to the other urban agglomerates like Bhubaneswar, Rourkela, Angul, Puri, Sambalpur, Berhampur, Jeypore etc. depending on the population norms and Government decision. In that eventuality the work load will be considerably increased. In many states Collectors and commissioners are the appellate authority. It was, therefore decided that the power of appeal should be given to the concerned Revenue Divisional Commissioner.

(Action — H & U. D. Department / Revenue Department)

(4) The occupiers of Paramboke lands in ex-Madras areas and the occupiers of Abadi lands in ex-central province areas do not have any rights of transferability. It has already been decided by Government to remove the disability by making necessary legislation. The draft proposal in this regard has been sent to the Law Department. The Law Department may clear the proposals early.

(Action — Law. Department / Revenue Department)

(5) Under rule 3 of the Orissa Government Land Settlement Rules, 1983, Government lands belonging to any urban areas are divided into five categories. One such category is earmarked to be settled by public auction. It has been observed that in case of lands settled by public auction the interest of the local people are often sacrificed and such plots often go to outsiders having money power. It was, therefore, decided that this provision may be deleted from the O.G.L.S. Rules and the system of lease of house-sites in towns and urban areas should be rationalised and uniformised.

(Action—Revenue Department)

(6) A portion of Rajaswa Bhawan building at Cuttack has been earmarked for the Administration Tribunal. It was decided that the Tribunal authority may be requested to deposit the necessary amount so that the funds can be utilised for construction work of the 'A' Block. To avoid delay funds may be earmarked from the State budget and utilised and got recouped from the deposit.

(Action—Revenue Department / Board of Revenue)

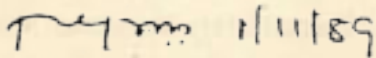
(7) The question of coastal area to be reserved for shelter-belt plantation, salt fields, brackish-water pisci culture and prawn culture etc. was discussed. The area initially was half a kilo-metre from the high water-mark of the sea. This was later on raised to the one kilometre. This has further been raised to one and a half kilo-metre in the recent past. Necessary self contained Government instructions may be issued in this respect.

(Action—Revenue Department)

Government of Orissa
Revenue and Excise Department

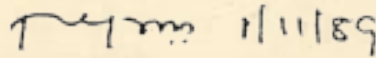
Memo No. GE (GL) S-247 /89 pt. LRGE (A) 65812/R., dt. 1.11.89

Copy forwarded to Private Secretary to Minister, Revenue for information and necessary action.


Addl. Secretary to Government

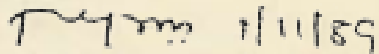
Memo No. 65813/R., dt. 1.11.89

Copy forwarded to Private Secretary to Chief Secretary, for information and necessary action.


Addl. Secretary to Government

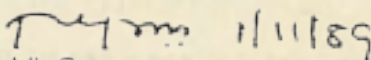
Memo No. 65814/R., dt. 1.11.89

Copy forwarded to Private Secretary to Secretary, Law Department for information and necessary action.


Addl. Secretary to Government

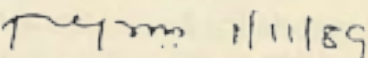
Memo No. 65815/R., dt. 1.11.89

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack for information and necessary action.


Addl. Secretary to Government

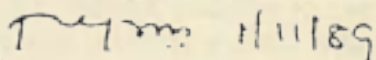
Memo No. 65816/R., dt. 1.11.89

Copy forwarded to H. & U. D. Department / I. & P. Department for information and necessary action.


Addl. Secretary to Government

Memo No. 65817/R., dt. 1.11.89

Copy forwarded to Private Secretary to Secretary, Revenue Department / Private Secretary to Addl. Secretary (D) Revenue Department for information and necessary action.


Addl. Secretary to Government

Government of Orissa
Revenue & Excise Department

No. GE(GL)-S-247/89 (pt)- 66767 /R.,
Dated, Bhubaneswar the 6.11.89

From,

B. C. Patnaik,
Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Lease of land in the Khasmahal areas of the State.

Sir,

I am directed to say that in the Khasmahal areas of the State viz. in Cuttack Khasmahal, Balukhanda Khasmahal of Puri, Jatni, Angul, Chandabali, Balasore and Phulbani Khasmahal areas, lease of Government lands are governed by the provisions of the Government Estates Manual and the terms and conditions of the lease deed executed by the lessees with Government. The duration of the leases in various Khasmahal areas vary from 10 to 40 years, as also the terms and conditions of the leases. Government are now contemplating to rationalise the terms and conditions of the leases in Khasmahal areas and bring it to a uniform pattern.

2. According to the terms and conditions of the Khasmahal the Collectors are empowered to allow sub leases and permit the lessees to induct sub lessees on the lease-hold lands under certain conditions. This sub infeudation of lease-hold lands have created an anomolous situation as it has created another intermediate class of persons between the lessees and the Government. This is particularly common in Cuttack Khasmahal areas where Dar-pattadars (Sub lessees) and Dar-Dar-Pattadars (Sub-Sub-Lessees) are existing.

3. The Urban Land (Ceiling and Regulation) Act, 1976 has come into force in the Cuttack agglomerate with effect from 27.2.1976. It is likely to be extended to other Urban agglomerates in due course. The Urban Land (Ceiling and Regulation) Act, 1976 places certain restrictions on alienation/transfer of land. Induction of sub-lessees, which is otherwise anachronistic may also amount to evading the ceiling laws in the urban areas where the Urban Land (Ceiling and Regulation) Act is in force.

4. After careful consideration, Government have been pleased to decide that pending finalisation of the scheme of rationalisation of terms and conditions of lessees in Khasmahal areas of the State, no further sub-lease should be allowed by the Collectors in any of the Khasmahal areas. This is necessary, as in the first instance, it amounts to creation of an intermediary interest between the State and the lessees and secondly, in some cases it may tantamount to evading the Urban ceiling law. Therefore, henceforward, no such permission for induction of sub-lessees in lease-hold lands of Khasmahal areas should be granted by Collectors. All pending cases should also be governed by these instructions.

5. Suitable instructions in this regard may please be issued early to all concerned.

Yours faithfully,

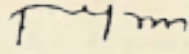
B. C. Patnaik

Additional Secretary to Government

Memo No. 66768 / R., dt. 6.11.89

Copy to Revenue Divisional Commissioners, Central Division/Northern Division/Southern Division for information and necessary action.

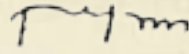
Copy to Collectors, Cuttack/Puri/Dhenkanal/Balasore and Phulbani/A.D.M. in charge Urban Celling (Sri B. K. Mohapatra) Cuttack for information and necessary action.

 4/11/89

Additional Secretary to Government

Memo No. 66769/R., dt. 6.11.89

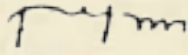
Copy to Housing & Urban Development Department for information and necessary action.

 4/11/89

Additional Secretary to Government

Memo No. 66770 / R., dt. 6.11.89

Copy to Tahasildar, Cuttack Sadar / Angul / Phulbani Sadar / Puri Sadar/ Balasore/ Chandabali/ Bhubaneswar and Khurda for information and necessary action.

 4/11/89

Additional Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-92/89 (Pt) (LR & GE.A)-67012 / R., dated, 7.11.89

From,

Shri S. N. Mohanty, O.A.S.,
Under Secretary to Government.

To

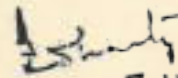
The Collector,
Cuttack/ Puri/ Ganjam/ Bolangir/ Dhenkanal/ Kalahandi/ Sundargarh.

**Sub. : Integrated wastelands Development Project Scheme Implementation during 1989-90
with 100% Central Assistance.**

Sir,

I am directed to send herewith a copy of D.O. letter No. 18679 dated 6.10.89 of Chief Secretary to the address of Sri N.R. Hota, I.A.S., Secretary to Government, CD & RR Department alongwith Government of India NWDB letter No. 5-1/89-TMA dated 21.9.89 and its enclosures for favour of your information and necessary action. The District Officers under your control may please be instructed to submit their scheme to their respective Collectors by 7.11.89 for integration at his level through a multidisciplinary team. Action taken in the matter may please be intimated to this Department immediately.

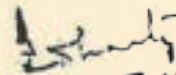
Yours faithfully,


7.11.89

Under Secretary to Government

Memo No. 67013 / R., dated 7.11.89

Copy forwarded to F.F. & A.H. Department for information with reference to their letter No. 24682/ FFAH dt. 24.10.89.


7.11.89

Under Secretary to Government

Copy of D.O. NO. 18679, dt. 6.10.89 from Sri R.K. Mishra, IAS, Chief Secretary and Development Commissioner, Orissa addressed to Sri N.R. Hota, IAS, Secretary to Govt., C.D. & R.R. Department.

You are aware about the priority being given by the Govt. of India for development of wastelands in the country. It has now become a programme under the Technology Mission.

In the first phase for the operation, the National **Wasteland Development Board (NWDS)** undertook a programme of identification, Classification and Mapping of Wastelands in the selected Districts in the county, in which our state also participated. Wasteland Maps for seven Districts in the State namely, Cuttack, Puri, Ganjam, Dhenkanal, Bolangir, Kalahandi and Sundargarh have since been prepared.

I have now received a letter from the Union Ministry of Environment and forests alongwith guidelines for formulation of an Integrated Wasteland Development Schemes by the State Govts. for which 100% Central assistance will be available. A copy of the Govt. of India letter and guidelines dated 15.9.89 is enclosed for your reference. I would request you to go through the guidelines and get a scheme prepared by your Department.

Schemes prepared by the different Departments/Agencies may be sent to the forest Deptt. with a copy to the Deptt. of Science, Technology & Environment. All these schemes will be examined and placed before the next meeting of the State Wasteland Development Board (SWDB), the Apex Body for the Wasteland Development in the state.

The Secretary, F.F. & A.H. Department as Member Secretary of the SWDB is requested to convene a meeting of the Board in the second week of November, 1989 (on 16.11.89 at 11 A.M.) in which proposals of various Departments can be discussed. All the proposals can then be integrated and finalised and submitted to Government of India by November, 25, 1989 latest.

Early action may be taken on the matter.

Copy of D.O. No. 5-1/89-TMA dt. 21.9.89 from Sri S.Vijay Kumar, Deputy Secretary to Government of India, NWDB, Ministry of Environment & Forests New Delhi addressed to Sri P.K. Mohanty, Forest Secretary Govt. of Orissa.

As you are kindly aware, the programme of the National Wastelands Development Board was reviewed and restructured earlier this year. The essential features of the restructured programme were communicated to all the State Govt. vide D.O. letter No. 1/1/88-TMA dt. 13th January, 1989 of Secretary (E. F.) addressed to all the Chief Secretaries. A copy of that D.O. letter is enclosed for ready reference.

2. To give shape of the restructured programme, we have formulated a new scheme entitled "Integrated Wasteland Development Projects Scheme". The scheme is multifaceted in scope and 100% Central Assistance is available. I am attaching herewith a copy of note giving the salient features of the scheme as well as the guidelines for formulating suitable projects.

3. This scheme is being implemented from the current financial year. The Government of India will provide financial assistance to the implementing agencies on project-to-project basis. Hence, necessary action to formulate and send suitable projects may please be taken urgently.

4. I would be grateful if the scheme could be widely circulated. It would be most useful if the scheme could be brought to the attention of the District Collectors/CEOs in your state, as this will greatly the process of integrated planning. We will keep in touch with you for further follow up necessary in this regard.

Tele : 360721
Telex : W-66186 DDE IN
Gram : PARYAVARAN
MINISTRY OF ENVIRONMENT AND FORESTS

PARYAVARAN BHAWAN, C.G.O. COMPLEX
LODI ROAD, NEW DELHI - 110 003

K. P. Geetha Krishnan
Tel. No. 360721

D.O. NO. 1/1/88-TMA

January 13, 1989

My Dear Chief Secretary,

The target of coverage under the National Wastelands Development Board during the current year is 2 million hectares. Thanks however, to the good monsoon the indications are that the actual coverage may go up to 2.2 million hectares. However, as will be seen in the enclosed statement of performance in the various states and Union Territories in the first eight months, the progress is behind schedule in six states. It is not unlikely that at least in some of these cases the gap may be as a result of inadequate/poor reporting. If some ground has really been lost, then possibly nothing much could be done about it in the remaining months of the current year. But this clearly indicates the need for speeding up things in these states if at least the targets in the coming years are to be achieved.

2. As far as 1989-90 is concerned, we had originally contemplated a target of 3 million hectares. The funding for this has largely to come from the allocations in the state budget and the REEGP and NREP. While the plan outlays for the next year are yet to be finalised, given the rigidity of the plan frame work and the fact that the 1989-90 is the last year of the current five year plan, it is very much on the cards that the provisions in the next year for the various tree planting programmes may not be come upto the level required for achieving a target of million hectares. A clear picture will emerge in the coming weeks and I shall be writing to you immediate thereafter indicating the all-India position.

3. What ever be the final target for coverage there will, however, be a major change in the approach of the programme from now on. The programme as implementation has been centered largely around tree planting and does not directly address itself to the various concerns, like meeting the ecological and the socio-economic crises, fuelwood and fodder needs, launching people's movement, etc. voiced by the Prime Minister in his address to the Nation on 5th January, 1985. It is, therefore, now proposed to take concrete action on all these aspects, the idea being that if we could use the period between now and March, 1990 for setting the methodologies for achieving these objectives, then the NWDB programme in the 8th-Five year plan, could be totally oriented towards addressing all tasks set for it.

4. The first task then is to prepare detailed village level based plans identifying the wastelands and preparing plans of action for "reclaiming" these be it through soil conservation, grass cover, trees, etc. We already have detailed wasteland maps setting out the different categories of the wastelands in the 146 districts which have been classified as those having more than 15% of their total geographical area under wastelands. To begin with, it is proposed to take up the preparation of detailed plan of action using these

maps in the districts of Dungarpur (Rajasthan), Sundargarh (Orissa), Purulia (West Bengal), and Bellary (Karnatak) as well as Almora (UP). While this issue will be taken up with the concerned States separately, the idea is to prepare detailed plans of action for these 5 districts, and in the process, perfect the methodology that should be adopted for the preparation of such plans in the remaining 141 districts in the second round.

5. Simultaneously, it is also proposed to take up specific degraded areas needing action, like greening of the Himalayas, treatment of usar lands, barren lands, mined and ravinous areas, etc. In each of these cases, the technologies for reclamation are already available. What is necessary to put through a fairly large scale lab-to-land transfer programme. It is proposed to take up sizeable areas, say 5000 to 10,000 hectares in each category. Here again, the idea is to arrive at the proper methodology which could be used for expanding the coverage in a big way in the 8th plan period. The RLEGP and NREP funds are to be used primarily on public lands be it community land or degraded forest lands. The actual availability of community land for such planting purposes being limited, most of these funds get channelised into programmes to be implemented in the degraded forest lands. Two points become important in this regard. The first is that in terms of the latest Forest Policy, as announced on the floor of the Parliament on 7th December, 1988, in these degraded lands primacy is to be given to natural regeneration. As such the Forest Departments at the State level will have to identify those degraded lands which could successfully regenerate if given sufficient protection. In the other areas, the appropriate programmes, like the establishment of grass or tree cover, could be adopted using the NREP and RLEGP funds. The second point to be noted is that in these programmes the emphasis has to be totally on undertaking such planting as would benefit the local people. In other words, the emphasis has to be planting a mix of fodder, fuelwood, fruit trees, etc., as would benefit the poorest of the poor of that area. Planting of commercial species would have to be discouraged as ultimately when these are harvested the benefit goes to middleman and the produce goes to the people of urban/metropolitan areas. As per the Forest Policy, methodologies will have to be worked out for giving these communities access to the usufructs in such programme. To the extent the areas to be left for natural regeneration and the areas to be covered under planting programmes are contiguous, it should be possible to enlist the cooperation of the community which has access to the usufructs in the aforested area for protecting the area to be left for natural regeneration. This task would thus require fairly intensive preparatory action and the full involvement of the forest officials, the officials incharge of implementing afforestation programmes at the grass root levels and the people who are to benefit from these programmes, and who in turn are to help in the protection of the areas to be left for natural regeneration. The programme should ultimately enable, over a period of time the meeting of fuelwood and fodder requirements of a large section of the population which lives in and around the forests.

7. In the implementation of the Social Forestry Programme, the emphasis would have to be given for organising groups and for covering small and marginal farmers in such a way as to facilitate growing of fuelwood of the commercial variety and industrial wood species. The idea should be to enhance the incomes of these farmers on the one hand while at the same time seeking to meet the demand for such wood. As this programme gains momentum, the pressure for such wood on the natural forests would reduce and the supply of such wood from the forests could be phased out totally over the next 7-8 years period. NABARD is already assisting such programmes. To the extent these programmes are drawn up on project basis and made commercially attractive, it should not be difficult to get increased support for such schemes from NABARD.

8. One other important aspect is the need for promoting effective arrangements for collection, storage and distribution of seeds as well as for raising of seedlings in adequate numbers to meet the increasing demand. On this aspect, I will be writing to you separately the details of the action that we have already initiated at Delhi. It will be nice indeed if your officers could also give special attention to this task.

9. These are some aspects of the restructured NWDB programme that is now being put into action. It is necessary to put it on ground with immediate effect if we are to take full advantage of the coming monsoon in June-July. Otherwise, the last year of this Plan period will also go by without our addressing ourselves to most of the important objectives set for NWDB when it was set up. Smt. Priya Prakash, Addl. Secretary, NWDB will be separately forwarding to you the detailed plan of action for implementation of the recast programme of work of the NWDB. I thought, I should write to you in advance to brief you on the broad outlines so that you could initiate necessary action without loss of time.

Yours Sincerely,

Sd/-

(K. P. GEETHA KRISHNAN)

**TWENTY POINT PROGRAMME – POINT NO. 10
TREE PLANTATION (1988-89)**

STATE/ U.T.S. TARGETS AND ACHIEVEMENTS :

(No. of seedlings in lakhs)

Sl. No.	States/U.T.S.	Targets (1988-89)	Achievements up to Nov., 88
1.	Andhra Pradesh	3200	2324.10
2.	Arunachal Pradesh	140	31.22
3.	Assam	600	380.05
4.	Bihar	3600	3223.00
5.	Goa	75	71.85
6.	Gujarat	2600	3985.45
7.	Haryana	750	531.33
8.	Himachal Pradesh	700	556.28
9.	Jammu & Kashmir	500	93.07
10.	Karnataka	3300	2825.35
11.	Kerala	1750	1342.50
12.	Madhya Pradesh	4400	4013.00
13.	Maharashtra	3300	3326.78
14.	Manipur	200	197.61
15.	Meghalaya	270	329.77
16.	Mizoram	300	300.00
17.	Nagaland	230	230.00
18.	Orissa	3000	2450.12
19.	Punjab	500	454.90
20.	Rajasthan	1300	1220.51
21.	Sikkim	150	111.25
22.	Tamilnadu	1800	817.11
23.	Tripura	260	267.00
24.	Uttar Pradesh	5100	5291.26
25.	West Bengal	1800	850.00
26.	A & N Islands	100	99.75
27.	Chandigarh	04	1.40
28.	D & N Haveli	35	38.32
29.	Daman & Diu	02	0.86
30.	Delhi	50	57.62
31.	Lakshadweep	0.50	2.14
32.	Pondicherry	10	4.03
Grand Total		40026.50	35427.63

@ 2000 Trees / Ha

2.0 m.Ha

1.77 m.Ha.

Above 90% : Very good.

Bihar	Goa	Gujarat	Himachal Pradesh
Karnataka	Madhya Pradesh	Maharashtra	Manipur
Meghalaya	Mizrom	Nagaland	Orissa
Punjab	Rajasthan	Tripura	Uttar Pradesh
A & N Islands	D & N Haveli	Delhi	Lakshadweep

80-90% : Good

Andhra Pradesh	Arunachal Pradesh	Sikkim
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Below 80% : Poor

Assam	Haryana	J & K	Kerala
Tamil Nadu	West Bengal	Chandigarh	Daman & Diu
Pondichery			

NATIONAL WASTELANDS DEVELOPMENT BOARD
Central Scheme for Integrated Wastelands Development
Projects

1. INTRODUCTION

1.1 Land degradation has created a serious ecological and socio-economic crisis in the country. It has been estimated that about half the total land area is suffering from some form of degradation. Such lands are referred to as 'Wastelands'. The first attempt to tackle such degraded land on a national scale was taken in 1985 with the establishment of National Wastelands Development Board. However, during the Seventh Plan period, the strategy adopted for wastelands development has tended to be somewhat uni-dimensional, with emphasis on tree planting activities only.

1.2. A review of the work done so far has revealed several limitations. To build on the experience gained during the Seventh Plan and to remove the deficiencies that have been identified, the National Wastelands Development Board has now restructured its programme and initiated it during the current financial year (1989-90).

1.3 The main thrust of the restructured programme is, on one side, to develop integrated land use planning capability, and on the other, to take up specific activities aimed at conservation of ecologically fragile watersheds, regeneration of degraded forest areas, technology extension for reclamation of special problem lands and fuelwood and fodder production. All this is to be attempted with people's participation and by involving the small/marginal farmers and the landless people. Integrated Wastelands Development Projects provides the frame work for these purposes.

2. DESCRIPTION OF THE SCHEME AND ITS OBJECTIVES

2.1 The basic objectives of the new scheme is to enable the start of pilot projects at the field level in the states aimed at integrated approach to land management and wastelands development, based on village/micro-watershed level plans prepared after taking in to account land capability, site conditions and local needs, and thus promote optimal land use for both ecological and socio-economic needs. It is also the objective of the scheme to create such planning capability at the appropriate levels and to promote a project approach to the work that is planned for.

2.2 The scheme also aims at enhancing the content of public participation in the wastelands development programme through mechanisms for people's involvement at all stages and by providing the modalities for equitable and sustainable sharing of benefits arising from such projects.

3. NATURE OF THE SCHEME.

3.1 This will be both centrally sponsored and central sector scheme in as much as it would be open to implementation by any type of agencies within the State Governments or outside. There would be two methods of providing Central assistance. The state Governments would be assisted on 100% grant basis through the centrally sponsored component of the scheme for working principally on degraded forest lands and other degraded Government lands. Autonomous bodies, Corporations, Voluntary Agencies Co-operative Societies and other registered institutions would be assisted with 100% grant under the Central Sector component of the scheme for working principally on community lands and private wastelands. As the programme would be based on area specific planning, any particular project may well involved different categories of wastelands. However, scope is sought to be provided to adopt different techniques and mechanisms to implement the programme in the project area, depending upon the ownership of the land and the model adopted in each case.

3.2 MAIN COMPONENTS :

3.2.1. The scheme, being multi-facted and multi-disciplinary, would have the following main components.

- (i) Preparation of integrated wastelands management plans at the local level on watershed basis in the 146 district for which detailed wastelands maps have been prepared and on the basis of available the matic information in the other districts.
- (ii) Conservation of selected ecologically fragils watersheds of the Upper Catchments through protection, afforestation, pasture land development, soil and moisture conservation, measures etc. Catchments in the Himalayas will receive special attention.
- (iii) Extension of technologies for special problem lands like saline/alkaline soils, revines, arid and desert areas, mined area, the Aravallis and the Western Ghats.
- (iv) Regeneration of degraded forest areas principally through natural regeneration and supplemented by afforestation, where necessary Focus will be on raising diverse and indigenous species as well as on providing fuelwood, fodder, small timber, minor forest produce, fruit and fibre to the local communities.

3.2.2. Projects could also include measures such as :

- (i) In site soil and moisture conservation measure like gully plugging, small check dams, water harvesting structures, and vegetative barriers.
- (ii) Soil conservation measures of eroded lands.
- (iii) Planting and sowing of trees, grasses, shrubs and legumes, as well as fodder prosecution and pasture land development.
- (iv) Promotion of agro-force try and horticulture, sericulture etc. as appropriate.
- (v) Scientific animal husbandry and fuelwood conservation measures, etc.

3.3 Implementation Agencies :

In the State Government, implementation could be taken up by the Departments of Forest, Rural Development or any other department having interest and possessing expertise in the field of Wastelands Development. Autonomous bodies like Forest Development Corporation, Land Development Corporation, Area Development Corporation and Apex Cooperative Organisation could also submit projects under the scheme and implement them directly. Voluntary Agencies and other registered institutions of the local people could also take up direct implementation of the project under the scheme.

(*) Authority, Rural Development Corporation (*)

3.4 Project Approval :

In the Government of India, the National Wastelands Development Board would sanction projects under the Scheme under a procedure which include examination of the proposal on the basis of guidelines to be issued under the Scheme and approval in a Central sanctioning committee to be constituted for the purpose. The committee will include representatives of the concerned Departments and the National wastelands Development Board.

4. IMPLEMENTATION MODALITIES :

4.1 Land Use plan : In all projects under this scheme, a land use plan the project area will be a prerequisite. In case of State Government projects, a multi-disciplinary team should ensure the preparation of such a plan, In case of projects prepared by athonomous bodies or voluntary agencies, such a plan will be prepared by them but approved by the multi-disciplinary team mentioned above if one exists in the districts, or the DRDA in other cases.

4.2 Where the State Government is taking up project preparation and implementation, it is expected that at the district level an appropriate mechanism would be created in the form of a multi-disciplinary team (including voluntary agencies where feasible) coordinated by the representative of the Department preparing the project. While the line department will assume administrative responsibility for the project and would be accountable for its execution and proper rendition of accounts under the scheme, it is expected that the district level multi-disciplinary team would be constituted into a management committee for the project and similar projects in the district, and would be headed by the Collector, the District Development Officer, Chief Executive Officer, Zila Parishad, or any other such officer, that the State Government designates as the overall head of Development Administration in the District.

4.3 Projects prepared and submitted by Autonomous Bodies or Voluntary Agencies would be implemented by them but in consultation with the same district level Management Committee mentioned in the preceding paragraph which is responsible for monitoring other such projects under the Scheme.

5. **AREA AND LOCATIONS TO BE COVERED UNDER THE SCHEME :**

Under the National Wastelands Identification project, detailed wastelands maps showing the location, extent, and different categories of wastelands with reference to village and forest boundaries have been prepared in respect of 146 districts in 19 states of the country. As decentralised planning for integrated management of wastelands at the village and water shed level is to be the basis of projects under the scheme, it is necessary to concentrate activities for pilot projects during 1989-90 in these districts where the incidence and location of wastelands has been established through the aforesaid maps. However, in certain districts where the State Government or other project proposing agencies have adequate information on the availability of wastelands which could be taken up under the scheme, proposals from outside these 146 districts would also be considered. This is necessary because there could be areas having certain special problems for historic reasons, where the size and degree of the problem justifies immediate action even though wastelands maps may not have been prepared in respect the district where the problem areas are located. This scheme would, therefore, encompass all the states in the country with primary being given to the 19 states and 146 districts for which wastelands maps have been prepared. The list of such districts is given in Annexure-I.

6. **ACTIVITIES UNDER DIFFERENT COMPONENTS OF THE SCHEME :**

6.1 Decentralised Planning : Under the decentralised planning component of the Scheme, in districts to be selected by the State Government, multi - disciplinary teams under the Collector or the District Development officer, or the Chief Executive officer of Zila Parishad etc. will be formed. The multi-disciplinary team will prepare integrated plans in collaboration with local scientific / technical institution and after approval in NWDB these plans would be implemented under the overall supervision of these teams which would constitute a District Level Committee for the purpose. The plans will specify the implementing agencies and will take into account funding likely to be available under various programmes for the purposes, including funds available under this scheme in the succeeding paragraphs.

6.2 **Conservation of selected Ecologically Fragile watersheds :**

Under the component relating to conservation of selected ecologically fragile watersheds in the Himalayan catchments, the State Governments concerned (UP, Himachal Pradesh and Jammu and Kashmir) would prepare specific projects for assistance under the scheme. Similarly, non-government organisations can also submit proposals under this component to be implemented with the active involvement of the local people which could be given assistance under the Scheme. The NWDB funding under this component

would available in the range of Rs. 7500 - 10000/- a. including protection and maintenance of the areas to be covered for two years.

6.3 **Technology Extension for problem Lands** : Initially pilot projects would be taken up in selected states for reclamation of the under-mentioned categories of problem land / areas.

- Saline / Alkaline
- Arid / Sandy
- Mine Spoils
- Ravines
- Western Ghats
- Aravallies

Projects under this component will be in collaboration with the scientific / technical institutions having necessary expertise in the field. The attempt would be to develop low cost effective technologies for wastelands reclamation and to refine and extend these technologies through replication, on both public and private problem lands.

6.4 **Regeneration of Degraded Forests Area** : Under the component relating to regeneration of degraded forest areas, projects would be prepared by the State Forest Department for natural regeneration or planting of diverse and indigenous species on degraded forest lands to meet the substance requirements of the local population living around these forest areas. As far as possible, preference should be given to natural regeneration, along with the efforts needed to ensure protection and diversion of biotic pressures. In some of these areas, soil and moisture conservation, sowing of grasses and legumes etc. may also be desirable.

In areas where natural regeneration is not feasible management intervention through sowing of grasses, legumes, shrubs and trees, where absolutely necessary, planting operations may be taken up.

In all operations, co-operation of the local community needs to be clearly spelt out. Social fencing with the community taking the responsibility for protection, in return for the exercise of rights and concessions etc. should form part of the project and the protection costs should reflect this accordingly.

7. COST NORMS

7.1 Most of the expenditure under the projects to be covered under different components as mentioned in the preceding paras would be of a recurring nature. Such expenditure which will mainly be on staff / plantation material, expenditure for involving scientific / technical institutions in preparing integrated plans and for technology extension of problem lands. The broad details under each component are given below :

- (i) Under the decentralised planning component, assistance to the State Government would be provided for framing the district level lands at the rate of about Rs. 1,00,000 per 10,000 ha. of project areas.
- (ii) For the Upper Catchments, the expenditure would be restricted to Rs. 10,000 per hectare of area to be covered for protection, afforestation, pasture land development, soil and moisture conservation etc.
- (iii) For technology extension on problem lands, the financial assistance from the Central Government under the Scheme could be restricted to Rs. 12,000 per hectare of the area to be covered.
- (iv) For the regeneration of degraded forest areas, Central assistance would be provided to these project which give primacy to natural regeneration and the expenditure will be restricted to Rs. 8,000 per hectare in case of planing and Rs. 3000-4000 in case of natural regeneration.

7.2 As indicated in the preceding paragraphs Central assistance under the Scheme will be provided fully under all the components to the State Governments and autonomous bodies / corporations / voluntary agencies for the projects which they may submit to the NFDB. No loan component is involved in the Scheme.

7.3 Staffing :

Details of the staff to be appointed by the States / Union Territories for the implementation of the Scheme will be worked out by them according to the norms in each State / U.T. and the scheme does not provide any fixed guidelines for this item.

7.4 Construction works :

No. construction work are permissible under the scheme.

7.5 Stores and Equipment :

The State / UT. Governments will use the existing stores / equipment and no new purchases on this account will be admissible under the scheme. However, maintenance cost be debited to the Scheme.

8. Schedule of Programme and outlay :

The integrated wastelands Development project scheme will be started from 1989-1990 and will be continued during the 8th Plan period. In the year 1989-1990, modest targets have been proposed due to the fact that it will be the first year of the scheme and because there is a limited availability of funds Rs. 6 crores will be available for projects under the scheme in 1989-1990.

INTEGRATED WASTELANDS DEVELOPMENT PROJECTS GUIDELINES
FOR PROJECT PREPARATION.

1. INTRODUCTION :

- 1.1 The primary objective of the present scheme is to built upon the achievements of the National Wasteland Development programme as carried out over the last three years and remove the deficiencies by focussing on those components of the programme which can improve land capabilities. The main elements of the new programme which would be taken up under the present scheme are :-
 - decentralised village / district level planning for integrated use / management of waste lands.
 - Conservation of selected ecologically fragile watersheds in upper Himalayan catchments.
 - Technology extension for reclamation of special problem Lands.
 - Programme for regeneration of degraded forests.
- 1.2. From the main components, indicated above, of the present scheme, it would be apparent that the present scheme is multifaceted and supportive of different modes of implementation for integrated wastelands development of specific areas. The projects under this scheme may aim at accomplishing one or more objectives of the ideas incorporated under the restructured programme of National Wastelands Development Board.

2. OBJECTIVES :

- 2.1 The basic objective of the integrated wastelands Development projects is to enable the start of pilot Projects so as to ensure integrated approach to Wasteland Development by taking up area-specific projects, taking into account land capabilities, site conditions and local needs and ultimately aiming to promote optimal land use for both ecological and socio-economic needs.

3. IMPLEMENTATION :

- 3.1. The scheme will be operated as follows : Specific projects would be prepared by the State Government, NGOs, Autonomous Bodies, Voluntary Organisations aiming at achieving one or more of the main components of the present scheme. These Projects could be implemented either by departments (Forest, Rural Dev.) etc. of the State Governments or by autonomous bodies/ Corporations like Forest Development Corporation, Area Development Corporations, Land Development Corporations, Urban Development Authorities, Municipal Corporations or Voluntary Agencies.

4. COMPONENTS :

- 4.1 As indicated above the projects under the present scheme must have one or more of the undermentioned programme components :

- decentralised village level planning for integrated management of wastelands.
- conservation of selected ecological fragile watersheds in Western Himalayas.
- technology extension for special problem lands.
- regeneration of degraded forests.
- Each of these programme components are discussed in the following paragraphs.

4.2 DECENTRALISED PLANNING :

- 4.2.1 Under the restructured programme of National Wastelands Development, decentralisation of Planning for the integrated management/use of waste lands is to be the basis for all projects.

- 4.2.2 The basic aim for projects under this component should be to prepare village level based plans for integrated development of waste lands so as to achieve ecological restoration of the area and to meet all essential needs of fuelwood, fodder and small timber of the local population through activities like soil and moisture conservation, silvi-culture, silvi-pasture, agro/farm forestry, horticulture, pisci-culture, animal husbandry etc.

- 4.2.3 The activities under this component would include evolving and setting up a firm data base on all related aspects of lands capability, climatic and edaphic conditions, inventory of natural resources, fuelwood and fodder demand and supply position, specific problems and potentialities of the land, felt needs of the local people, status and scope of technical expertise, availability and requirement of financial and management resources for execution of district/village level plans for integrated wastelands development.

- 4.2.4 A more elaborate set of guidelines are separately attached in respect of this item, since this is the most crucial element of the restructured programme (see Appendix).

5. GREENING OF HIMALAYAS :

- 5.1 The rapid deforestation of sensitive eco-system of the Himalayas in recent past has brought about a deepening crisis with the erosion of valuable top soil and disruption of water regimes leading to siltation and floods/droughts. The basic need of the people for wood, fodder, fuel, small timber etc. have become difficult to fulfil in the hilly region. In the National Economy, hills and plains are one organic system which are mutually dependent. It is therefore, imperative that ecological stability of the hills and sustainable life. Support system in the plains should not be viewed in isolation. A multi-disciplinary approach having due regard to the perception of forest-eco-system as having multiple functions for satisfying diverse and vital human needs for air, water and food, as opposed to one

dimensional scientific/forestry approach, has to be adopted under the projects for greening of upper catchments of Western Himalayas in Uttar Pradesh, Himachal Pradesh and Jammu and Kashmir.

5.2 The activities to be taken up under the projects for this component of the restructured programme of NWDB would, therefore, have to take care of the following compliments :-

- (a) Afforestation of degraded forests, afforestation of blank areas and plantation near villages.
- (b) Soil and water conservation measures like gully plugging, vegetative and stone check dams roadsides stricts, water disposal channel etc.
- (c) Horticulture activities.
- (d) Minor Irrigation works like construction of water storage tanks preparation and maintenance of water channel and automantation of drinking water supply.
- (e) Animal husbandry activities for improvement of feed and fodder, development of pasture lands upgradation of local cattle, castration of scruks bulls or organisation of cattle camps.
- (f) Energy conservation efforts like smokeless chulahas and bio-gas plants.

5.3 The overall objective of the projects should be to achievement :-

- (a) Soil conservation so as to minimise soil erosion.
- (b) Arresting water rum off by afforestation of denuded slopes.
- (c) Plantation of fuelwood and fodder in civil soyam lands.
- (d) Cattle welfare programme so as to reduce number of cattle and to encourage stall feeding.
- (e) Regeneration of degraded forest lands, through natural regeneration where possible.

5.4 Since the projects under this component can not succeed without the active participation of local people, the projects should evolve methodologies for meaningful participation of the people by setting up of local level institutions like village development/forest committees so as to involve people in preparation of village development plans. It would also be necessary to include under these projects special training programme for educating the local people.

6 TECHNOLOGY EXTENSION FOR PROBLEM LANDS :

6.1 Under the integrated wasteland development projects technology extension for lands suffering from special disabilities so as to reclaim them for optimum biomass production is one of the important components. Under this component technology for reclamation of specific problem lands has to be identified on the basis of field trial and such existing technology need to be subjected to systematic examination and demonstration prior to adoption and dissemination. As at present, there is virtually no institutional arrangements for extension of such technologies. The network of applied research, demonstration and extension available in the agriculture sector needs to be examined to define its capability for carrying out the specific extension tasks for Wastelands development technology. Most of these technologies would need substantial training, orientation and awareness raising for its successful adoption through appropriate institutional arrangements. Under this component central assistance would be provided on the basis of projects designed, prepared and submitted by the Scientific institutions in collaboration with the implementing agencies identified by the State Governments. These agencies can be autonomous bodies like Lands Development Corporations and Applied Research Institute of the State/Central Government.

6.2 Pilot projects would be taken on selected sites to enable demonstration of technology. On a scale which can facilitate replicability and ensures that the size of project takes care of local variations. For this individual pilot projects covering about 1000 hectare in continuous areas would be ideal. The different types of problem lands for which projects could be prepared under this component of this scheme are indicated below :-

- Saline/Alkaline lands.
- Arid/Sandy areas.
- Mine Spoils.
- Ravious areas.
- Western Chats.
- Aravallies.

6.3 **Mined out areas and over-burdens :**

6.3.1 In the open caste or surface mining processes the entire protective and productive cover of lands is removed or destroyed for ever. The exposed over burden is then dumped within or outside the pit or is just thrown down the hill sloped. The loose soil on the top of dump is susceptible to soil erosion. Restoration of ecological balance, disturbed after mining is possible provided right type of technical inputs are evolved and applied to the site specific problem. The site preparation for mined out areas is a pre-requisite which involve levelling of surface, digging of pits of appropriate dimensions at proper spacing and finally filling of these pits with top soil, farm yard manures and other nutrients. The site preparation is to be followed by the right choice of species suitable to different sites so as to effectively rehabilitate/reclaim the mined out areas. The projects should specially indicate site preparation techniques, species tried etc. for rehabilitation of different types of mined over areas like bauxite mined area, coal mined area, dolomite mined over burdens, iron ore mined areas, rock phosphate and lime stones quarrying areas.

6.4. **Revinous area :**

6.4.1 Million of hectares of good fertile land along the banks of rivers like Yamuna, Chambal etc. and their tributaries have been ruined by ravine formation, and the ravines are slowly resulting in large tracts of good table lands degenerating into ravines. Formation of ravines result in the loss of land for production of food, fuel and fodder. Because of their inaccessibility and peculiar tropography the ravines are one of the chief sources of sediments resulting in siltation of reservoirs. Most of the ravine affects area in India are localised along the margin of the peninsular bordering the Western periphery of the gangetic plain. Ravine reclamation projects should aim to achieve prevention of further damage to a valuable table lands and production of bio-mass from the reclaimed ravines lands.

6.4.2 Since the ravins are the outcome of slopes and run off, the key to development of ravines is controlling the run off. This would mean a group of practices simed at checking further spread of ravings and would also include utilisation of ravine lands after suitable soil conservation treatment for horticulture, grassland development and afforestation. The first objective would be to arrest the further growth of the ravines and second objective would be to utilise the ravines lands for productive purposes. The project for development and control of ravines should therefore be developed with watershed as a unit. The ravines reclamation would include the activities like contour bunding and other agro nomical conservation practices on the top lands.

- Establishment of green belts on the sub-marginal lands.
- Converting steep slopes at gully heads into gentle slopes.
- Reclamation of ravine lands by constructing soil saving dams to facilitate the arresting of siltation.

6.4.3 The methodology can be construction of check dam at the lower ends and formation of bench terraces by siltation. Closure to grazing, fencing, contour trenching would also be required before planting of selected aspects for reclamation of ravine lands through afforestation.

6.5 Saline and alkaline soil reclamation :

6.5.1 These soils contain excessive concentration either of solution salts or exchangeable sodium or both, which are injurious to plants. Although suitable techniques and methods have been developed for production of agricultural crops on these problem soils, there are number of salt affected areas where growing of agricultural crops is not feasible and such wastelands can be profitably managed for growing salt tolerant fuel and fodder species. These can be employed for forestry and legume soils-by growing salt tolerant plants without any major reclamation effort by first improving the soil condition before planting, suitable species.

6.5.2 The first phase would involve selection on pilot basis of correct species and adoption and extension of suitable planting techniques. In the second phase specific technologies would have to be developed and tried for amelioration of soil condition according to the nature and concentration of salinity/alkalinity.

6.5.3 Since chemical operations for reclamation of use lands are generally costly, and breaking of herd pan may also be necessary to undertake afforestation, preference may have to be given, under the projects for reclamation of such soils, on growing salt resistant plant species and by adopting suitable planting techniques with a mixture of crop and trees to optimise bio-mass yields and economic returns.

6.5.4 A great care needs to be required in selecting only those species for afforestation which are inherently capable of producing prolific root system and are able to resist salt content and can thrive well under conditions of arid climate and low moisture supply, project would also have a judicious method of soil working such as pits auger hills and trenches of different sizes, shapes and spacing for different planting size, Irrigation through ground water and leaching of standing salt-affected water would have to be provided for.

6.6 Arid/Sandy Areas :

6.6.1 Under this component, we purpose to take up pilot projects in Rajasthan and Gujarat where vast tracts of arid/sandy lands are available. The projects under these categories may take the approach of conservation of soil, in-suit moisture preservation and improve the landuse and range management practices. This would mean propagation of species with most suitable silvi-culture techniques including grasses protection from grazing and cutting. Creation of shelter belts, wind breaks and adoption of correct soil management techniques like terracing contour and strip cropping, mulching and crop rotation so as to aim at conservation of soil and retention of high level of fertility would be required. In the grazing lands projects should aim at laying down limits to grazing subject to carrying capacity of land, and proper management by reconstituting and rotational closure. Since greatest emphasis has to be placed on the maximum utilisation of precipitation conservation practices like bunds, trenches terraces, supplemented by engineering structure like plugs, dams etc. and soil working techniques like pits, ditches may have to be carried out. Selection of species for afforestation of arid/sandy tracts is of great importance. A careful survey of existing vegetation in the areas would serve as a guide in choosing for afforestation the indigenous species which are most likely to ensure success.

Introduction of exotics can also be attempted after careful study of the soil, climate and vegetation characteristics of the area, seed collection and nursery stock should also form a part of the project so as to make the efforts on afforestation to success.

7. **Regeneration of degraded forest lands :-**

Almost half of the forest area in the country is under various degrees of degradation and need urgent citation. The main cause of degradation of forest are intensive pressure for meeting the growing demands of fuel, fodder and small timber and increasing human and cattle population. Grazing of animals in excess in the carrying capacity, recurring fires, illicit cutting and unregulated removal of head lands have depleted the growing as to and caused environmental degradation. The task of rehabilitation of these degraded for at areas in and difficult provided the areas are relived of the biotic persuance and the cost involved is also low as compared in raising plantation on new sites as closure of these areas with cattle proof trenching and cheap fencing mechanism would help natural regeneration, wherever sufficient root-stock is available and coppice groth is possible. This should however require active involvement of local people so as to ensure social fencing. Other fencing operations may prove to be very costly.

- 7.2 The projects under this components would therefore have to combine both the activities i.e. natural regeneration through effective closure and planting (where necessary) of species which can help in meeting the essential needs of the local population living around these forest areas, by producing greater bio-mass and minor forest produce apart from valuable timber.

ILLUSTRATE LIST OF TREATMENTS ELIGIBLE FOR FINANCING UNDER THE SCHEME.

The treatments listed below are illustrative of those that are considered to be eligible for financial assistance under the proposals to be submitted under Integrated Wastelands Development Projects Scheme. A separate fact sheet for individual treatments, which describes the treatment in brief, and indicates the conditions under which such treatments can be applied is also provided with the cost component for such treatments. In compiling subwatershed feasibility studies appropriate treatments from the list may have to be applied as solutions to the problems that have been identified in the appropriate size and quantities. This procedure would allow costs to be estimated reasonably. The State Governments are requested to review, verify, adjust or complete the costs components as may be necessary for their own circumstances. It may be indicated here that this list is only indicative and will definitely differ from project to project having reagrd to the diverse natur of problems in different areas.

Vetiver Grass Heges with contour cultivation.

1. The broad principle of cultivation on the contour with key contour lines planted to a vegetative material that forms a hedge that persists and does not spread (deep rooted, non-stoloniferous, unpalatable) would be applied to rainfed arable land as a measure to eliminate soil erosion and conserve moisture in-situ.
2. Description : Contour lines would be surveyed at approximately 2 meter vertical interval so that ususally one key line crossed each small farm. A furrow would be opened, normally with a plow and vetiver grass clumps planted at 10 cm spacing. Gap filling would be carried out in the second year and under unusual circumstances in the third year. All further cultivation would follow these key contROUT lines.
3. Application : This technique would be applied to all rainfed arable land that is cropped, sown to pasture or planted to fruit trees. Normally this would be land up to 20% slop.

4.	Cost components per hectare	Unit	Unit cost Rs.	Quantity	Cost. Rs.
	Surveying				
	Opening furrow	meter	0	250	0
	planting material	per metre	1.25	250	320
	Gap filling (15%)		-	-	50
	Fort & Insecticide	ha.	-	-	75
	Labour for preparing slips and planting	man/days	0	20	0
	Hectare cost.				

Project would meet 100% of cost of surveying and the planting material. Farmer would open the furrow, prepare and plant slips and carry out gap filling.

1b. **Repair and Reinforcement of Terraces.**

1. Where terraces already exist for cultivation of arable crops they are frequently in disrepair and eroding. Under the project it is reasonable to arrange for the repair of these terraces and their reinforcement against future damage by planting a vegetative barrier on the front edge.
2. Description : Terraces in the project subwatersheds would be reformed to make good erosion damage and the front edge planted to suitable vegetative material usually vetiver grass. Given the propensity for terraces to break out again in the same areas the vertiver grass would be planted more densely (5cm) in the reformed areas and gap filling carried out more frequently than on other lands.

3.	Cost components per hectare	Unit	Unit cost Rs.	Quantity	Cost. Rs.
	Terrace repair	per meter			
	Planting material	per meter	1.5		
	Gap filling (15%)				
	Hectare cost.				

Project would meet 100% of labour cost for repairing terraces and providing planting material. Farmer will meet the cost of planting and gap filling.

4a. 5a. **Vegetative barriers in contour Trenches.**

1. On denuded slopes action would be taken to cut down run off, increase infiltration and trap silt by creating vegetative barriers on the contour. The vegetative material to be used would be usually indigenous, locally adopted shrubs. This is new technology to be verified on a scale large enough to assess its effectiveness and refine methods for successful implementation.
2. Description : Shrubs to be used are to be unpalatable, deep rooting, capable of forming a dense hedge and easily propagated. Several species appear in each project area but in the event no local shrub meets the specifications then vertiver grass should be tried. Shrubs should be planted at 30-50 cm. spacing in a trench surveyed on the contour except to cross depressions at right angles across the slope. The shape of the trench may vary but a V-ditch with spoil on the downside is likely to be the easiest to construct. Gaps are to be filled in second and third years. The vegetative contour lines would be spaced at 3-4 meter vertical intervals.
3. Application : This technology can be applied in village common land, private wasteland and forest land where slopes are eroding regardless of what the inter-hedge spaces may later be used for. In very steep slopes and rugged terrains location of contour hedges may be less systematic and spaced where possible.

4. Cost components

cost per 100 meters	Unit	Unit cost Rs.	Quantity	Cost
Opening, V-ditch	man/day	20	7	140
(or) trench	man/day	20	4	80
Plants, slips	Unit	0.05	330	17
Planting (or) seedling	Unit	0.15	330	50

Per hectare cost : Length per ha. will range from 200-600 m depending on slope for 400 m the cost would be :

- slips/V-ditch Rs. 400/-
- slips/Trench Rs. 720/-
- seedlings/V-ditch Rs. 600/-
- seedlings/Trench Rs. 840/-

Add 15% for gap filling in second year and 5% for third year. The cost of these treatments would be met 100% by the project.

4d. Pasture Improvement on village common Land.

1. Every opportunity would be taken for improving fodder supply and correcting the feed deficit within the subwater shed. Under some circumstances village common land could be available for this purpose.

2. Description : This should be planned on the basis of 10 ha. units. Agreement of villagers would be required. Land would be carefully prepared to ensure good germination and smoothed after planting to facilitate cutting. Moderately heavy seed rates and liberal growth in the first year. Perennial grasses and legume mixtures would be sown. The pasture would be utilised as green fodder or hay or both according to the villages agreed plan consistent with maintaining the stand.

3. Application : Overgrazed wasteland or land cleared of noxious weeds such as Lantana or Stipa sibirica would be utilised providing the soil is suitable. Contour barriers would be established separately where necessary and the principles of contour farming would be applied. Fencing may or may not be required according to the individual village situation.

<u>Base cost per hectare</u>		Unit	Unit cost Rs.	Quantity	Cost
Land preparation	Labour	Man/day		5	
	draft.				
	animal	day		5	
Planting,	Labour	man/day		1	
	Smoothing	labour	man/day	1	
	animal	day		1	
Seed,	grass	kg		3	
	legume	kg		15	
Fertilizer	phosphate	kg		100	
	nitrogen	kg		30	
	(or) DAP	kg		120	
Miscellaneous					
Total base cost					
Plus fencing		meter	15	140	
Plus removal of weeds					
	Lantana (labour)	man/day			
	Lantana (Chemical)	kg			
	Stipa (Chemical)	kg			

Establishment cost would be met 100% by the target. Maintenance costs to be borne by the beneficiaries.

4e, 5d, Protection

1. Physical fencing (as distinct from social fencing or voluntary protection) may be necessary under some circumstances. Given its high initial cost and maintenance and its limited effectiveness against uncooperative graziers fencing should only be considered where absolutely necessary and where it is likely to be effective.

2. Description : Wire fences : the standard design of five strands of barbed wire and wooden posts at two meter spacing is poor and costly. Good design will depend on the fences purpose but for most circumstances the following would be an average specification.

(a) properly constructed strainer assembly at corners and at approximately 200-250 meters within a straight line.

(b) posts, usually treated wood no less than 20 meters.

(c) spacers, usually wood or wire at 2 meter intervals.

(d) wire, four stands, preferably plain at top and bottom and barbed at 2nd and 3rd.

(e) staples to allow regular straining of wires.

3. Cost Components :

Cost is related to area fenced.

One hectare block (for example nursery) minimum length 400m.

Ten hectare block (for example, village pasture)

minimum length 1300 m.

Twenty the length per ha. comes down sharply with largest block.

Components costs :

Wire fence :	Unit	Unit cost Rs.	Quantity	Cost per 100m
Wooden posts, 2m		Unit	50	
20m			5	
Spacers, wooden 2m		Unit	45	
Wire 2m		Unit	45	
Strainer assemblies		Unit	0.5	
Miscellaneous (staples etc)		Rs.		
Erection cost		Man/day		
Total				

Construction and maintenance cost to be met 100% by the project.

GUIDELINES FOR PREPARATION OF PLAN FOR INTEGRATED DEVELOPMENT OF WASTELANDS AT THE VILLAGE LEVEL ON A WATERSHED BASIS.

OBJECTIVES :

To prepare village level plans for integrated development of wastelands, aimed at ecological restoration and meeting essential needs of fuelwood, fodder and small timber, by raising appropriate vegetation through one or more of the following :

- Soil and Moisture Conservation.
- Silviculture.
- Silvipasture.
- Agro-forestry.
- Farm Forestry.
- Horticulture.
- Silvi-agro-pisciculture.
- Plantation Crop Husbandry, etc.

II. METHODOLOGY :

- Conduct land capability assessment and evaluate site conditions.
- Inventorize status of natural resources.
- Estimate demand and supply for fuel, fodder, timber and other biomass needs of the user.
- Interact with local people to comprehend their needs and priorities.
- Quantify financial and management resources available for plan implementation.
- Identify infrastructure required and existing in support of the plan and its execution.

III. DESIRED OUTCOME :

- Comprehensive wasteland development plan for selected micro watersheds.
- Improved data base at district level for future planning and monitoring.
- Enhanced awareness of related issues and greater participation of people in micro planning for area development.

IV. PROJECT AREAS :

1. The plan needs to be prepared on identified wastelands for which the 1,50,000 scale maps prepared under National Wastelands Identification Project may be used as a starting point.
2. A project site should be selected around the nearest watershed of about 1000 hectares so that it comprises a compact cluster of 2-5 villages. This could be further subdivided into micro-watersheds of 100 hectares for purpose of detailed work programmes for annual action.
3. In a district 10 such sites should be selected to cover about 10,000 hectares of wastelands. The sites should be selected to provide a substantial cross-section of the problems being dealt with. There should be a high incidence of wastelands and these should be spread over different categories and ownership classes.
4. The land identified for treatment may be in private or public ownership and would include degraded forest areas among the categories of wastelands given in the NWDB publication entitled "Description and Classification of Wastelands" (Audist, 1987- 004-010-87).
5. The 146 districts in 19 States for which maps have been prepared printed and distributed under the National Wastelands Identification Project* will be covered under this programme by 1990. In the current year 16 districts in 8 States will be taken up as per the list attached. *A short note on the National Wastelands Identification Project is given in the Appendix alongwith a list of the work centres engaged in the project for each State.

V. PROJECT PREPARATION :

1. Project preparation will entail detailed survey of the natural resources of the identified project area to assess the productive potential of land and nature of vegetation that can be supported in the area. The resource inventory should be followed by documentation of available infrastructural facilities like communications, irrigation, storage, seed farms, nurseries and markets. Information regarding the demographic pattern, income distribution, pattern of land holding and such socio-economic features of the project area will also have to be collected. The exercise may have to be undertaken in two stages. In the first instance the wastelands identified through the national mapping project would have to be correlated with ground conditions and the ownership and current status of these wastelands would have to be systematically ascertained and recorded. In the second stage planning for the management and ownership and current status of these wastelands would have to be systematically ascertained and recorded. In the second stage planning for the management and treatment of these wastelands could be done. It may be noted that in the first stage mentioned above, involvement of key revenue staff like the village patwari and tehsildar would be crucial and this should be effectively secured. It may be advisable for the Collector to even engage retired revenue staff, familiar with the area, to assist the multi-disciplinary team.

2. The indicative list of data to be collected for project preparation is given in the annexure. The information should also cover the houses and occupations by household in the village. For this the houses may be defined as : Homestead : house built on others land Hut : One room construction of mud walls with thatched roof : Kutchra : a house with more than one room of mud walls with thatched roof : Partly Kutchra/Partly Pucca : house in which some cement/mortar plastering of tiled roof, flooring or roofing is use; Pucca : a home with foundation using stone/bricks with mortar, cement and having a concrete or stone laid roof, Mansion : a large house with more than five rooms and having more than one storey. Farmers may be described as :

Large Farmer : 10.00 ha/25.01 acres and above, Medium

Farmer : 14.01-10.00 ha/10.01-25.00 acres : Semi-Medium

Farmers : 2.01-4.00 ha/5.01-10 acres :

Small Farmers : 1.01-2.00 ha/2.51-5.00 acres.

Marginal Farmers : - Upto 1 ha/2.50 acres.

3. The project being based on detailed survey, should manifest in its prescriptions due concern for local needs equitable sharing of benefits and involvement of the people in management from initiation. Thus while proposing farm forestry it may be worth-while to recommend fruit trees for homesteads, nonbrowsable species with cylindrical crown on the field bunds and multilayering of tree and shrubs on wasteland blocks.

4. Similarly, it is also well known that monoculture of one multiple use species may not utilise the ecosystem as efficiently as the vertical combination of trees, shrubs, leaves and grasses can do by tapping different layers of soil and atmosphere. Soil protection, water conservation and other indirect benefits aside, the species in each layer should have direct utility to the community. This multilayering can be mixture of trees, agro-forestry or silvipasture, closely spaced to give intermediate yields by thinning and espacement.

5. Soil working and fertilisation has to play an important role in wasteland development. However, if the soil working is too elaborate the cost will be prohibitive. On the other hand litter soil work may

not give the desired root bed. The best and cheapest measures will be vegetative protection measures. Introduction of shrubs and / or grasses at regular intervals on contour can reduce soil and water loss. Those shrubs and / or grasses should have such characteristic that they can grow as a low hedge and are useful to the people. For example, vetiver grass (*Vetiveria zizanioides*) is good for soil and moisture conservation and costs 10% of the expenditure required for construction of diversion banks and waterways.

6. Nitrogen chemical fertiliser recovers cost through additional plant material under irrigated conditions. For rainfed areas, which is mostly the case with wastelands, the better alternative may be nitrogen fixing leguminous crops or green manuring by tree leaves. Leguminous bacteria may be tree specific, hence due care needs to be paid in developing the planting models to ensure nitrogen fixation since these nodules of the legume and the tree species tend to have a symbiotic relationship.

7. Management of the project and sharing of benefits should be areas where people are closely associated from the beginning. The idea should be to offer maximum produce from the earliest and sustaining yields over a period of time. Equity issues will have to be addressed through institutional measures like patta on the usufruct of community woodlots where intermediate yields from grass and shrubs go to the poor since the rich prefer woodfuel in billet form.

VI. ORGANISATIONAL ARRANGEMENTS :

1. Decentralised planning for integrated wasteland management at the level of village or a cluster of villages will necessitate inputs of data and execution, at a later stage, from a variety of sources, some of which may be external to the district. It is considered desirable therefore than an inter-disciplinary team of senior district level officers representing Department of Forestry, Agriculture, Soil Conservation, Horticulture, Minor Irrigation, Sericulture, Animal Husbandry, should be set up under the Collector to manage the planning exercise and subsequent project implementation arising from these plans. It is left to the individual genius of particular districts to decide the particular ways in which they would proceed to get the plans prepared. This inter-disciplinary team may constitute an inter-departmental task force or assign the work to an institution within the district which may possess requisite expertise for getting the surveys done and preparing the first draft of the plan which could be finalised by the district level team. It may even be possible to identify more than one such institution who may be assigned separate sites within the district.

2. Central assistance would be provided to cover expenses incurred on travel, office management, data collection and report preparation for either the departmental agencies or the expert institution that may be engaged to do this task. NWDB could also consider making payments directly to the expert institution or autonomous bodies if they are engaged. Such assistance, it is considered, would not need to exceed Rs. 1 lakh per district to identify and plan for a total of 10,000 hectares over 10 different locations in each district.

3. The entire exercise would need to be conducted in a cohesive and time bound manner so as to result in an integrated wasteland management plan for the identified sites within six months of commencement. The overall responsibility for getting this done would be that of the Collector and the inter-disciplinary team headed by him/her. A central team of experts from the Ministry of Agriculture and Rural Development, Ministry of Environment and Forests, Planning Commission and the Voluntary Sector would assist and guide the entire exercise in the selected districts and would also visit the districts at the commencement for a mid-term review after about 3 months. A nodal department

should be identified in the State Government with whom the NWDB and the central team could liaise at the level of the State headquarters.

VII. **PUBLIC PARTICIPATION** :

1. **The micro planning than is done for the selected sites** should secure participation of the people from **all strata of society from among the community** residing in the cluster of villages covered in, or connected with the **identified site. The framework for such participation** would be provided if the plan **clearly reflects the prevailing institutional arrangements for distribution of benefits from common property resources in the area and local decision making in natural resource planning.** Having done this, the plan would have to indicate **whether these arrangements would be availed or alternate structures would be conceived, and if so, how they would be established.**
2. The first part of the planning exercise would be data collection, and an important way to involve the people at this stage would be to notify the information collected about the project sites in the locality in a public place which is of common access, like the Panchayat Ghat, Primary Schools, Health Centres and so on. Not only should the information be thus notified it should be kept on display for considerable period to invite comments and suggestions from the villagers for which an officer connected with the exercise may be designated to receive such inputs and take them into account in modifying or updating data.
3. **Apart from seeking peoples' participation** in this process of validation of information and **confirmation of data accuracy, the village community** also needs to be consulted in the planning exercise **when the action components are being decided** and assigned priorities. Such consultation should be documented in the plan itself to make it verifiable at the time of appraisal of the plan and projects emanating from it.

**DATA TO BE COLLECTED IN PREPARATION OF VILLAGE WASTELANDS
DEVELOPMENT PLANS**

1. **Curriculum Vitae**
 - Name
 - Area
 - Location (Tehsil /block & district)
2. **Land Use**
 - Not Shown area
 - Forests
 - Pastures
 - Settlement
3. **Topography**
 - Plain
 - Hills
 - Watersheds
 - Ridges
 - Other features.
4. **Geology and Soils**
 - Types
 - Features
 - Characteristics and their causes.
5. **Climate and Temperature**
 - Maximum
 - Minimum
 - Humidity
6. **Rainfall**
 - Precipitation Quantum
 - Temporal distribution
7. **Hydrological status**
 - Personal sources
 - Surface bodies
 - Ground water
 - Irrigation facilities
8. **Population**
 - Income distribution
 - Caste
 - Occupation
 - Literacy
 - Sex
 - Age
9. **Land holding**
 - By size
 - By class
 - By no. of crops per year/wet cropping dry cropping.

- 10. Crops
 - Cereals
 - Lagstils
 - Pulses
 - Fodder
 - Oilseeds
 - Plantation/Species
 - Vegetables
- 11. Livestock
 - Cows
 - Sheep
 - Goats
 - beats of burden
 - Buffalos
 - Milch cattle
 - food producing
- 12. Health
 - Primary centres
 - Subsidiary centres
 - Hospitals
 - Anxillary nursing
 - Maternity and child care centres.
- 13. Communications
 - Transport
 - Power
 - Telephones
- 14. Institutions
 - Banks
 - Colleges
 - Co-operatives
 - Corporations
 - LSG Bodies
 - Govt. agencies
 - Voluntary agencies
- 15. Marketing
 - Hats
 - Regulated markets
 - Cooperative marketing organisations
 - Procurement agencies
- 16. Industry
 - Production
 - Processing
 - Capital goods/heavy
- 17. Services
 - Logistic
 - Technical
 - Information

18. Employment

- Primary Sector/Production
- Secondary Sector/processing
- Tertiary Sector/Service

19. Demand Estimation

- Fuelwood
- Fodder
- Small timber
- Minor forest produce

20. Supplies : Availability and Sources

- Fuelwood
- Fodder
- Small timber
- minor forest produce

Sources of Information

- Directorate of Economics and Statistics
- Survey of India
- Thematic maps prepared by the Central and State Organisation,
- National Bureau of Soil Surveys and Land Use planning,
- All India Soil and Land use Survey
- Geological Survey of India.
- Census Handbook
- Central Statistical Organisation Report
- Livestock Census Report
- Cadastral maps of Survey and Settlement
- Cadastral maps of Survey and Settlement Operations.

APPENDIX

NATIONAL WASTELANDS IDENTIFICATION PROJECT

After considerable deliberations and meeting of experts in June 1986 and subsequent discussions on draft proposals it was finally decided in November 1986 to take up a National Wastelands Identification Project in technical collaboration with the Deptt. of Space and Survey of India.

This project is being coordinated by the National Remote Sensing Agency and is being implemented by 19 work centres all over the country. Under this project 146 districts are covered. Districts have been identified on the basis of having more than 15% of their area as wastelands as could be seen from the NRSA Wastelands maps that have been prepared on the 1:1, 000000 scale. The list of districts and work centres in the 19 States covered is annexed.

The methodology of the Project envisaged enlargement of remote sensed satellite imagery to the 1:50,000 scale (20 times) and interpretation of these enlarged thematic mapper imagery using photo-interpretation techniques to identify wastelands in the different categories already fixed. The interpretative method combines standard visual image interpretation with local knowledge, and includes ground truthing of the interpretations by visits to the field followed by transfer of wastelands details from the image on base maps prepared on 1:50,000 scale prepared from the topographic maps of Survey aerial photographs and thematic maps which may have been prepared in respect of the districts in question by other specialised agencies. Village boundaries and forest boundaries are further transferred into this topographic map from available revenue and forests maps supplied by the State Government. For this purpose these maps are also reduced to 1:50,000 scale using optical methods. The final product is a wastelands map showing wasteland areas, village boundaries and forest areas in respect of district on 1:50,000 scale.

The project was executed at a total cost of Rs. 304 lakhs. Detailed Manuals to be used by the work centres engaged in this project have been prepared in respect of

- (a) Satellite thematic mapper imagery interpretation
- (b) Cartographic exercises to be carried out in preparation of these maps.

These Manuals have been prepared by NRSA and Survey of India respectively to ensure a uniform and high standard of out-put by different work centres for this project. Printing and distribution of the maps under guidelines provided with the approval of Ministry of Defence has been commenced. It has been suggested that except for five copies to be retained by the State Government and one each for NRSA, Survey of India, NWDB, and the work centre, 30 copies of restricted maps and 40 copies of unrestricted maps should be given to district level agencies like DM, DFD, DDA and Sub-divisional Offices. All restricted maps are being printed by Survey of India and unrestricted maps by concerned work centres.

For each district a statistical bulletin of the information collected on wastelands and certain other essential details has been prepared. A manual for using these maps has been prepared and is being distributed alongwith maps and statistical bulletins. Three regional workshops to familiarize potential users in State Govt. with these maps have been organized in June/July 1988 at Hyderabad, Dehradun and Ahmedbad. The maps can be used as reference maps for project planning and monitoring in conjunction with other primary data on natural resources.

A total of 2813 maps have been prepared under this project covering 146 districts. We shall receive a copy of each of these maps and shall need to store and index, these properly for safe custody and best use. It has been estimated that about 70 square feet of space with racks/almirahs would be needed.

**STATE-WISE LIST OF DISTRICTS COVERED UNDER NATIONAL
WASTELANDS IDENTIFICATION PROJECT**

Sl. No.	State	Districts
1	2	3
1.	Andhra Pradesh	Murcool, Anapatur, Nizamabad, Vizianagaram, Marimanagar, Chittoor, Cuddapah, Visakhapatnam, Mahaboobnagar, Prakasam, Ranga Reddy, Medak, Nalgonda, Nellore.
2.	Assam	Haflong, Diphu.
3.	Bihar	Nawada, Siwan, Hajipur, Muzafarpur, Rohtas, Palamau, Aurangabad, Dhanbad, Singhbhum.
4.	Gujarat	Panchmahal, Surendra Nagar, Gandhinagar, Bhavnagar, Kheda, Ahmedbad, Mehsana, Rojkot, Jamnagar, Junagadh.
5.	Haryana	Sissa, Karnal, Hissar, Jind, Gurgaon.
6.	Himachal Pradesh	Hamirpur, Dharamasala, Chamba.
7.	Jammu & Kashmir	Udhampur.
8.	Karnataka	Belgaum, Raichur, Bellary, Chitradurga, Hassan, Tumkur, Bangalore, Koler.
9.	Kerala	Kasaragod, Cannanore, Palghat, Vyanad, Idukki, Malapuram.
10.	Madhya Pradesh	Bhind, Raisen, Narsinghpur, Indore, Shajapur, Ujjain, Mandsaur, Tikamgarh, Rajgarh, Rajnandagaon, Ratlam, Raipur, Durg, Guna, Datia, Vidisha, Dewas, Rewa.
11.	Maharashtra	Nasik, Satara, Sangli, Ratnagiri, Ahmadnagar, Kolhapur, Jalagaun Dhule, Pune, Thana.
12.	Manipur	Karang, Central District.
13.	Nagaland	Kohima, Mokokkchung, Zunhebote.
14.	Orissa	Ganjam, Cuttack, Bhubaneswar, Dhenkanal, Sundargarh, Bolangir, Kalahandi.
15.	Punjab	Sangrur, Kapurtala, Bhatinda.
16.	Rajasthan	Pali, Tonk, Jodhpur, Churu, Ajmar, Sawaj, Madhopur, Bundi, Jhalawar, Kota, Bhilwara, Dungarpur, Odaipur.
17.	Tamil Nadu	Bharamapuri, Salem, North Arcot, Periyar, Tiruchurapalli, Madurai, Ramanathpuram.
18.	Uttar Pradesh	Fatepur, Allahabad, Jalaun, Kanpur, Agra, Varanasi, Lucknow, Gazipur, Azamgarh, Sultanpur, Jaunpur, Bela, Pratapgarh, Hamirpur, Unnao, Mampuri, Ettawa, Jhansi, Lalitpur, Rae Bareli, Farukhabad, Etah, Aligarh, Bulandshahar.
19.	West Bengal	Midnapore, Purulia, Bankura.

Government of Orissa
Revenue & Excise Department

No. GE(Bol) 27/89-72978/ R., dated, 22.12.89

From,

Shri S. N. Mohanty, O.A.S.,
Under Secretary to Government.

To

The Collector, Bolangir.

Sub. : Payment of compensation by the Ministry Defence for the unauthorisedly constructions erected by the encroachers on the Government land for establishment of Ordnance Factory in Bolangir District.

Ref. : Letter No. 753 dt. 3.9.87 from A.D.M.,
Bolangir to Deputy Secretary, Revenue Department.

Sir,

I am directed to invite reference to letter cited above and to say that a doubt has been arisen as to whether compensation shall be paid by the Ministry of Defence due to establishment of Ordnance Factory in Bolangir district to the encroachers of Govt. land along with unauthorised structures erected thereon.

2. According to the provision of the O.P.L.E. Act, 1972 if an encroachment is un-objectionable then an area measuring one standard acre can be settled for agricultural purposes with the land-less encroachers. However, the extent of such land shall come down in proportion to the extent of land held by him or by other members of his family.

3. Similarly a homesteadless encroachers is eligible for settlement of 1/10th of an acre for homestead purposes if it is found unobjectionable under the provision of the O.P.L.E. Act.

4. Taking both the above aspects in to consideration Govt. have been pleased to decide that in case of encroachment of Govt. land proposed to be transfered in favour Ministry of Defence at Titlagarh, at the out set the eligibility of an encroacher shall have to be determined within the ambit of aforesaid criteria of the O.P.L.E. Act, for settlement of such extent of land as could have been settled with them had it been a normal case of encroachment. There, after steps should be taken for payment of necessary compensation for the extent of Govt. land under the occupation of the encroacher which would have been settled with them under the provision of the O.P.L.E. Act in the normal course had the land not been transfered for Ordnance Factory Authorities.

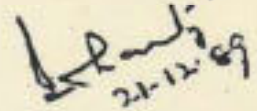
5. As **regards** payment **of compensation for the** structures erected on the above mentioned Govt. land by the **encroache**rs there **is no such provision in the** O.P.L.E. Act for such payment. Since it is the policy of Govt. **to provide** some **relief to indigent encroach**ers who have put on residential houses it has been decided to pay compensation to such encroacher as per the principles indicated below.

(a) In order to be entitled to compensation for structures the person must be a homesteadless person as defined in the O.P.L.E. Act.

(b) The compensation shall be equivalent to the cost of the structures but shall not in any way exceed Rs. 10,000/- (Rupees ten thousand only).

This Govt. decision shall be applicable in case of lands acquired/transferred in favour of Ministry of Defence for establishment or Ordnance Factory in Bolangir District.

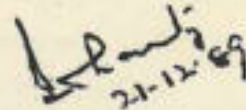
Yours faithfully,


21-12-89

Under Secretary to Government

Memo No. 72979 / R., dated 22.12.89

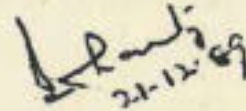
Copy forwarded to the R.D.C. (N.D.), Sambalpur for information and necessary action.


21-12-89

Under Secretary to Government

Memo No. 72980 / R., dated 22.12.89

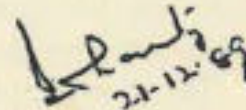
Copy forwarded to the Home Department/Secretary to Board of Revenue, Cuttack for information and necessary action.


21-12-89

Under Secretary to Government

Memo No. 72981 / R., dated 22.12.89

Copy forwarded to the all Land Acquisition, A, B, C, D Branch/ GELR (A), (B), (C) Branch for information and necessary action.


21-12-89

Under Secretary to Government

Government of Orissa
Revenue & Excise Department

No. Re-I-142/89-73774/ R., dated, 27.12.89

From,

Shri G. Nanda, I.A.S.,
Addl. Secretary to Government.

To

The Land Reforms Commissioner, Orissa, Cuttack,
Consolidation Commissioner, Orissa, Cuttack,
Settlement Commissioner, Orissa, Cuttack,
Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Issue of pattas in the joint name of husband and wife.

Sir,

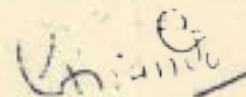
I am directed to invite a reference to this Deptt. letter No. 48425, dt. 19th August, 1987 regarding issue of pattas jointly in the names of both husband and wife while settling Government waste land, housesites and ceiling surplus lands with landless persons. It has come to the notice of the Govt. that the Tahasildars are not issuing pattas/intimation slips jointly in the name of husband and wife. Difficulties, if any, for implementation of the instructions issued have not been brought to the notice of Govt. It is presumed that Supervisory officers have also failed to review the progress in this regard.

2. The need for confirmment of right in land on womenfolk in the rural areas can hardly be over emphasised. Govt. desire that the field officers must issue pattas/intimation slips jointly in the name of both husband and wife in case of settlement of Government waste land, housesites and ceiling surplus land with landless families. In case of widow/widower patta/intimation slip may be issued in the name of the individual applicant.

3. Since landless people are not aware of the Policy of the Govt. regarding issue of pattas jointly, they may apply individually for settlement of land. In such cases, the Tahasildar while receiving the applications for assignment of land should return the application to the applicant if the same has not been signed both by husband and wife with the instruction that they apply jointly. The applicant should be explained that the petition will not be entertained unless both the husband and the wife sign the application. Non-observance of the instructions of Govt. in this regard shall be viewed seriously.

4. I am to request that all concerned may be instructed accordingly.

Yours faithfully,


27.12.89
Addl. Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE(GL) S-35/89 Pt.-74452/ R.,
Dated, Bhubaneswar, the 30.12.89

From,

Shri S. N. Mohanty, O.A.S.,
Under Secretary to Government.

To

The Director of Industries, Orissa, Cuttack.

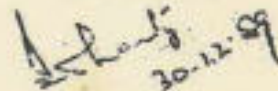
Sub.: **Transfer of Government land in favour of the Orissa Industrial Infrastructure Development Corporation – Payment of premium and annual ground rent.**

Ref.: Industries Department letter No. 31194/1, Dated, 25.9.89.

Sir,

I am directed to invite reference to this Department letter No. 62386/R., dated 6.10.89 on the subject noted above and to request that action taken in the matter may please be reported to this department immediately.

Yours faithfully,

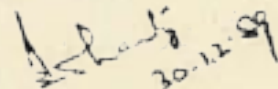


Under Secretary to Government

Memo No. 74453 / R., Dated 30.12.89

Copy of all Collectors (except Sambalpur and Ganjam) for information and necessary action in continuation of Industries Department Memo No. 31197/1 Dated 25.9.89.

2. They are requested to report about the correctness of both the area and the premium payable as indicated in the said statement under intimation to both O.I.I.D.C. and the Industries Department. The extra amount if any payable by the O.I.I.D.C. may also be reported immediately.



Under Secretary to Government

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1989
TABLE OF CONTENTS

PREAMBLE

SECTIONS

- 1 Short title
- 2 Amendment of section 2
- 3 Insertion of new section 7-B

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 274 CUTTACK, THURSDAY, MARCH 8, 1990 / FALGUNA 17, 1911

LAW DEPARTMENT

NOTIFICATION

The 7th March, 1990

No. 3410/Legis — The following Act of the Orissa Legislative Assembly having been assented to by President on the 24th February, 1990 is hereby published for general information

ORISSA ACT 2 OF 1990

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1989

AN ACT TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

Be it enacted by the Legislature of the State of Orissa in the Fortieth year of the Republic of India, as follows :—

Short title

1. This Act may be called the Orissa Government Land Settlement (Amendment) Act, 1989.

Amendment of section 2.

2. In the Orissa Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in section 2,—

Orissa Act 33 of 1962

(i) for clause (b-1), the following clause shall be substituted, namely —

“(b-1) “landless agricultural labourer” means a person who has no means of livelihood other than agriculture, provided—

(i) he or any member of his family owns no land, excluding homestead, and

(ii) his total annual income, together with the total annual income of all the members of his family who are living with him in common mess from all sources, does not exceed rupees three thousand and six hundred or an amount which the State Government may, by notification from time to time, specify in that behalf.”; and

- (ii) after clause (b-1), the following new clause shall be inserted, namely :—

"(b-2) "Person" means any person, the total extent of whose land excluding homestead, together with lands held by all the member of his family who are living with him in common mess is less than one standard acre and whose total annual income, together with the total annual income of all the members of his family living with him in common mess, does not exceed rupees three thousand and six hundred or an amount which the State Government may, by notification from time to time, specify in that behalf."

Insertion of
new section
7-B

3. In the principal Act, after section 7-A, the following new section alongwith the marginal heading shall be inserted, namely :—

"Bar of juris-
diction of Civil
Courts

7-B. No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which any officer or authority is empowered by or under this Act to determine and no injunction shall be granted by any Civil Court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act."

By order of the Governor

S. K. MOHANTY

Secretary to Government

Government of Orissa
Revenue Department

No. GE (GL) S-14/90 - 12824 /R. Dtd., 26.3.90

From :

Shri
Under Secretary to Government.

To

The Secretary,
Rajya Sainik Board, Orissa,
Lewis Road, Bhubaneswar-2.

Sub : Allotment of one standard acre of agricultural land on lease basis to landless
Ex-Servicemen.

Sir,

I am directed to invite reference to your letter No. 254/ORSB., dtd. 23.1.90 on the above subject and to say that **there is no provision in the Orissa Government Land Settlement Act-1962 or in the Orissa Government Land Settlement Rules-1983 for Settlement of Government / agricultural land in favour of the widows of Ex-Servicemen concessional basis**

Yours faithfully,

Sd/-

Under Secretary to Government.

Government of Orissa
Revenue and Excise Department

No. GE (GL) S-71/90 -18588 /R. Dated, the 24th April '90

From :

Rai Charan Das,
Additional Secretary to Government

To

The Collector, Ganjam / Puri

Sub : Transfer of surplus lands of Salt Department in favour of the State Government.

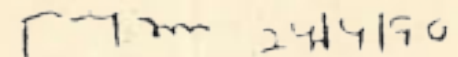
Sir,

I am directed to invite reference to your letter No. 2731 dt. 23.4.88 on the above subject and to say that the lands measuring 111.31 acres in Mayurpada, Mantiagada, Laxmipur, Gokhurkuda, Puintola, Surla villages under Chatrapur Tahasil and Konish Tahasil in the district of Ganjam and Ac. 2.10 in Astaranga village under Kakatpur Tahasil in the district of Puri is in the book of the Salt Department, Govt. of India Government of India were requested in Revenue Department letter No. 25342 dt. 22.4.88 to communicate their views for transfer of land in favour of State Government free of cost in view of its suitability to be utilised under Anti Poverty Programme Government of India in their letter No. 04011/1/88- Salt dt. 16.11.88 to Salt Commissioner, Post Box No. 139 Jaipur (copy enclosed) have sanctioned transfer of the aforesaid land measuring 113.41 acres in favour of the State Government free of cost.

You are, therefore, requested to take necessary steps for early execution of the deed of transfer with Government of India Salt Department or taking over the possession of the land in question on behalf of the State Government and correct records accordingly under intimation to this Department.

Please intimate this Department the purposes for which this land can be utilised.

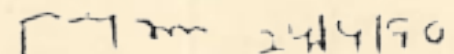
Yours faithfully,



Additional Secretary to Government

Memo No. 18589/R. Dated, the 24.4.1990

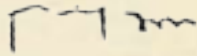
Copy forwarded to the Revenue Divisional Commissioner (Southern Division) Berhampur/
Revenue Divisional Commissioner (Central Division) Cuttack for information and necessary action.



Additional Secretary to Government

Memo No. 18590 /R, Dated, the 24.4.1990

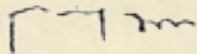
Copy forwarded to the Salt Commissioner, Government of India, Ministry of Industry (Department of Industrial Development) New Delhi / Superintendent of Salt, Humma, Ganjam for information and necessary action with reference to his letter No. 0411/1/88 Salt dt. 14.1.88 and No. 2676 dt. 27.9.89 respectively

 24/4/90

Additional Secretary to Government

Memo No. 18591 /R, Dated, the 24.4.90

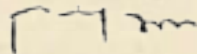
Copy forwarded to the Asst. Salt Commissioner, 8, Lindsay Street (4th Floor) Calcutta-700087, Calcutta for information.

 24/4/90

Additional Secretary to Government

Memo No. 18592 /R, Dated, the 24.4.90

Copy forwarded to L.R. & G.E. (A) (B) & (C) Branches for information and future guidance with 10 copies to G.E. (GL)-S- seat of L.R. & G.E. (A) Branch.

 24/4/90

Additional Secretary to Government

Government of Orissa
Revenue and Excise Department

No. S-42/90-21033/R.,
Dated, Bhubaneswar the 7.5.1990

From:

Rai Charan Das,
Additional Secretary to Government.

To

The Secretary, Board of Revenue,
Orissa, Cuttack

Sub : Recording of lands in Bebandobasta status in Settlement Operations.

Ref : Government letter No. 6490-GE (GL)-S-3/89/R., Dated 30.1.89.

Sir,

I am directed to say that in the Government letter cited above the manner of recording lands in "Bebandobasta status" during settlement operations was clarified. In nutshell, it was pointed out that in order that a particular piece of land would be entitled to be recorded in Bebandobasta status the following conditions must be satisfied, viz.,

- (i) the concerned person must have legally held the land under a definite tenure (such as Khamari/ Nijote or any other private land (Sec. 7 (h) of the M.S.L. Act, 1950), communal service tenure (Sec. 7 (g) of the M.S.L. Act, 1950, Sec. 8 (2) of the O.E.A. Act), Personal service tenure (Sec. 8 (3) of the O.E.A. Act), Home-stead (Sec. 6 of the O.E.A. Act), Khaspossession lands (Sec. 7 of the O.E.A. Act) etc. etc.
- (ii) the incidences of that tenure has undergone change by the operation of the statute (M.S.L. Act, O.E.A. Act etc. etc.) and thereby confer certain other rights on those persons on fulfilment of certain conditions (such as they get occupancy rights on fixation of fair and equitable rent from certain dates etc. etc. on their applying for the same within the stipulated time allowed by law
- and (iii) such rights are subjudice and have not been finally determined by the competent authority (such as the Estate Abolition Collector etc. etc.) for which the rights are in a State of suspended animation.

Thus, "Bebandobasta status" connotes the fact that it is an otherwise legally held tenure which was recognised as such in the previous R.O. Rs. and the incidences of which have undergone change by the operation of a statute but which was not finally determined by the competent authority under that statute at the time the settlement authorities recorded the same in the R.O.Rs. (current).

2 It has since then been brought to the notice of Government that in a large number of cases lands have been erroneously recorded in Babandobasta status in the settlement operations. This has generated more problems than what was intended to be solved by the process of recording them as such. Government feel that this has largely resulted from lack of suitable instructions to subordinate field staff and failure of supervision of their work. In many cases lands have been recorded as Bebandobasta on the

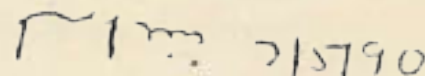
strength of 'Hata' Pattas or Pola Pattas (ହାତ ପତ୍ତା ବା ପୋଲା ପତ୍ତା) or even on the strength of some rent receipts produced by the parties which, in the fitness of things, should have been covered by cases under Sec. 5(i) of the O.E.A. Act or should have been rejected.

3. The different estates and intermediary interests vested in Government decades ago. The last subsisting intermediary interests were abolished by blanket notification in the year 1974 i.e. 16 years ago. Reports from Tahasils reveal that barring a few cases no other cases under the O.E.A. Act are pending at Tahasil level. Most of the claims now recorded in Babandobasta, status therefore, appear to be fake and spurious.

4. After careful consideration of all aspects of the matter Government have been pleased to decide that henceforward during the settlement operations no lands should be recorded in Babandobasta status at the level of the field staff including the A.S.O. In case it is noticed that there is a genuine case which deserves to be recorded in Babandobasta status then an "yaddast" or a "mistake" or a "badar" or a "NFO" as the case may be, should be instituted at the appropriate stage of the settlement operation (camp/recess etc. etc.) on which the concerned charge Officer or Consolidation Officer will pass specific reasoned and speaking orders in writing on the strength of which the land will be recorded in Babandobasta status. It will be the responsibility of the concerned Charge Officer or the Consolidation Officer to ensure that lands are correctly and appropriately recorded under the said status and special attention is paid to their correct recording during the taml/tarmim/janch/re-janch stages etc., as the case may be. Where such lands have already been recorded, all such cases should be reviewed by the Charge Officer or Consolidation Officer concerned before completion of stage of D.P. & O.H. or of 13(I) of O.C.H.P.F.A. Act, 1972. The concerned Settlement Officers or the Deputy Director will check atleast 10% of such cases during their visits/inspections.

5. This instruction may be brought to the notice of all concerned

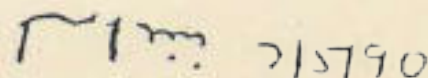
Yours faithfully,



Addl. Secretary to Government

Memo No. 21034 /R, dt. 7.5.90

- Copy to
- (i) Land Reforms Commissioner, Orissa, Cuttack.
 - (ii) D.L.R.S., Orissa, Cuttack / Director, Consolidation, Orissa, Cuttack,
 - (iii) All Settlement Officers / Addl. Settlement Officer, Jeypore / All Deputy Directors of Consolidation,
 - (iv) All Charge Officers
- for information and necessary action.



Addl. Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE (GL)-S-99/90- 24026 /R , Dt. 23.5.90

From :

Rai Charan Das,
Additional Secretary to Government

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub : Assistance to the Officers of O.S.E.B. for constructing Extra High Tension Lines in the State—Issue of instructions.

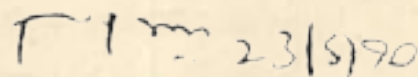
Sir,

I am directed to say that it has come to the notice of Government that the Officers of the Orissa State Electricity Board are experiencing difficulties for constructing Extra High Tension Lines in the State which pass through different terrains, both Government and private. It is reported that almost in every part of the State the local inhabitants, either individually or in groups, are obstructing the laying of the foundation of the towers of the line. Eventhough the O.S.E.B. are prepared to pay compensation as fixed by the Revenue authorities, the concerned parties are not prepared to accept the same.

As no progress can be achieved in construction of the line without the right of way, it is requested that all possible and necessary assistance may be provided by the concerned Tahasildars/Sub-Collectors/Collectors to the Officers of the O.S.E.B., whenever they come across such a situation of obstruction in constructing the E.H.T. Lines.

All concerned are informed accordingly.

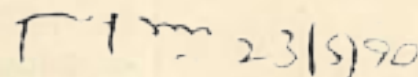
Yours faithfully,

 23/5/90

Addl. Secretary to Government.

Memo No. 24027 /R., dt. 23.5.90

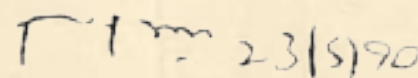
Copy forwarded to all Collectors for information and necessary action.

 23/5/90

Addl. Secretary to Government.

Memo No. 24028 /R., dt. 23.5.90

Copy forwarded to all Sub-Collectors for information and necessary action.

 23/5/90

Addl. Secretary to Government.

Memo No 24029 /R., dt. 23.5.90

Copy forwarded to all Tahasildars for information and necessary action.

[Handwritten Signature] 23/5/90

Addl. Secretary to Government

Memo No. 24030 /R., dt. 23.5.90

Copy **forwarded** to the Chief Engineer & Member (T.D.C.), Orissa State Electricity Board, Bhubaneswar with **reference** to his letter No. 2970 dt. 4.5.90 for information and necessary action.

[Handwritten Signature] 23/5/90

Addl. Secretary to Government,

Government of Orissa,
Revenue and Excise Department

No GE (GL)-S-3/90-24138/LRGE(A). Br. Dt. 23.5.90

From

B.C. Patnaik,
Secretary to Government.

To

The Secretary, Board of Revenue,
Orissa, Cuttack

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

Reference : (i) Government letter No. 71006/R dt. 1.12.81.
(ii) Government letter No. 61172/R dt. 22.9.88
(iii) Government letter No. 26420/R dt. 1.5.89.

Sir,

I am directed to invite a reference to the letters cited above wherein the principles for lease of Brackish water areas in the State for development of Prawn farming were laid down. Since then, the question of enlarging the opportunities of alternative avocation and employment opportunities for the beneficiaries of anti-poverty programme, poor fishermen and landless persons having limited income and the educated unemployed persons were under the active consideration of Government since sometime past. After careful consideration, Government have been pleased to decide as follows :

- (a) The extent of land to be given to the beneficiaries under the anti-poverty programmes, poor fishermen and landless persons will be limited to $\frac{1}{2}$ (half) hectare in all cases.
- (b) The premium would be Rs. 2000/- (Rupees two thousands) per hectare.
- (c) As regards allotment of land to entrepreneurs, firms, companies and corporation etc. such leases will be granted by Government only.

2. The power of sanctioning settlement of Government land in respect of Brackish Water Pisciculture is given in item 14 of Sch. II of O.G.L.S. Rules 1983. This power of settlement by Sub-Collectors, Collectors and Revenue Divisional Commissioners has been modified by the O.G.L.S. (Amendment) Rules 1989. The amended Rules were published inviting objections and thereafter were laid during the first session of the Assembly for 3 days and will be laid before the Assembly during its next session for another 11 days. The amended powers of settlement intended to be conferred on the Sub-Collectors/Collectors/Revenue Divisional Commissioners were intimated in Government letter No. 26420/R dt. 1.5.89, cited at (iii) above. After the rules become final, the said powers will come into operation. The extent of settlement will be limited to the extent indicated in this letter.

3. The principles laid down in Government letter cited in (i) and (ii) above will deemed to be modified to the extent enumerated in this letter.

4. This may be brought to the notice of all concerned.

Yours faithfully,

R Patra

Secretary to Government

Memo No. 24139/R., Dated, the 23.5.90

Copy to Revenue Divisional Commissioner (Central Division), Cuttack/Collector, Cuttack/Puri/Balasore and Ganjam for information in continuation of Government Memo No. 61173/R dt. 22.9.88 and Memo No. 52486/R. dt. 18.8.89 (letter No. 52485/R dt. 18.8.89 to Collectors).

R Patra

Secretary to Government

Memo No. 24140/R., dated, the 23.5.90

Copy to Forest, Fisheries & Animal Husbandry Department/Agriculture & Co-operation Department/Director of Fisheries for information in continuation of Government Memo No. 26422/R., dated 1.5.89 and Memo No. 52487/R., dated 18.8.89.

R Patra

Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. Ft-1/90-26039/R

Dated, Bhubaneswar, the 1.6.1990

From

Rai Charan Das,
Addl. Secretary to Government,

To

The Secretary, Board of Revenue,
Orissa, Cuttack.

Sub : Kudki tenure in Ex-Khalsa and Ex-zamindari areas.

Reference : Government Letter No. 56942/R dated 8.9.89.

Sir,

I am directed to invite reference on the subject cited above and to say that the views of the Board of Revenue regarding continuance and otherwise of the Kudki assessment in respect of Kalahandi Sadar Sub-division as requested for in paragraph 4 of the letter cited above may please be intimated to Government at an early date.

2. A question has been raised as to whether the successor-in-interest of a Kudki tenant, who is a Scheduled Tribe would be recognised in the Dungar Khasada. After careful consideration Government have been pleased to decide that where a Scheduled Tribe has been recognised as a Kudki tenant and a Dungar Khasada had been prepared in his name, on his death his successor (s)-in-interest would be recognised as a Kudki tenant (s) if they prefer claim (s) to that effect.

3. However, where a person, whether or not a Scheduled Tribe, who is not recognised as Kudki tenant and in whose favour Dungar Khasada has not been prepared is in occupation of land he would be treated as an encroacher.

4. This may be brought to the notice of all concerned.

Yours faithfully,

[Signature] 11/6/90

Additional Secretary to Government

Memo No. 26040/R., Bhubaneswar, the 1.6.90

Copy to Collector, Kalahandi/Collector, Koraput/Settlement Officer, Sambalpur/Additional Settlement Officer, Jeypore/Charge Officer, Kalahandi/Tahasildar, Thuamal-Rampur for information in continuation of Government Memo No. 56943/R, dated 8.9.89 for information and necessary action.

[Signature] 11/6/90

Additional Secretary to Government

Memo No. 26041/R., Bhubaneswar, the 1.6.90

Copy to H & T.W. Department for information.

[Signature] 11/6/90

Additional Secretary to Government

Government of Orissa
Revenue and Excise Department.

No IIIW-85/90-29729/R.,
Dated, Bhubaneswar the 25.6.90

From

Shri B P. Mishra, O.A.S.,
Under Secretary to Government

To

The Revenue Divisional Commissioner,
(Central Division) Orissa, Cuttack.

Sub : Use of water from natural sources for Industrial purpose.

Sir,

I am directed to invite reference to your letter No. 6780 dated 7.12.88 on the subject noted above and to say that the Chika Clay Mining Industry located at Joshipur in the district of Mayurbhanj is an old one and was already established prior to the Industrial Policy came into force. The Industry is drawing water from the river Bhandan from the year 1943. So it is not eligible to get the concession with regard to water charges for the period of 5 years as envisaged in this Department G.O. No. 53728-R dated 30.7.80. The Industry is liable to pay water rate at the rate of Rs. 10/- per one lakh gallon of water from the date of issue of the above mentioned G.O. i.e. 30.7.80.

Yours faithfully,

BP
Under Secretary to Government,
25/6/90

Memo No. 29730/R., dt. 25.6.90

Copy forwarded to the Collector, Mayurbhanj for information with reference to his letter No. 3685 dated 22.10.88 to the address of F.A. to R.D.C. (CD).

BP
Under Secretary to Government,
25/6/90

Government of Orissa
Revenue and Excise Department.

No GE (Puri)-4/90-29824/R

Dated, Bhubaneswar, the 25th June, 1990

From

B.C. Patnaik,
Secretary to Government,

To

All Collectors.

Sub : Issue of Miscellaneous Certificates

Ref : Letter No. 12474/CS., dt. 25.2.88 from Chief Secretary to Government.

Sir,

I am directed to invite a reference to the correspondence cited above and to say that instances have since come to the notice of Government that Certificates not contemplated by the Orissa Miscellaneous Certificates Rules, 1984 are being issued by Revenue Officers indiscriminately and sometimes to the detriment of the interests of Government.

2. The above cited Rule authorises the Revenue Officers to issue Certificates of a miscellaneous nature. The note under Rule 3 of the Miscellaneous Certificate Rules clarifies that Character Certificates/ Caste Certificates/Succession Certificates etc. can be issued in accordance with the provisions contained in the said note. Government view with concern that Certificates, not coming within the purview of the above Rules are being issued with impunity.

3. It has been brought to the notice of Government that "possession certificate" has been issued in favour of parties, who are supposedly in possession of Government land unauthorisedly. It is needless to point out that issue of such "possession certificates" in respect of unauthorised occupation does not come within the purview of the Miscellaneous Certificate Rules. A person, who has unauthorisedly occupied Government land, is to be dealt with under the provisions of O.P.L.E. Act, 1972. If the encroachment is objectionable, he has to be evicted. If it is otherwise unobjectionable and the person is eligible for settlement of land in accordance with the provisions of O.P.L.E. Act and Rules thereunder, the land encroached upon may be settled with him to the extent admissible under the said Act and Rules. "Possession" can not be treated as synonymous with "unauthorised occupation" and, therefore, a "possession certificate" is not only outside the purview of Miscellaneous Certificate Rules but is also a complete misnomer. As grant of "possession certificate" is not authorised under Orissa Miscellaneous Certificate Rules, under no circumstances such certificates are to be issued in future.

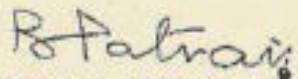
4. Earlier, instances had come to the notice of Government that "tenant certificates" and certificates of similar nature had been issued by the Revenue Officers. Such certificates had been issued by Tahasildars, by instituting so called Miscellaneous cases/Touzi cases. All such cases and orders passed thereon are without jurisdiction and non-existent in the eye of law.

5. Government have been informed that sometimes Revenue Officers are being requested by Banks to issue "possession certificates" on the strength of which loans are sanctioned to individual persons. Again, district loan sections of the Collectorate sometimes require "possession certificates" in order to sanction loan. It is clarified in this connection that issue of such certificates is neither necessary nor authorised under the existing rules and instructions. A person who holds land and is recorded as such in the record-of-rights holds legal title and interest and unless some proof is adduced to the contrary he is presumed to be in possession. Section 13 of the O.S.S. Act, 1958 lays down that every entry in the records-of-rights would be presumed to be correct unless it is proved by evidence to be incorrect. Therefore, such possession certificates should not be issued.

6. It is, therefore, reiterated again that Revenue Officers should be very circumspect and discreet while issuing Miscellaneous Certificates and in no case should issue certificates which proximately or remotely compromises the interests of Government.

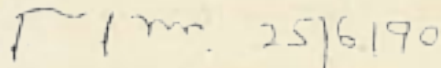
7. This may be brought to the notice of all concerned.

Yours faithfully


Secretary to Government.

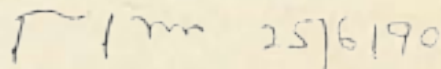
Memo No. 29825/R, Dated 25.6.90

Copy to all Revenue Divisional Commissioners and Secretary, Board of Revenue in continuation of Government memo No. 12745/R, dated 25.2.88 from Chief Secretary to Government for information and necessary action.


Additional Secretary to Government.

Memo No. 29826/R, Dated 25.6.90

Copy to all Sub-Collectors and Tahasildars for information and necessary action in continuation of Government Memo No. 1245/R, dt. 25.2.88 from Chief Secretary to Government.


Additional Secretary to Government.

Government of Orissa
Revenue and Excise Department.

No. S-69/80-29827/R, C H & S.

Dated, Bhubaneswar the 25.6.90

From

B.C. Patnaik,
Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub : Correction of record of rights-Scope of

Ref. (i) Govt. Memo No. 65099/R, dt. 6.10.88

(ii) Govt. letter No. 72029/R, dt. 18.11.88.

Sir,

I am directed to invite a reference to the correspondence cited above and to say that under Chapter-IV of Orissa Survey and Settlement Rules, 1962 both the record-of-rights and the map are maintained. A doubt has arisen about the scope of the powers of the Tahasildars in maintaining the map and the record-of-rights and therefore the following instructions are issued for the guidance of all concerned.

2. Under rule 32 of the O.S.S. Rules, 1962 the **record-of-rights** and the map **as finally published** are required **to be maintained and kept** upto-date **by the Tahasildar on** the grounds mentioned in Rule 34. A revision **of the record-of-rights as finally published lie to the Board** of Revenue **under Section 25 of** the O.S.S. Act **or to the Civil Court under Section 42 thereof. Therefore, a distinction has to be made between** "revision of record-of-rights" and "correction of record-of-rights".

3. Revision of record-of-rights relates to pre-final publication changes in the records. Correction of record-of-rights i.e. the maintenance operation relates only to post-final publication changes. Therefore, any operation which is aimed at or in fact, has the effect of making a change in the pre-final publication changes in the records i.e. the sabik record-of-rights amounts to a revision of record-of-rights and therefore, cannot be entertained by the Tahasildars under Chapter-IV of the O.S.S. Rules, 1962.

4. It has been brought to the notice of Government that in some Tahasils of the State mutation applications are being entertained from the parties on the basis of Sabik Records for effecting changes in the current record-of-rights. Such applications are not entertainable under the provisions of the Orissa Mutation Manual, 1962 and should therefore be summararily rejected. It has further been brought to the notice of Government that after entertaining such applications Sabik-Hal Comparison of the maps are being made to make changes in the record-of-rights. Such practices should be discontinued forthwith. It has to be remembered that not only the Tahasildar has no scope to entertain such applications, but also entertainment and disposal of such applications are without jurisdiction and illegal.

5. This may be brought to the notice of all concerned.

6. Separate further instructions will be issued with reference to Government letter cited at (ii) above.

Yours faithfully,

P. Pattnaik
Secretary to Government.

25/6

Memo No. 29828/R., dt. 25.6.90

Copy to all Revenue Divisional Commissioners/all Collectors/all Sub-Collectors/all Tahasildars for information and necessary action.

P. Pattnaik 25/6/90
Addl. Secretary to Government

Memo No. 29829/R., dt. 25.6.90

Copy to Director of Land Records & Surveys, Orissa, Cuttack for information with a request to make suitable amendments in the Orissa Mutation Manual to suitable clarify the position under intimation to Government.

P. Pattnaik 25/6/90
Addl. Secretary to Government

Memo No. 29830/R., dt. 30.6.90

Copy to Director, Consolidation for information and necessary action.

P. Pattnaik 25/6/90
Addl. Secretary to Government.

Memo No. 29831/R., dt. 25.6.90

Copy to all Settlement Officer/Addl. Settlement Officer, Jeypore/All Deputy Directors Consolidation for information and necessary action.

P. Pattnaik 25/6/90
Addl. Secretary to Government.

Government of Orissa
Revenue Department.

No GE (GL)S-16/90—30225/R. Dated, 27.6.90

From

Shri
Under Secretary to Government,

To

The Secretary,
R.D.C. (SD) Berhampur

Sub : Lease of land in favour of Corporations.

Ref : Your letter No. 2117 dated. 13.10.87 No. 139 dtd. 15.1.90 and No. 996 dtd. 21.4.90

Sir,

In inviting reference to your letters cited above on the subject mentioned above it is clarified that the word "Corporation used in item-2 of Schedule-II of the O.G.L.S. Rules-1983 means both State Government as well as Central Government Corporations established under any law for the time being in force.

Yours faithfully,

Sd/-

Under Secretary to Government.

Government of Orissa
Revenue and Excise Department.

No. GE (GL)-S-104/90—30372/R., (LR & GE-A)
Dated, Bhubaneswar the 27th June '90

From

B.C. Patnaik,
Secretary to Government

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub : Revision of rent in cases of lease hold lands.

Ref Government letter No. (i) No. 48597/R., dt. 26.10.61, and 6831/R., dt. 31.1.64
(ii) No. 61562/R., dt. 28.12.62 and No. 69459 dt. 30.10.65
(iii) No. 34199/R., dt. 27.5.63 and No. 60809/R., dt. 22.10.63
(iv) No. 100551/R., dt. 29.12.75

Sir,

I am directed to say that leases of land are given both in rural and urban areas for non-agricultural purposes and in such cases a lease deed is executed between the lessor i.e. Government and the lessee containing the terms and conditions of the lease deed. In the Government letters cite above, the principles of fixation of rents of the land leased out for different purposes for non-agricultural purposes were laid down.

2. In the standard form of lease deed adopted in many cases there is a covenant i.e. provision about rent which provides either that (a) the rent would be liable to be changed at the time of renewal of the lease, as may be mutually agreed between the lessor and the lessee or that (b) the rent reserved shall be subject to revision at an interval of every 25 years subject to the condition that the revised rent shall not be more than the 50% of the rent paid prior to each revision.

In fact, this provision is now in force in some of the lease-hold lands as a part of the terms and conditions of the lease deed.

3. The principle which have been adopted by Government in respect of lands used for non-agricultural purposes for realisation of rent is that a particular percentage of the market value of land, depending on the purpose for which it is used, is charged as rent, and enhancement of rent, therefore, reflects a proportionate increase in the market value of the land during the period from the date of lease to the date of enhancement. But where the revision of rent is limited to 50% of the rent paid prior to the revision, this principle is deviated and thus constitutes a class of lease-hold lands for which a different consideration is applied.

4. In the approved lease principles communicated in Government letter No. 48597/R., dt. 26.10.61, the provisions of fixation of rent was embodied in paragraphs 7, 14-A, 16(7). Though the approved lease principles are now not in vogue, the principles contained therein are sound and are in consonance with the provisions laid down in paragraph 3 above.

5 Taking all the above into consideration, Government have been pleased to decide that a uniform principle for fixation of rent and revision thereof should be followed. Therefore, the provision of enhancement of rent which limits it to 50% of the rent paid prior to the revision should no longer be operative. Such provision of enhancement of rent should be substituted by the following clause viz :-

"That the lessee paying the rent hereby reserved and performing all the covenants herein contained, shall hold and enjoy the demised premises during the said term without any unlawful interruption by the lessor or by any person what-so-ever, provided that the rent hereby reserved shall be subject to revision at each settlement to coincide with the settlement of rent on agricultural lands in the area or at such other interval as may be ordered by Government.

6 Hence forward the lease deeds executed on behalf of the Government should contain the above provision as to enhancement of rent. Any other provision contained in the standard form of lease deed should be deemed to have been deleted and the above provision incorporated.

7 This may be brought to the notice of all concerned.

Yours faithfully

B. Pattnaik
Secretary to Government

27/6

Memo No. 30373/R, dt. 27.6.90

Copy to all R.D. Cs./All Collectors/D.L.R. & S. Orissa, Cuttack/Director, Consolidation, Cuttack/
All Sub-Collectors/All Tahasildars for information and necessary action.

B. Pattnaik
Secretary to Government.

27/6

Government of Orissa
Revenue and Excise Department.

No. GE (GL)-S-22/90 32237/R., Dt. 9-7-90,

From

B C. Patnaik,
Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa,
Cuttack.

Sub : Concessions in the matter of allotment of land to Industries under the Industrial Policy Resolution, 1989.

Ref : This Department letter No. 37551/R., dt. 9.6.1986.

Sir,

I am directed to invite a reference to this Department letter cited above in which the concessions in the matter of allotment of land to Industries under the Industrial Policy Resolution-1986 were stipulated. In the meantime the said policy has been revised by the Industries Department in their Resolution No. 36243 dt. 1.12.1989 (I.P.R.-1989) and in consideration of the concession outlined in the said revised policy (I.P.R. 1989), the following instructions are now issued in supersession of those communicated in this Department letter cited above:

2. In order to eliminate procedural delay and facilitate speedy sanctions of lease to the entrepreneurs, premium and ground rent shall be charged from all categories of industries at the following concessional rates for Government land

<u>Zone-1</u>	<u>Area rate</u>	<u>Ground Rate</u>
Cuttack including Jagatpur, Rourkela including Kalunga, Talcher-Angul including NALCO Industrial Area, Bhubaneswar including Chandaka Industrial Area	Rs. 1,00,000/-	1% of the land value.
<u>Zone-2</u>		
Paradeep, Choudwar, Berhampur, Chatrapur, Gopalpur, Barbil, Joda, Jeypore, Sambalpur, Sunabeda, Jharsuguda, Brajrajnagar, Baripada, Puri, Balasore, Municipal Area	Rs. 50,000/-	1% of the land value.

Zone-3

All other notified urban areas. Rs. 20,000/- 1% of the land value.

Zone-4

All other areas Rs. 10,000/- 1% of the land value.

3. In case of developed sites the cost of development charges will be on no profit no loss basis.

4. The premium in respect of private land acquired either for Orissa Industrial Infrastructure Development Corporation/or for establishment of any specific industries will be fixed on the basis of compensation amount involved.

5. The premium and ground rent for establishment and undertakings which are not industrial units as per Schedule here-to annexed, shall be fixed at the existing normal rates.

6. The concessional rates will not be applicable to Public Sector undertakings unless specifically allowed. Similarly activities which will not be categorised as industrial unit as per Annexure-I will not be eligible for concessional rates.

7. This shall come into force with effect from 1.12.1989.

8. I am, therefore, to request you to issue necessary instructions to all concerned accordingly.

Yours faithfully,

R. Patra
Secretary to Government,

9/7

**Government of Orissa
Revenue and Excise Department.**

No. IIIW-4/90—32242/R., Dt. 9-7-90

From

B.C. Patnaik,
Secretary to Government,

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub : Concessions in the matters of supply of water to Industrial Units under the Industrial Policy Resolution, 1989 (I.P.R. 1989)

Ref : This Department letter No. 12751/R. dt. 4.3.87.

Sir,

I am directed to invite a reference to this Department letter cited above specifying concessions in the matter of supply of water to industries as per I.P.R. 1986. In the meantime the said policy has been revised by Government vide Industries Department Resolution No. 36243 dt. 1.12.89 (I.P.R.-1989). In consideration of the concessions outlined in the revised policy-I.P.R. -1989, the following instructions are now issued in supersession of orders communicated earlier.

2. According to Paragraph 17 of the I.P.R. 1989, the following concessions are available to Industrial units namely—

- (a) No water charge or royalty shall be levied in respect of water to be drawn by new industrial units from natural sources like river, stream for a period of first 5 years and thereafter, the water charge will be at half the rates prescribed in the Orissa Irrigation Rules for drawal of water for industrial purpose from irrigation works.
- (b) In case the water is drawn from any Government controlled irrigation source, no water charges will be paid by any industrial unit for the first 2 years from the date of its commercial production. In case of supply of water by Public Health Engineering Organisation of any other State Agency/ Municipal body, the water rate would be charged on 'no profit no loss' basis.

3. "Industrial Unit" under the I.P.R. 1989 means any 'Industrial Undertaking' mentioned in Annexure-I of the said I.P.R. and excludes undertakings excepted therein.

A copy of the Annexure-I of the I.P.R. 1989 is enclosed for ready reference. A new Industrial Unit means an Industrial Unit where fixed capital investment has been made only on or after 1.12.1989. The concessions outlined in paragraph 2 above are applicable to "Industrial Units" for which investment has been made on or after 1.12.1989. Cases where investment was made prior to 1.12.1989 would continue to be governed by the instructions conveyed in this Department letter cited above.

It may be mentioned in this connection that the categories to which the concessions were not applicable as per I.P.R. 1986 are different from the categories to which the concessions are not applicable according to I.P.R. 1989, and they are to be carefully distinguished before actually giving concessions.

4. As mentioned above, the concessions are applicable only to Industrial units as specified in Annexure-I of the I.P.R. 1989. Public Sector undertakings are not eligible to the above concessions unless specifically allowed by Government in that behalf. An Industrial Unit claiming concessions will be required to enclose a certificate showing the date of commercial production issued by the General Manager/Project Manager (G.M./P.M.), District Industries Centre (D.I.C.), or Director of Industries, as the case may be, while applying to the Irrigation Officer (as defined in Section 4 (7) of the Orissa Irrigation Act 1959) for drawal of water.

5. The concerned industry is required to execute an agreement for drawal of water from natural sources as prescribed in this Department letter No. 47163-R., dt. 17.7.84.

6. These instructions will be effective from 1.12.1989 i.e. from the date the I.P.R. 1989 came into force and shall be in operation for a period of 5 years till 30.11.1994.

7. Necessary instructions in this regard may be issued to all concerned accordingly.

8. This has been concurred in by the Industries Department.

Yours faithfully

R. Patnaik

Secretary to Government

9/5

Memo No. 32243/R., Dt. 9.7.90

Copy forwarded to all Revenue Divisional Commissioners/all Collectors for information in continuation of this Department memo No. 12752/R., dt. 4.3.87.

R. Patnaik

Secretary to Government

9/5

Memo No. 32244/R., Dt. 9.7.90

Copy forwarded to all Tahasildars, for information and necessary action in continuation of this Department memo No. 12753/R., dt. 4.3.87.

R. Patnaik

Secretary to Government

9/5

Memo No. 32245/R., Dt. 9.7.90

Copy forwarded to Industries Department for information in continuation of this Department memo No. 12754/R., dt. 4.3.87.

R. Patnaik

Secretary to Government

9/5

INDUSTRIAL UNIT

1. 'Industrial Unit' will mean manufacturing/processing industry belonging to the following categories
 - (a) Industries listed under the first Schedule of the Industries (Development & Regulation) Act, 1951 as amended from time to time
 - (b) Industries falling within the purview of the following Boards/Public Agencies
 - (i) Small Scale Industries Board
 - (ii) Coir Board
 - (iii) Silk Board
 - (iv) All India Handloom & Handicrafts Board
 - (v) Khadi & Village Industries Board
 - (vi) Any other agency constituted by Government for Industrial Development.
2. Industrial Unit will not include non-manufacturing service Industries except
 - (a) General Workshops including repair Workshops
 - (b) Cold Storages and Fish-freezing units
 - (c) Computer Software and data processing Industries
 - (d) Movie/TV Studios and processing Laboratories.
3. The following units shall not be eligible for incentives as industrial units
 - (1) Rice Hullers and Rice Mills
 - (2) Flour Mills
 - (3) Pulse Mills
 - (4) Photographic Studios and Laboratories
 - (5) Manufacture of Ice candy and Ice fruits
 - (6) Laundry/Dry Cleaning
 - (7) Tailoring (other than readymade garment manufacturing units)
 - (8) Saw Mill/Sawing of timber
 - (9) Production of Fire-wood and Charcoal
 - (10) Coal/Coke Briquetting
 - (11) Oil Mill/expelling of less than 10 MT plant input capacity (excluding extraction of oil through solvent extraction process and/or refining).
 - (12) Bread-making (excluding mechanised bakery)
 - (13) Carpentry and Furniture making
 - (14) Joinery

- (15) Book binding
- (16) Rubber Stamp-making
- (17) Note Books & Exercise Note Books
- (18) Envelopes
- (19) Confectionary other than 100 % export oriented units.
- (20) Preparation of Sweets and Namkeens etc.
- (21) Making of spices, pampad, dal etc
- (22) Photo copying
- (23) Clinical/Pathological Laboratories
- (24) Beauty Parlours
- (25) Drilling Rigs, Bore-wells and Tube Wells
- (26) Production of Seeds.
- (27) Guest Houses and Restaurants
- (28) Goods and Passanger carriers.
- (29) Video Parlours
- (30) Black & white Colour T.V. sets other than manufactured through rural co-operative societies

4. The list of Industrial Units indicated above can be modified by Government in Industries Department from time to time.

**Government of Orissa
Revenue and Excise Department.**

No. GE-CTC-440/90 (LR & GE-A)—34672/R.,
Dated, Bhubaneswar, the 23rd July '90.

From

Shri B.P. Mishra, O.A.S.,
Under Secretary to Government,

To

The Collector, Cuttack.

Sub : Lease of land measuring 1.376 acres in village Cantonment Bungalow in favour of C.D.A. for construction of Market Complex and Buxi Bazar.

Sir,

I am directed to say that land measuring Ac. 1.376 in village Cantonment, Cuttack has been sanctioned in this Department letter No. 21093/R., dt. 16.3.79 in favour of Cuttack Development Authority for construction of Buxi Bazar Market-cum-Office complex. The C.D.A. in their memo No. 7823 dt. 4.9.85 and D.O. letter No. 1 dt. 5.7.90 have in pursuance of Clause-5 of the lease agreement, moved Government for permission for sub-lease of the Buxi bazar Market Complex on long term basis. After careful consideration of the requests made by the C.D.A., Government have been pleased to accord permission to C.D.A., Cuttack for sub-lease of the market complex at Buxi bazar subject to the following conditions.

1. The period of sub-lease shall be for the unexpired period of the lease granted by the Govt. in favour of the Cuttack Development Authority
2. All terms and conditions of the lease agreement executed by the C.D.A. with Govt. shall form part of the lease agreement to be executed by the C.D.A. with individuals/sub-lease.
3. The transfer of land and premises shall be in accordance with the provision of the Orissa Apartment Ownership Act, 1982.

You are requested to take action accordingly.

Yours faithfully

Anandib
23.7.90

Under Secretary to Government

Memo No. 34673/R., dt. 23.7.90

Copy forwarded to the Secretary to R.D.C., Central Division, Cuttack/Secretary, Board of Revenue, Orissa, Cuttack/H. & U.D. Department for information and necessary action.

Anandib
23.7.90

Under Secretary to Government

Memo No. 34674/R., dt. 23.7.90

Copy forwarded to the Chairman, C.D.A., Cuttack for information and necessary action with reference to his D.O. letter No. 1, dt. 5.7.90.

Anifib
23.7.90

Under Secretary to Government

Memo No. 34675/R., dt. 23.7.90

Three copies to G E-CTC-Seat of L.R. & G.E. (A) Br.

Anifib
23.7.90

Under Secretary to Government

Government of Orissa
Revenue Department.

No. 37977/R., Dtd. 14.8.90

From

Shri R. C. Das,
Addl. Secretary to Government.

To

The Secretary, Board of Revenue
Orissa, Cuttack.

Sub : Transfer of Government land free of premium and rent in favour of Govt. of India for construction of Youth Hostels in the State.

Sir,

I am directed to say that after careful consideration of the proposal furnished by the Education and Youth Services Department, Government have been pleased to decide that government land at the rate of two acres shall be transferred in favour of Government of India free of premium and rent for construction of Youth Hostels at the following places.

<u>Name of the District</u>	<u>Place of Location</u>	<u>Area</u>
Ganjam	Gopalpur	2.00
Mayurbhanj	Jashipur	2.00
Koraput	Koraput	2.00

2. All concerned are informed accordingly.

Yours faithfully

Sd/-

R. C. Das

Addl. Secretary to Government

Memo No. 37978/R. dated 14.8.90

Copy forwarded to the Education and Youth Services Department with reference to their Memo No. 7383 dtd. 5.3.90 for information and necessary action. As regards transfer of land at Bhubaneswar, they are requested to take up with the General Administration Department since they are dealing with alienation of Government land within Bhubaneswar Municipal area.

Sd/-

R. C. Das

Addl. Secretary to Government

Memo No. 37979/R. dated 14.8.90

Copy forwarded to the R.D.C. (CD) Orissa, Cuttack/R.D.C. (SD) Berhampur for information and necessary action.

Sd/-

R. C. Das

Addl. Secretary to Government

Memo No. 37980/R. dated 14.8.90

Copy forwarded to the Collector, Ganjam/Collector, Mayurbhanj/Collector, Koraput for information and necessary action.

Sd/-

R. C. Das

Addl. Secretary to Government

379	14/8/90	14/8/90	14/8/90
379	14/8/90	14/8/90	14/8/90
379	14/8/90	14/8/90	14/8/90
379	14/8/90	14/8/90	14/8/90

Government of Orissa
Revenue and Excise Department.

No. GE (GL)-S-18/90—46758/R.

Dated, Bhubaneswar the 9.10.90

From

B. C. Patnaik,
Secretary to Government.

To

The Secretary, Board of Revenue,
Orissa, Cuttack.

Sub : Lease of land to Tree Growers' Co-operative Society sponsored by F.F. & A.H. Department for launching of the SIDA/NDDDB assisted projects for such societies.

Sir,

I am directed to say that Forest, Fishery and Animal Husbandry Department have requested to lease waste lands to Tree Growers Co-operative Societies (TGCS) consisting of landless agricultural labourers on a preferential basis so as to facilitate implementation of Social Forestry Programmes for the rural poor. After careful consideration Government have been pleased to decide as follows :-

- (a) Leases in favour of T.G.C.Ss. consisting of only landless agricultural labourers will be considered.
- (b) The landless agricultural labourers who are members of such societies should conform to the definition of "landless agricultural labourers" under the O.G.L.S. Act as amended from time to time. Leases in favour of individual members of such societies will not be considered. The concerned Society will have to apply to the Tahasildar concerned for consideration of lease.

- (c) A society registered under the Orissa Co-operative Society Act, 1962 is treated as a "Privileged Raiyat" under Section 2 (24) of the O.L.R. Act. Under Section 36 (a) of the said Act a privileged raiyat is exempted from the provisions of ceiling. Therefore in considering lease of land to T.G.C.Ss. the question of giving land to the extent of 25 hectares per society can be considered subject to availability.
- (d) In case the society proposes to hypothecate the trees and the land to any financial institutions, then the institution which lends money on hypothecation shall be required to execute a Deed of Attornment to the effect that in the event of failure of the society to pay back the loan the institution will acknowledge the Government as the land-lord (lessor) and will hold the land under Government under the same terms and conditions as in the original lease Deed.
- (e) Only such society as recommended by the F.F. & A.H. Department and forwarded by the National Apex Corporation shall be eligible for being given lease. The land leased out to the society should be used for the purpose of planting trees as recommended and prescribed by F.F. & A.H. Department. Only those varieties of trees should be planted which would not change or convert the character of land to a jungle land.
- (f) The period of lease will be 15 (fifteen) years with provision for renewal subject to satisfactory performance of the society.
- (g) Only such types of plantation should be taken up as do not extend beyond the period of lease and which would not commit the Revenue Department to sanction longer period of lease than is initially sanctioned.
- (h) The society should utilise the land for the purpose for which the land is given. The land should be utilised within at best a period of 3 (three) years from the execution of lease deed or from the date from which possession of the land is given, whichever is earlier. For genuine reasons the Sub-Collector can extend the period for a further period of 2 (two) years. Failure to utilise the land within the specific period including the extended period, if any, will entail cancellation of lease without compensation.
- (i) The Sub-Collector/Tahasildar shall have the right to inspect the work of the concerned Society and if it is found that there has been any breach of the conditions of the lease

deed or if some members are not agricultural labourers and are not landless persons then the lease can be cancelled.

- (j) In the event of dissolution/liquidation/supersession of the society, the assets created by the society on the land can be apportioned in between the members as may be determined by the competent authority, but the interest on land vis-a-vis the Revenue Department will not be affected.
- (k) Only Waste land of Abad Ajogya Anabadi category will be given on lease. Such land can be considered for lease if they are not otherwise reserved under Section 3 (a) of the O.G.L.S. Act, 1962 for any specific purpose or under Section 7 (2) (b) (iii) of the O.P.L.E. Act, 1972 for any other purpose.
- (l) No premium will be charged from the society for lease of land. Rent at the usual rate will be charged.
- (m) No rent will be realised for the first 6 (six) years. The arrear rent will be realised 3 (three) instalments from the 7th year onwards.
- (n) All other conditions of the standard lease deed will be applicable.

It is requested that, this may be brought to the notice of all concerned.

Yours faithfully,

B. Patnaik

9/10

Secretary to Government

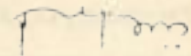
Memo No. 46759/R., dt. 9.10.90

Copy forwarded to Forest Fisheries and Animal Husbandry Department with reference to their U.O.R. No. 1953 F.F.A.H. Deptt. dated 10.7.90 and proposal of Secretary, F.F. & A.H. Department for information.

M. M. 9/10/90
Addl. Secretary to Government

Memo No. 46760/R. dt. 9.10.90

Copy forwarded to All Revenue Divisional Commissioners/All Collectors/All Sub-Collectors/All Tahasildars for information and necessary action

 9/10/90
Addl. Secretary to Government

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**Government of Orissa
Revenue & Excise Department**

No. S-116/90 (Pt),-236/ R., Dated 3.1.91

From,

Shri B. C. Patnaik,
Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Correction of Record of Rights and Maps by Tahasildars.

Ref. : This Department letter No. 29827/R., dtd. 25.6.90.

Sir,

I am directed to invite a reference to this Department letter No. 29827 dtd. 25th June 1990 regarding exercise of Jurisdiction by the Tahasildars for effecting corrections in the R.O.Rs and Maps for maintaining these up-to-date as required under Section-16 of the Orissa Survey and Settlement Act, 1958.

2. Under Rule -32 of the Orissa Survey and Settlement Rules, 1962 the finally published R.O.Rs and Maps are required to be maintained and kept up to date by the Tahasildars by effecting necessary mutations on one or more of the grounds mentioned in Rule-34. In the letter cited above a distinction had been made between cause of action arising after final publication of the Maps and Records and that arising prior to such publication. It had been stipulated that the Tahasildars can effect mutations in the R.O.Rs and Maps on the basis of only those causes which arose after the final publication of the R.O.Rs. The Tahasildars had been instructed not to effect any mutations in case the cause of action had arisen prior to the final publication of R.O.Rs. and Maps leaving these to be dealt with by the authorities exercising revisional jurisdiction under the Orissa Survey and Settlement Act.

3. In many cases the land holders fail to take timely action during the currency of the Settlement Operation for getting their rights on land recorded. Besides, transfers of land taking place during the final stages of Settlement operation get excluded from being taken into account by the Settlement Authorities. In a large number of cases where Government land and ceiling surplus land have been settled in favour of landless persons, these have not been recorded in their favour, either due to negligence on the part of the alloties or negligence of the authorities who were responsible for getting necessary changes effected in the R.O.Rs. Unless these changes are incorporated in the R.O.Rs. after final publication by the Tahasildars, the R.O.Rs. will remain-out-of -date and the land owners will be put to unnecessary difficulties.

4. Government, therefore, after careful consideration have been pleased decide that the Tahasildars will effect mutations in the R.O.Rs where changes are required to be made on any of the grounds contained in Rule-34, irrespective of whether such deeds of transfer or orders of competent authorities or Decrees or any other document on which the prayer for mutation is based contain references to the lands in terms of the old (Sabik) R.O.Rs or whether such documents were executed orders passed or the decrees obtained prior to the date of final publication of the R.O.R.

5. The Tahasildars, however, **will not have** jurisdiction to mutate R.O.R. and Maps on the basis of a claim which has been rejected in a **Revenue Court** during the preparation of the records of right. The principle of resjudicate will apply in all such cases and no fresh case for mutation on such claims can be entertained. The orders of the Settlement Courts shall be binding on the Tahasildars so far as the subject matter of the dispute is concerned.

6. Government have further decided that all mutation cases which have been dropped by the Tahasildars solely on the ground of lack of jurisdiction pursuant to this Department's letter No. 29827, dated 25th June, 1990 will be reinstated by the Tahasildars and proceeded with as if the cases had not been decided.

7. Copies of these instructions are being forwarded to the subordinate revenue authorities for **guidance. The Board of Revenue are requested to ensure that the instructions are adhered to scrupulously by all Tahasildars in dealing with applications for mutation and that the Tahasildars do not act in excess of the jurisdiction vested in them or exercise any jurisdiction not vested in them under the cover of these instructions.**

Yours faithfully,

Sd/-

Secretary to Government

Memo No. 237 / R., Dated 3.1.91

Copy forwarded to all the Revenue Divisional Commissioners for information and necessary action.

Sd/-

Secretary to Government

Memo No. 238 / R., Dated 3.1.91

Copy forwarded to all the Collectors for information and necessary action.

Sd/-

Secretary to Government

Memo No. 239 / R., Dated 3.1.91

Copy forwarded to all the Sub-Collectors/ Tahasildars for information and necessary action.

Sd/-

Secretary to Government

Government of Orissa
Revenue & Excise Department

No. LR & GE (A) Branch. GE (GL)-S-24/90 (Pt),- 378/ R.,
Dated, Bhubaneswar the 3rd., Januray, 1991.

From,

Shri P. S. Guha, O.A.S.,
Deputy Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

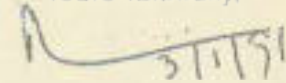
Sub. : **Transfer of land free of premium for establishment of Navodaya Vidyalayas in the State.**

Sir,

In partial modification of this Department letter No. 62663/R., dated, 26.9.86 on the above subject I am directed to say that after careful consideration Government have been pleased to decide that Government lands in between 20 to 30 acres depending on availability shall be provided in each district of the state free of premium for establishment of Navodaya Vidyalayas subject to payment of annual rent as per rules in vogue.

2. All concerned are being informed.

Yours faithfully,



Deputy Secretary to Government

Memo No. 379 / R., Date 3.1.91

Copy forwarded to All Revenue Divisional Commissioners/ All Collectors in continuation of this Department memo No. 62664/R., dt. 26.9.86 for information and necessary action.



Deputy Secretary to Government

Memo No. 380 / R., Date 3.1.91

Copy forwarded to the Education and Youth Services Department in continuation of this Department Memo No. 62665/R., dt. 26.9.86 for information and necessary action.



Deputy Secretary to Government

Memo No. 381 / R., Dated 3.1.91

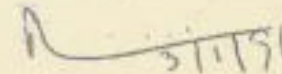
Copy forwarded to All S.D. Os/All Tahasildars in continuation of this Department memo No. 62666/R., dt. 26.9.86 for information and necessary action.



Deputy Secretary to Government

Memo No. 382 / R., Dated 3.1.91

Copy forwarded to All Assistant of LR & GE (A), (B) and (C) Branches/ G.A. (B) Branch for compilation/ 25 spare copies to LR & GE (A) Branch for information.



Deputy Secretary to Government

THE ORISSA GOVERNMENT LAND SETTLEMENT AMENDMENT ACT, 1990

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PREAMBLE :

SECTIONS :

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 3

The Orissa



Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 25 CUTTACK, WEDNESDAY, JANUARY 9, 1991 / PAUSA 19, 1912

LAW DEPARTMENT
NOTIFICATION

The 8th January 1991

No. 465-Legis-The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 1st January, 1991 is hereby published for general information.

ORISSA ACT 1 OF 1991

THE ORISSA GOVERNMENT LAND SETTLEMENT (AMENDMENT) ACT, 1990

AN ACT FURTHER TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT ACT, 1962

Be it enacted by the Legislature of the State of Orissa in the Forty-first year of the Republic of India as follows :-

Short title and commencement

1. (i) This Act may be called The Orissa Government Land Settlement (Amendment) Act, 1990.

(ii) It shall come into force on such date as the State Government may by notification, appoint.

Amendment of section 2

2. In the Orissa Government Land settlement Act, 1962 (hereinafter referred to as the principal act), in section 2, after clause (b) be following Explanation shall be inserted, namely:-

Orissa Act 33 of 1962

"Explanation-The expression "any other description, whatsoever" shall include-

- (i) Khasmahal lands, that is to say Mahals held under Khas which are treated as Government estates and the rent of which are payable under section 3 of the Bengal Land-Revenue Settlement Regulation, 1822 or under section 4 of the Bengal Land Revenue Settlement Regulation, 1825;
- (ii) Nazul lands situated in the State;
- (iii) Gramakantha Parambok lands in the ex-Madras areas; and
- (iv) Abadi lands situated in the State".

Bengal Regulation VII of 1822

Bengal Regulation IX of 1825

Amendment of section 3

3. In section 3 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :-

*(4) Notwithstanding anything to the contrary contained in the preceding sub-sections or in any law or any custom, practice or usage having the force of law-

- (a) any Khasmahal land or Nazul land, except where such land is used as homestead in any urban area, which has been leased out prior to the appointed date, shall, whether the lease, where it had already expired, has been renewed or not prior to such date, be deemed to have been leased out under this Act to the person holding such land whether as a lessee, or as a sub-lessee either under the lessee or under a sub-lessee.

Provided that—

- (a) (i) any such lessee who is entitled to receive any rent from a sub-lessee under him or
(ii) any such sub-lessee who is entitled to receive any rent from a subsequent sub-lessee under him.

under any instrument executed for such lease or sub-lease, as the case may be, shall be paid a compensation by the said sub-lessee or subsequent sub-lessee, as the case may be equivalent to ten times the said rent in the manner as may be prescribed.

- (b) the compensaiton so payable shall, if not paid by the concerned sub-lessee or subsequent sub-lessee, as the case may be, within the prescribed period, be recoverable from him by the Tahasildar having Jurisdiction over the area as arrears of land revenue and be paid to the concerned lessee or sub-lessee as the case may be, in the manner as may be prescribed;

- (b) any Gramakantha Parambok land or Abadi land, except where such land is used as homestead in any urban area, which is in occupation by any person for not less than five years as on the appointed date, shall be settled with the said person in such manner, by such Officer and subject to such terms and conditions as may be prescribed.

Provided that any such land which is situated in an urban area shall be settled on lease-hold basis and in case of other lands settlement shall be on raiyati basis.

- (c) any Khasmahal land, Nazul land, Gramakantha Parambok land or Abadi land, which is used and in occupation by any person as homestead in any urban area for not less than five years as on the appointed date, shall, subject to the payment of compensation in the case of Khasmahal and Nazul land as mentioned in the proviso to clause (a), be settled,—
(i) in the case of Khasmahal or Nazul land, with the person lawfully holding such land on and from the date the compensation is paid ; and
(ii) in the case of Gramakantha Parambok and Abadi land, with the person in occupation of such land on and from the appointed date,

On permanent basis with heritable and transferable rights.

Explanation— For the purposes of this sub-section, the expression "appointed date" shall mean the date of publication of the Orissa Government Land Settlement (Amendment) Act, 1990 in the official Gazette."

By order of the Governor

S. K. MISHRA

Additional Secretary to Government

Government of Orissa
Revenue & Excise Department

No. GE (GL) S-17/91-8905/ R., Dated 23.2.91

From,

Shri B. C. Patnaik,
Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Temporary lease of land to the beneficiaries for plantation and enjoyment of usufructuary rights.

Sir,

I am directed to say that different schemes for conferment of usufructuary rights on E.R.R.P. beneficiaries have been framed and implemented in the state at different times from 1979 onwards. In this Department letter No. 48808-R dt. 3.7.79 instructions were issued for conferring usufructuary rights on small and marginal farmers and landless agricultural labourers in respect of trees planted by them in certain categories of land subject to conditions laid down therein. The question of grant of temporary lease of land to the landless agricultural labourers and enjoyment of usufructuary rights on trees planted by them on waste lands was under this active consideration of Government. After careful consideration, Government have been pleased to decide as follows :

1. Only waste land of Abad Ajogya Anabadi category or such Abad Ajogya Anabadi which can not be put to agricultural use not exceeding one hectare can be given on lease. Where a person already owns land, so much of land, not exceeding in aggregate 0.99 standard acre (i.e. less than one standard acre) will be given on lease. Subject to following terms and conditions :

(a) Lease in favour of individuals who are landless agricultural labourers as well as small and marginal farmers may be considered. Such land can be considered for temporary lease if these are not otherwise reserved under Section 3 (a) of the O.G.L.S. Act, 1962 for any purpose or under proviso (iii) of Section 7 (2) (b) of the O.P.L.E. Act, 1972 for any other purpose.

The expression 'landless agricultural labourer' used in these instructions will have the same meaning as the 'landless agricultural labourer' occurring in the definition of the said expression under the O.G.L.S. Act as amended from time to time.

(b) The beneficiary shall have no ownership right on the land leased out to him for plantation.

(c) He shall not transfer, sublet or assign or otherwise dispose of or create any interest, title, right or liability or encumbrances on the land. The ownership of land would continue to vest in the State Government.

(d) The land leased out to him would be used for the purpose of planting trees as per guidelines as prescribed by the Forest Department. Under no circumstance the character of the land should be changed or land declared as forest land without prior approval of the Revenue Department.

(e) The allottee shall be entitled to the usufructs of the trees only.

(f) In case the beneficiary propose to hypothecate the trees and the land to any financial institution, the institution which lends money on hypothecation, shall be required to execute a Deed of Attornment to the effect that in the event of failure of the beneficiary to pay back the loan the institution will acknowledge the Government as the landlord (lessor) and will hold the land under the Government under the same terms and condition as in the case of the original beneficiary.

(g) The Tahasildar, who will be associated in selection of beneficiary and will lease out the land, will also have the right to inspect the land of the beneficiaries and if he is satisfied that the beneficiary has not utilised the land for the purpose for which it was leased out, he can cancel the lease and the land will revert back to the State Government in Revenue Department without any encumbrances.

(h) The beneficiary shall protect the area and keep it free from encroachment.

(i) The period of lease will be 10 (ten) years with provision for renewal subject to satisfaction of Authority.

(j) The land should be utilised within at best a period of 3 (three) years from the date on which possession of the land is given to the beneficiary.

(k) No premium will be charged from the beneficiary for the lease of land. But rent will be charged @ Rs. 10/- per acre per annum.

(l) No rent will be realised for the first 4 (four) years. The arrear rent will be realised in 4 (four) instalments from the 5th year onwards.

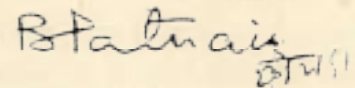
(m) The benefits conferred under these instructions, unless cancelled, are heritable but not transferable.

(n) Only such types of plantation as do not extend beyond the period of lease should be taken up.

(o) All other conditions of standard lease deed will be applicable in these case.

It is requested that this may be brought to the notice of all concerned.

Yours faithfully,



Secretary to Government

Memo No. 8906/R., Dated 23.2.91

Copy to All Revenue Divisional Commissioners / All Collectors/ All Sub-Collectors/ All Tahasildars for information.



Deputy Secretary to Government

Memo No. 8907/ R., Dated 23.2.91

Copy forwarded to Forest, Fisheries & Animal Husbandary Department for information and necessary action.



Deputy Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. S-34/91-11782/R.,
Dated, Bhubaneswar, the 14.3.91

From :

B. C. Patnaik,
Secretary to Government

To,

The Land Reform Commissioner, Orissa, Cuttack
Secretary, Board of Revenue,
Orissa, Cuttack.

Sub. : Manner of dealing with lands recorded in Bebandobasta status in the record-of-rights.

Ref. : Govt. letter No. (a) 6490-GE(GL)-S-3/89/R, dt. 30.1.89
(b) 21033-S-42/90/R, dt. 7.5.90
(c) LRC's letter No. 8521/LR, dt. 15.7.89

Sir,

I am directed to say that in the Government letters cited at (a) and (b) above the manner of recording lands in Bebandobasta status was clarified. In terms of these letters no lands should be recorded in Bebandobasta status during settlement operation at the level of the field staff including the A.S.Os. It was further laid down that where there is a genuine case deserving to be recorded in Bebandobasta status, the orders of the concerned charge officer should be obtained which should be specific and reasoned. It will be the responsibility of the concerned charge officer to ensure that lands are correctly recorded under the said status.

2. It has been brought to the notice of Government that about one lakh holdings have been recorded in the R.O.Rs. by the settlement authorities in Bebandobasta status in several districts of the state specially Cuttack, Puri and Balasore. The last subsisting estates were vested in Government in 1974 i.e. 16 years ago and in spite of that so many holdings still continue to be recorded in Bebandobasta status. This is due to the fact that there were no clear instructions by the settlement authorities regarding the manner of recording lands in Bebandobasta status and therefore a large number of holdings have apparently been erroneously recorded as such.

3. The lands which could be recorded in Bebandobasta status belong to any of the following categories, viz-

- | | |
|--|--|
| i) <u>Khamar</u>
<u>Nizote</u>
Private lands of the Ruler
(in the merged territories) | Sec. 7 (h) of the Merged states (Laws)
Act, 1950. |
| ii) Land held as service tenure
under the ruler or any member of his family | Sec. 7(g) of the merged states (Laws)
Act, 1950. |
| iii) Homestead of the Intermediaries | Sec. 6 of the O.E.A. Act. |
| iv) Lands in Khas possession of the Intermediaries | Sec. 7 of the O.E.A. Act. |
| v) Land held for service as village servant | Sec. 8(2) of the O.E.A. Act. |

vi) Land held for rendering service to the Intermediary.

Sec. 8(3) of the O.E.A. Act

vii) Land held for rendering service to the intermediary who is a Trust Estate.

Proviso to Sec. 8(3) of the O.E.A. Act.

In all the above cases the lands are already legally held by the concerned persons and recorded (in the previous R.O.Rs.) / recognised as such. The status of such land undergoes change due to operation of a particular statute.

4. Lands recorded in Bebandobasta status should be dealt with in the following manner :-

i) For **every Bebandobasta Khata the Tahasildar** will start a case record and ask the concerned person to **produce all documents/papers/evidence** in support of his claim within a definite time period. He should also **issue a public notice inviting objections**. The time limit should not be extended on conventional grounds or as a matter of course except for really urgent and compelling reasons. The maximum time limit should, in no case, be more than three months.

ii) **The onus of establishing the case and proving it to the complete satisfaction of the Tahasildar lies squarely on the person in whose name Bebandobasta Khata has been prepared. Since the concerned person is, apparently in the occupation of the land for long periods (because the last batch of subsisting intermediary interests were vested in the State Government in 1974 and the concerned person had presumably raised his claim before the settlement authorities) there can not be any valid reason for giving time or adjournments beyond a reasonable period to produce documents/papers/evidence.**

iii) As pointed out in **paragraph 3 and in the letters cited at (a) and (b) above**; the legal position is that the claimant must have held **the land in the Sabik R.O.Rs. in a different tenure**. In other words, the claim of the concerned person is to be traced to the Sabik R.O.Rs. where he must have been recorded as holding **land coming within any of the categories mention in Paragraph 3. Evidence of this is required to be produced by the concerned person, which has to be verified as to its correctness by the Tahasildar. The claimant must file an affidavit to the effect that the lands recorded in the Sabik R.O.Rs. in his favour have not otherwise been alienated by him and he held the land in the same tenure till the date of vesting and that he is in possession of the land and further that the land has not otherwise been settled in his favour.**

iv) In certain cases, the concerned persons might not have been recorded in the Sabik R.O.Rs. For example, after the Sabik settlement some lands might have been assigned or utilised for definite purposes by **the ex-zamindar/ex-intermediary which, thus, will not find place in the Sabik R.O.Rs. some Khas possession lands of the ex-zamindar/ex-intermediary, Jagirs in some cases might come under this category. Therefore, the following corroborative evidence** should be taken in all cases including case which find mention in the Sabik R.O.Rs.

a) If the land has been assigned on or after 1.1.1946 then prima face it will be presumed that it was done with a view to defeating any of the provisions of the O.E.A. Act or getting higher compensation thereunder. Again, if the land was forest land or private land of the Zamindar/intermediary or was communal land and was alienated on or before 1.1.1946 (and on or before 30.11.1947 in case of alienation in favour of charitable institutions) without the written permission of the Collector, then the transaction was void. In such cases the claim cannot be accepted.

b) Application of the ex-intermediary in the form given in the schedule to the O.E.A. Act on the wake of vesting of the estate u/s 3 or 3-A of the Act read with sections 3-B (2) (3), 3(C) thereof.

c) Documents filed by the ex-intermediary in pursuance of notice under rule 13 of the O.E.A. Rules in Form D or DD, and

d) **Compensation** assessment roll prepared u/s 26(2) of the O.E.A. Act and published u/s 31 thereof (subject to appeal and revision u/s 31, 32-A, 32-B) and finally published u/s 33 of the Act.

If the land does not find mention in any of the documents cited at (b), (c) & (d) then the claim cannot be entertained.

(e) Besides, other valid documents can be looked into such as Sanad, etc., granted by the ex-intermediary and entries in the Gounti patta etc.,

(f) **Production of a few rent receipts, a hata patta** or a pola patta cannot constitute original evidence or replace **the evidence cited above but can only supplement** them. Such evidence (hata patta, rent receipts etc.) in **itself cannot substantiate the claim but can only** corroborate them. On the otherhand, it constitutes a strong ground for a case u/s 5(i) of the O.E.A. Act.

(g) Since the claims are being decided on the **basis of hal Khata and hal plot numbers**, the evidence **outlined in (iii) and (iv) (b), (c) & (d)** are only for the **purpose of ascertaining the genuineness** of the claim. In **case the Sabik area** and the hal area vary widely (**i.e. beyond 5%**) **then the excess area beyond 5% cannot be conceded.**

(v) It has **to be seen** that alongwith evidence as **cited** in (iii) and (iv) **above the ingredients** of the concerned **section of the Act** (such as Section 6,7,8(2), **8(3)** etc. as the case may be) **are fully satisfied.** Only then the **claim would** be considered. In case the **ingredients** are not **satisfied, the claim** cannot be admitted.

(vi) Before the cases are disposed of, the Tahasildar should enquire into every case on the spot. Such enquiries should not be entrusted to lower level functionaries. During such enquiry the actual possession of the claimant should be ascertained. It should be remembered that the possession of the claimant is presumably for long periods (at least for more than 16 years) and therefore the enquiry should reveal his actual possession at different points of time during the entire period of his possession beginning from the date of his claim, the nature of his possession, his status as an occupant and all other ancillary matters.

If the claimant is not in possession, including possession at the relevant point of time, then his case should not be admitted.

(vii) If after conducting enquiry, in accordance with the above, the claim is established, then the land can be settled with him in rayati status (**except** the cases of personal service to deities or trust estates) from the date of vesting of the estate, on **fixation** of fair and equitable rent. The rate of rent fixed would be that prevailing in the village or if there is no rate for the village, the rate prevailing for similar lands in the vicinity. From the date of final publication of R.O.Rs (in which it is recorded as Bebandobasts) the rate of rent would be at the rate as fixed in the said R.O.Rs. for that village and for that particular kizam of land.

The entire arrear rent would be collected in one instalment from the concerned person.

5. As regards salami, the rate of salami to be charged for settlement of land would be Rs. 500/- per acre.

6. An entry in a R.O.Rs. has a presumptive value of correctness until the contrary is proved. In a proceeding on "Bebandobasta Khata", the "Status" (which was inchoate) is decided, and so also rent (in case the land is settled). The possession of the party is also verified and forms a part of the decision on his claim to be recorded.

The two other entries in the R.O.Rs which are relevant, are kizam and area (of the plots concerned). If the land or any plot is recorded in "jungle kizam", then the claim cannot be accepted. The area of the plots, as recorded in the R.O.Rs (in the Bebandobasta Khata) cannot be challenged by the party nor can be determined by the Tahasildar. The area can only be altered or changed in case a fraction plot or bata plot is made i.e. the existing plot is fractioned, the occasion for which will not arise in course of disposal of the proceeding.

7. (a) In case it terms out during enquiry that the land was actually Nijjote/Nij-dakhal/Khas-possession/Jagir land, as the case may be, and has been transferred to some other persons, **then subject to (iv) (a).**

the land can be settled with the transferee if he is a landless person in accordance with the provisions of the OGLS Act/Rules.

(b) If it turns out during enquiry that the claim is valid and the land is currently held by the successors of the claimant ex-intermediary (who is dead) then the land can be settled with the successors jointly in accordance with these principles.

8. As regards cases which do not fall within any of the categories indicated in the Paragraph-3, the following procedure will be adopted.

(i) If the occupier is a landless person, land upto one standard acre can be settled by treating the occupation as unauthorised. No penalty or fine will be imposed. However, back rent will be realised in full.

(ii) If **the occupier is not a landless or homesteadless person, land will not be settled with him.** The list of such persons indicating the area occupied, by each, the date of occupation and all other relevant details should be **furnished to Government for further appropriate instruction.**

9. Apart from the above, another kind of Bebandobasta Khata is noticed in the Sabik R.O.Rs., specially in the Dalziel settlement record. **Such Khatas** mainly relate to lands in which settlement of rent was not made on **account of addition to the area of the** holding due to various causes. Such cases should be specifically referred to Government for appropriate orders in the matter.

10. Lands pertaining to the cases which are rejected should be taken to the Abadjogya Anabadi Khata. If there are any occupations on such lands (which should be compulsorily verified 100% by the Tahasildar on the spot) it should be treated as unauthorised and dealt with under the provisions of the O.P.L.E. Act and rules thereunder. Such of those encroachers who are either homesteadless or landless would be entitled to settlement in accordance with the provisions of O.P.L.E. Act/Rules.

11. The Tahasildars should dispose of the cases with utmost care and promptitude, in accordance with principles enumerated above with the prior approval of the Sub-Collector and will remain responsible for any deviation from the said principles.

12. These instructions supersede all instructions on the subject and may be brought to the notice of all concerned.

Yours faithfully

B. Pattnaik
13/3

Secretary to Government

Memo No 11783 / R., dt. 14.3.91

Copy forwarded to

(a) All Revenue Divisional Commissioners/All Collectors/Director, Land Records and Survey, Orissa, Cuttack/ Director, Consolidation, Orissa, Cuttack.

(b) All Settlement Officers/ All Deputy Directors of Consolidation/ Additional Settlement Officer, Jeypore.

(c) All Sub-Collectors/All Tahasildars for information and necessary action.

B. Pattnaik
13/3

Secretary to Government

Memo No. 11784/R., dt. 14.3.91

Copy forwarded to L.R.G.E./L.R. Branch and 20 copies to C.H. & S. Branch for information and necessary action.

B. Pattnaik
14.3.91

Deputy Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. - G. E. (GL)-S-47/91-18940/R., (L.R. & G.E. (A)

Dated, Bhubaneswar, the 25-4-1991.

From

Shri P. S. Guha, O.A.S.,
Deputy Secretary to Government.

To

The Collector,
Bolangir / Dhenkanal / Ganjam/Kalahandi/Keonjhar/Mayurbhanj/Sambalpur/Sundargarh.

Sub. : Advance possession of Government land in favour of Forest Department for taking up compensatory afforestation.

Sir,

I am directed to say that the principal C.C.F. in his Memo No. 5446 dated 27-2-1991 has intimated that 2370.60 hec. of non-forest lands free from encroachment and other encumbrance and suitable for afforestation have been identified in respect of 28 different projects belonging to 8 districts. These projects have already been cleared by Government of India. The land will be given to D.F.Os concerned by way of advance possession immediately for raising compensatory afforestation in the ensuing planting season. The extent of non-forest land already identified in each district is enclosed for the purpose of lease and grant of advance possession for compensatory afforestation, the user Department will furnish land particulars after joint verification with the Forest & Revenue Department officials. The concerned D.F.O. will file necessary requisition with the Revenue Department officials i.e. Tahasildar under whose jurisdiction the lands are situated. For the purpose of compensatory afforestation, non-forest Govt. land required to be leased out will not necessarily be located in the same district where the project is situated.

It is therefore requested that, advance possession of the non-forest land already identified in your districts for different projects should be handed over to the Forest Department officials pending formal transfer of land immediately under intimation to this Department and action taken in the matter may please be intimated to this Department.

Further lease proposals in respect of these non-forest Govt. lands may be immediately processed and sent to the appropriate authority for sanction.

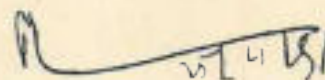
Yours faithfully,



Deputy Secretary to Government

Memo No. 18941/R., dated. 25-4-91

Copy forwarded to Forest & Environment Department / Irrigation Department for information and necessary action.



Deputy Secretary to Government

Name of District	Total Non-forest land to be covered by Comp. afforestation (In ha.)	Land already identified (In ha.)	Balance land yet to be identified (In ha.)
Balasore	—	—	—
Bolangir	4213.56	104.24	4109.32
Cuttack	—	—	—
Dhenkanal	1074.109	351.3181	722.7909
Ganjam	390.8459	487.3308	—
Kalahandi	568.0000	48.58	519.42
Keonjhar	421.097	409.269	11.828
Koraput	2491.20	—	2491.20
Mayurbhanj	1724.959	325.60	1399.359
Puri	4299.00	—	4299.00
Phulbani	91.70	—	91.70
Sambalpur	816.57	533.19	283.38
Sundargarh	101.581	111.074	—
	<u>16,192.6219</u>	<u>2370.6019</u>	<u>13927.9979</u>

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-47/91-18947/R., (LR & GE (A) Br.)

Dated, Bhubaneswar, the 25.4.1991

From :

Shri P. S. Guha, O.A.S.,
Deputy Secretary to Government

To,

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Delegation of power in favour of Sub-ordinate Revenue Officers to sanction advance possession of Government lands for compensatory afforestation in respects of different projects.

Sir,

I am directed to say that as per delegation made in OGLS (Amendment) Rules, 1987 sanction of Government is necessary in respect of all proposals for sanction of lease of Government land in favour of Forest Department for afforestation exceeding Ac. 50.00. In order to avoid delay in making available Government non-forest lands to the Forest Department for compensatory afforestation, Government have been pleased to delegate powers of sanction of advance possession of Government non-forest lands for compensatory afforestation to the extent mentioned against each.

Sl. No.	Name of the authority	Extents of land upto which powers of advance possession is delegated in respect of a single project
1	2	3
1.	Sub-Collectors	.... Upto 20 ha. for each project
2.	Collectors	.... Exceeding 20 ha. but upto 100 ha. for each project.
3.	R.D.Cs	.... Exceeding 100 ha. but upto 500 ha. for each project.
4.	Member, Board of Revenue	.... Exceeding 500 ha. but upto 1000 ha. for each project.

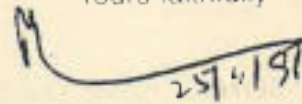
After sanction of advance possession, the appropriate authority sanctioning such advance possession should ensure submission of lease proposal with recommendation by the Tahasildar to the next higher authority within one month under intimation to Government.

For the purpose of lease of Government lands for compensatory afforestation, the user Department will furnish land particulars after joint verification with the Forest and Revenue Department officials. The concerned DFO will file necessary requisition with the Revenue Department officials i.e. Tahasildar under whose jurisdiction the lands are situated.

For the purpose of compensatory afforestation, non-forest Government land required to be leased out may not necessarily be located in the same district where the project is situated.

All concerned are being informed accordingly.


Yours faithfully



Deputy Secretary to Government

Memo No. 18948/R., dt. 25-4-1991

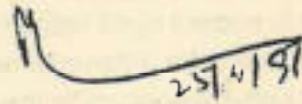
Copy forwarded to All Departments of Government / All R.D.Cs./All Collectors for information and necessary action.



Deputy Secretary to Government

Memo No. 18949/R., dt. 25-4-1991

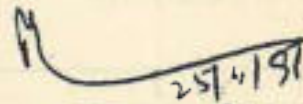
Copy forwarded to All Sub-Collectors/All Tahasildars for information and necessary action.



Deputy Secretary to Government

Memo No. 18950/R., dt. 25-4-1991

Copy forwarded to All Assistance of L. R. & G. E. (A) (b), (C) Branches / G.A. (B) Branch / 25 spare copies to L. R. & G. E. (A) Branch for information and necessary action.



Deputy Secretary to Government

Government of Orissa
Revenue and Excise Department

OFFICE MEMORANDUM

No. GE(GL)-S-7/91-19510/R.,
Dated, Bhubaneswar, the 29.4.1991

In supersession of this Department Office Memorandum No. 27640 /R. dated 5. 5. 89, Government have been pleased to reconstitute the High Power Committee to monitor the progress of the Pilot Project of Computerisation of Land Records in the district of Mayurbhanj with the following members. :-

- | | |
|--|----------|
| 1. Member, Board of Revenue, Orissa | Chairman |
| 2. Commissioner, Land Records and Settlement | Member |
| 3. Representative of Revenue Department | Member |
| 4. Director of Land Records and Survey, Orissa | Member |
| 5. Financial Advisor, Revenue Department | Convenor |

2. The High Power Committee will monitor the progress of implementation of the Pilot Project and apprise Government of the developments from time to time.

By order of the Governor

P. S. GUHA,

Deputy Secretary to Government.

Memo No. 19511/R., dt. 29-4-1991


Copy forwarded to All Departments of Government / Secretary, Board of Revenue, Orissa, Cuttack/ S. R.C., Orissa, Bhubaneswar / All Heads of Departments / All Revenue Divisional Commissioners / All Collectors / All Members of the High Power Committee / Accountant General, Orissa, Bhubaneswar with reference to this Department Memo No. 27641/R., dt. 5-5-1989 for information.



Deputy Secretary to Government

Memo No. 19512/R., dt. 29-4-1991

Copy forwarded to Budget (A) Branch / F.A. Cell / G. A. (B) Branch with reference to the Memo No. 27642/R., dt. 5-5-1989 for information.



Deputy Secretary to Government

Memo No. 19513/R., dt. 29-4-1991

Ten (10) spare copies to LR & GE (A) Branch.



Deputy Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-57/91-41735/R.,
Dated, Bhubaneswar, the 19.9.1991

From :

Shri B. B. Pattanaik, O.A.S.,
Deputy Secretary to Government.

To,

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Earmarking of land for the purpose of Brackish Water Prawn Culture Project in the district of Balasore & Cuttack.

Sir,

I am directed to say that Fisheries and Animal Resources Department have drawn up an ambitious scheme for development of Brackish Water Prawn Culture with World Bank assistance in the coastal districts of Balasore and Cuttack. Earmarking of suitable land for the above mentioned project was under active consideration of Govt. for some time past. After careful consideration Government have decided that the Govt. land measuring Ac 3239.17 at Bideipur and Narendrapur area of Balasore district and Jagatjore area of Cuttack district are earmarked for the World Bank Assisted Brackish Water Prawn Culture Project to be executed through the Fisheries and Animal Resources Department of the Govt. of Orissa as per land schedule in Annexure-I. It has also been decided that :

1. These lands should not be utilised for any purpose other than the above World Bank assisted project.
2. Plot Nos. 694, 693 of village Baincha, Plot No. 682 of village Dhauakuta and Plot No. 711 of village Narendrapur which have been recorded as Gramya Jungle, should not be utilised before receipt of necessary clearance from Govt. of India under the Forest (Conservation) Act, 1980 for their use for non-forest purposes.
3. Since modalities for transfer of these lands in favour of beneficiaries are yet to be finalised by the concerned authorities, settlement of these land will be taken up subsequently, but not later than one year from the date of completion of the project.

Your's faithfully

Sd/-
Deputy Secretary to Government

LAND SCHEDULE

District 1	Tahasil 2	Village 3	Khata No. 4	Plot No. 5	Area in AC. 6	Kissm 7					
Cuttack	Marshaghai	Sankhachit	1	1	8.30	From Abad Jogya Anabadi Khata					
				2	0.01						
				3	0.17						
				4	0.04						
				5	60.82						
				7	35.13						
				11	0.03						
				12	0.02						
				13	0.01						
				14	0.02						
				15	0.02						
				16	0.03						
				17	0.04						
				18	28.63						
				20	0.06						
				21	40.64						
				22	0.02						
				23	0.01						
				24	0.03						
				25	0.05						
				26	0.02						
				27	34.93						
				28	5.04						
				29/76	88.58						
				29	0.07						
				Total :	302.84						
							Maladiha	1	3	0.02	Bagayat
									58	0.01	
									59	0.07	
				4	0.02						
				60	0.04						
				5	0.01						
				6	0.03						
				61	0.02						

1	2	3	4	5	6	7
		Maladiha	1	7	0.01	
				62	0.01	
				8	0.04	
				63	0.01	
				9	0.02	
				64	0.02	
				10	0.01	
				11	0.01	
				66	0.01	
				12	0.01	
				67	0.03	
				68	0.08	
				14	0.02	
				69	0.06	
				15	0.01	
				72	0.01	
				16	0.02	

Tahasil	Village	Khata No. No.	Plot No.	Area in Area	Kissm		
Basudevpur	Bideipur	2271	1020	61.38	Gochar		
		2268	1556	79.50	Patita		
		2269	1557	0.94	Mala		
		2268	1558	48.69	Patita		
		2269	1404	1.29	Mala		
		2268	1605	16.24	Patita		
		2271	1606	200.93	Gochar		
		2268	9716	46.48	Patita		
		2268	9736	25.46	Patita		
		2268	9794	129.75	Patita		
		2271	9795	170.19	Gochar		
		Unsurveyed Govt. Land (as per sketch map attached)				296.00	
						Total : 1076.85	
Baincha		263	694	119.75	Gramya Jungle		
		263	693	1.00	-do-		
		Unsurveyed Govt. Land (as per sketch map attached)				130.52	
				Total : 251.27			
Dhanakuta		240	682	140.37	Gramya Jungle		
		Unsurveyed Govt. Land (as per sketch map attached)				64.57	
				Total : 213.94			
Narendrapur		203	733	2.87	Lunabandha		
		203	734/753	38.03	Balichar		
		203	734/755	41.00	-do-		
		203	734/754	40.00	-do-		
		203	734	41.00	-do-		
		203	711	193.57	Gramya Jungle		
		Unsurveyed Govt. Land (as per sketch map attached)				68.00	
				Total : 444.47			
Karanjmal		161	457	50.00	Patita		
		Unsurveyed Govt. Land (as per sketch map attached)				17.12	
				Total : 67.12			

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-17/91-42209/R.,
Dated, Bhubaneswar, the 21.9.1991.

From,

Shri B. B. Patnaik, O.A.S.,
Deputy Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Temporary lease of land in favour of beneficiaries for plantation and enjoyment of usufructuary rights - grant of Patta.

Ref. : This Department letter No. 8905 dated 23.2.91.

Sir,

I am directed to say that instructions have been issued for temporary lease of Government lands to beneficiary for plantation and enjoyment of usu-fructuary rights vide this Department G. O. No. 8905 dated 23.2.91. The question of issue of Patta in favour of individual beneficiaries for such usufructuary rights was under active consideration of Government for some time past. After careful consideration and taking into account the suggestions of Board of Revenue, Government have been pleased to adopt a format of the Patta for such usufructuary rights which is enclosed herewith. For better control of the beneficiary over his land thus allotted temporarily, the following procedure should be adopted.

- 2 (i) Since no Rayati status is being conferred over such land in favour of the beneficiary a suitable note to this effect in the remarks column of Record-of-Right against the concerned plot shall be kept indicating the extent of the plot which has been temporarily leased out for usufructuary rights.
- (ii) The Tahasildar shall prepare a sketch map of such land leased out temporarily in favour of individual beneficiaries identifying the plot suitably in the sketch map by assigning by-numbers of the concerned plots for the portions held by the individual beneficiaries e.g. x/1, x/2, x/3 etc. and maintain the corresponding village-wise register for such lands incorporating therein, the relevant details like order No. and date, name of individual beneficiaries, Khata No., Plot No., extent of land allotted, period of temporary lease etc.
- (iii) The Patta shall be prepared in quadruplicate as per the enclosed format, a copy of which shall be issued to the beneficiary, second copy shall be kept in the concerned case record at the Tahasil Office for reference, the third copy shall be sent to the Record Kepper for preserving it in a volume village-wise and the fourth copy shall be sent to the R.I. for entering and reflecting necessary changes corresponding to the one maintained at the Tahasil Office.

3. Further, I am directed to say that the question of management of SIDA Assisted Social Forestry project vide this Deptt. letter No. 37883 dt. 6.6.84 has engaged the attention of Govt. wherein Social Forestry Authorities have undertaken some plantations which are meant to be allocated to the eligible persons for enjoyment of the usufructs. It is reported that these plantations have in some cases, in the meanwhile, reached a stage of maturity and time has now come for allotment of the said land to the concerned beneficiaries for enjoyment of usufructuary rights.

4. Allotting of the land to the concerned beneficiaries on temporary lease basis may be made upto half of a hectare as per the guidelines contained in this Deppt. G. O. No. 8905 dt. 23.2.91 and pattas issued to a beneficiary in the enclosed format. For this purpose, the Tahasildar should obtain the list of beneficiaries from the concerned Deputy Director, Social Forestry under whose jurisdiction the land is situated.

5. Hence, it is requested that suitable instructions may kindly be issued in this regard to all concerned for taking necessary action in the matter immediately.

Yours faithfully,

 20.9.91

Deputy Secretary to Government

Memo No. 42210 / R., Date 21.9.91

Copy forwarded to Secretary to R.D.C. (CD), Cuttack/ Secretary to R.D.C. (SD), Berhampur/ Secretary to R.D.C. (ND) Sambalpur for information and necessary action.

 20.9.91

Deputy Secretary to Government

Memo No. 42211 / R., Date 21.9.91

Copy forwarded to all Collectors/ All Sub-Collectors/ All Tahasildars for information and necessary action.

 20.9.91

Deputy Secretary to Government

ଓଡ଼ିଶା ସରକାର

ଓଡ଼ିଶା ସାମାଜିକ ବନ ପ୍ରକଳ୍ପ ଦ୍ୱାରା ସଂପାଦିତ ଭୂମିସ୍ଥାନ ବରିଦ୍ରୁକ ବୃକ୍ଷ ଚାଷ ମାଧ୍ୟମରେ ଥରଥାନ କାର୍ଯ୍ୟକ୍ରମ ଫଳଭୋଗ ସବୁ ।

ନିର୍ଦ୍ଦେଶନାମା- ଓଡ଼ିଶା ସରକାର, ରାଜସ୍ୱ ବିଭାଗ ନିର୍ଦ୍ଦେଶ ନଂ _____ ତା _____ ରିଖ ଅନୁଯାୟୀ ନିମ୍ନୋକ୍ତ ଉପଭୋକ୍ତାଙ୍କୁ ଅନ୍ୟ ତା _____ ରିଖରେ ଏହି ଫଳଭୋଗ ସମ୍ବାଧାକାର ପ୍ରଦାନ କରାଗଲା ।

ପତ୍ର ନଂ

ଶ୍ରୀମତୀ/ଶ୍ରୀ
ବୟସ ବର୍ଷ
ସ୍ତ୍ରୀ/ପିତା
ଗ୍ରାମ..... ଥାନା
ଜିଲ୍ଲା

ଜମିର ବିବରଣୀ

ମୌଜା
ଥାନା ଜିଲ୍ଲା
ଖାତା ନଂ ପୁଟ ନଂ
ବିସମ
ଆୟତନ ହେକ୍ଟର.....

ସମ୍ବାଧକର ସମୟସୀମା

ସ୍ୱ ୧୯..... ରୁ ମସିହା ପର୍ଯ୍ୟନ୍ତ

ଲଗାଯାଇଥିବା ବୃକ୍ଷର ବିବରଣୀ

ଆମ୍ବ ଗୋ..... ଟି
ଆକାଶିଆ
ପଟାସ
ବାଉଁଶ
ଚାକୁଣ୍ଡା
ପଶସ
.....

ଲଗାଯାଇଥିବା ସମୟ

୧୯ ମସିହା

ଫଳଭୋଗ ସବୁ

୧. ଉକ୍ତ ଜମିରେ ଲଗାଯାଇଥିବା ଆମ୍ବ, ଆକାଶିଆ, ଚାକୁଣ୍ଡା, ପଟାସ, ବାଉଁଶ, ପଶସ ଆଦି ଗୋଟି ଗଛ ଉପରେ ଉପଭୋକ୍ତାଙ୍କର ସଂପୂର୍ଣ୍ଣ ଅଧିକାର ରହିବ ।
୨. ଲଗାଯାଇଥିବା ଗଛର ଧାଡ଼ି ମଧ୍ୟରେ ଉପଭୋକ୍ତା ଯେକୌଣସି ଫସଲ ଚାଷ କରି ପାରିବେ ।
୩. ଉକ୍ତ ଜମିରୁ ଆମଦାନୀ ପଦାର୍ଥ ଯଥା ଗଛ, ଫଳ, ପତ୍ର, ପୁଷ୍ପ, ଶସ୍ୟ, କାଠ, ବାଉଁଶ ଆଦି ଉପଭୋକ୍ତା ନିଜେ ବ୍ୟବହାର କରିବେ ।
୪. ଉକ୍ତ ଜମିରୁ ନିଜର ବ୍ୟବହାର ପାଇଁ ଗ୍ରାମର ପରିସୀମା ମଧ୍ୟରେ ବନଜାତ ପଦାର୍ଥ ସ୍ଥାନାନ୍ତର କରିବା ପାଇଁ ଅନୁମତି ପତ୍ରର ଆବଶ୍ୟକତା ପଡ଼ିବ ନାହିଁ ।
୫. ଗ୍ରାମ ବାହାରକୁ ବନଜାତ ପଦାର୍ଥ ଅନ୍ୟତ୍ର ସ୍ଥାନାନ୍ତର କରିବାକୁ ନିର୍ଦ୍ଧାରିତ ନିୟମାନୁଯାୟୀ ପରିମିତ ହାସଲ କରିବେ ।
୬. ବୃକ୍ଷ ଚାଷ ବା ବୃକ୍ଷ ନିଶ୍ଚିତ ଫସଲ ଚାଷ ବ୍ୟତୀତ ବିନା ଆଦେଶରେ ଉପଭୋକ୍ତା ଉକ୍ତ ଜମିକୁ ଅନ୍ୟ କୌଣସି ଭାବରେ ବ୍ୟବହାର କରି ପାରିବେ ନାହିଁ ।
୭. ଗଛ କାଟି ନେବା ପରେ ଉପଭୋକ୍ତା ପୁଣିଥରେ ଉକ୍ତ ଜମିରେ ଗଛ ଲଗାଇବେ ।
୮. ଉକ୍ତ ଜମି ଓଡ଼ିଶା ସରକାରଙ୍କର (ରାଜସ୍ୱ ବିଭାଗ) ସଂପତ୍ତି ହୋଇ ରହିବ ।
୯. ଉପଭୋକ୍ତା ବିମ୍ବ ଚାଳର ଉତ୍ତରାଧିକାରୀଙ୍କର ଜମି ଉପରେ ଅନ୍ୟ କୌଣସି ଖାସ ଅଧିକାର ରହିବ ନାହିଁ ।
୧୦. ଏହି ସମ୍ବାଧକାରକୁ ଉପଭୋକ୍ତା ଅନ୍ୟ କାହାକୁ ବିକ୍ରୀ କରି ପାରିବେ ନାହିଁ ।

୧୧. ଏହି ସକ୍ଷାଧିକାରକୁ ଉପଲୋଭା ଅନ୍ୟ କୌଣସି ପ୍ରକାରରେ ହସ୍ତାନ୍ତର କରି ପାରିବେ ନାହିଁ ।
୧୨. ଜମିରେ ଲଗାଯାଇଥିବା ଋଣଗୁଡ଼ିକ ଲୋଭ କରିବା ପାଇଁ ନିର୍ଦ୍ଧାରିତ ହାରରେ ବାର୍ଷିକ ଫିସ୍ ସରକାରଙ୍କୁ ଦେବେ ।
୧୩. ଚାଷ ନିମନ୍ତେ ଅନୁପଯୁକ୍ତ କେବଳ ଆବାସଯୋଗ୍ୟ ଅନାବାଦି ଓ ଆବାସ ଅଯୋଗ୍ୟ ଅନାବାଦି ଜମିରେ ଲଗାଯାଇଥିବା ଋଣ ପାଇଁ ପଟା ଦିଆଯିବ ।
୧୪. ଋଣ ଲଗାଯାଇଥିବା ଜମି ଚହସିଲଦାର ଯେ କୌଣସି ସମୟରେ ପରିଦର୍ଶନ କରି ପାରିବେ ଏବଂ ଯଦି ଉପଲୋଭା ଋଣ ନ ଲଗାଇ ଜମିକୁ ଅନ୍ୟ କୌଣସି ଉଦ୍ଦେଶ୍ୟରେ ବ୍ୟବହାର କରୁଥିବେ, ତେବେ ପଟା ରଦ୍ଦ କରି ପାରିବେ ।

ଉପଲୋଭାଙ୍କ ଦ୍ଵାକ୍ଷର

ଚହସିଲଦାରଙ୍କ ଦ୍ଵାକ୍ଷର
(ସିଲ)

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-17/91-42213/R., Dated 21.9.91

From,

Shri Binod Bihari Patnaik, O.A.S.,
Deputy Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Scheme for management of Gochar lands taken over for fodder plantation under SIDA assisted projects.

Sir,

In inviting a reference to the above subject, I am directed to say that Section-5-A (C) of the O.G.L.S. Act, 1962 provides that Government may, if it deems fit, take over any gochar land for management and development in accordance with the scheme prepared in respect of such land. Government in their letter No. GE (GL)-S-31/84-37883/R., dt. 6.6.84 had permitted fodder cultivation in gochar lands in specific areas of the State under the SIDA assisted Social Forestry Project.

2. It is considered necessary to laydown a set of guidelines for management and development of the gochar lands where fodder cultivation has been taken up under the SIDA assisted Social Forestry Projects in the State.

3. Government after careful consideration have been pleased to formulate the following scheme for the above purpose.

Gramya
Gochar
Committee.

1. (i) The management of such gochar land including the plantation thereon where social forestry have been taken up under the SIDA assisted project shall be made by a Committee called the Gramya Gochar Committee comprising the Sarpanch of the concerned Gram Panchayat, the Ward Members of the village concerned, the Forester of the area under the social forestry scheme, the Revenue Inspector, the Village Level Worker and such other persons of the village not exceeding three where the gochar land is situated as may be nominated by the concerned Grama Sasan.

(ii) The total number of members of the Committee shall be at least eight which shall as far as practicable include persons representing Scheduled Tribe or Scheduled Caste, women and landless category. However, at least two women members should be included in the above Committee.

(iii) (a) The Sarpanch of the G. P. shall be the Chairman of the Committee.

(b) In the absence of the Sarpanch a member of the Committee chosen by the Sarpanch shall act as the Chairman for the meeting.

- (iv) The term of Office of non-official members of the Committee shall be one year.
- Maintenance of boundary 2. The boundary of the Gochar lands where fodder plantation has been undertaken under the SIDA assisted Social Forestry Project, should be properly identified by the concerned R.I. for the Gramya Gochar Committee whereupon the Committee shall maintain the demarcation in good condition.
- Acts prohibited in the Gochar lands. 3. Save as provided under the scheme, no person shall cut, lop or in any way injure, appropriate or remove any fodder tree or any lopping thereof, which is grown on the said land or knowingly or wilfully permit or abate such things without having first obtained a permission in accordance with the scheme.
- Protection of the Gochar lands. 4. It shall be the duty of all persons belonging to the village for whose benefit the gochar lands are maintained and developed to protect and preserve the lands and the fodder trees raised thereon and report to the Gramya Gochar Committee any act of injury to such trees as soon as possible.
- Meetings of the Committee, 5. (a) The Committee shall meet for deliberations as often as required but not less than once in every three months and shall record the proceedings of each meeting in a book called the proceedings book. The proceedings so recorded shall be signed by the Chairman of the Committee who shall forward a copy thereof to the Tahasildar concerned within seven days from the date of holding such meeting. It shall be the responsibility of the village Committee to ensure that the resolution reaches the Tahasildar within the time prescribed.
- (b) However, one third of the members of the Committee may request the Chairman to convene an emergent meeting giving at least seven days notice specifying the purpose prior to the holding of such meeting.
- (c) The Chairman of the Committee may nominate one of the members to act as Convenor of the Committee.
- (d) At least three members including the Chairman shall form the quorum.
- (e) Where any resolution passed by the Committee is considered to be against the principle of the scheme or is considered to be illegal or against the interest of the beneficiaries, the Tahasildar under whose jurisdiction the village comes may refer the resolution in question to the Committee for its reconsideration with reasons for such reference.
- (f) If on reconsideration of the matter, the Committee does not consider it necessary to alter its original resolution, the matter may be referred to the Sub-Collector concerned whose decision in the matter shall be final.
- (g) The resolution passed by the Committee shall take effect after it is confirmed by the Tahasildar. It shall be the responsibility of the Tahasildar to see that confirmation/ reconsideration of such resolution or any part thereof is communicated to the Village Committee not later than one month from the date of receipt of the resolution.
- 6(i) No fodder tree on the Gochar land shall be removed from the said Gochar land except under and in accordance with a permit issued by two members of the Committee authorised for the purpose in the form attached. The permit shall be obtained before felling.

(ii) The permit issued as above shall be valid only within the limits of the village boundary.

(iii) The Committee shall keep account of the used permit books and furnish a monthly abstract of issue of the fodder from the fodder trees or other produce from the Gochar lands to the Grama Sasan with a copy to the concerned Tahasildar.

Grazing rights
for Gochar
lands.

7 (i) Subject to the restrictions imposed as above in respect of fodder trees and its produce, the normal grazing rights of the villagers over these Gochar lands will not be affected.

(ii) The committee shall be responsible for availability of grazing facilities and use of fodder trees to all the villagers as indicated above. The Committee shall formulate norms of issue of fodder materials from the Plantations taking into consideration the personal needs of the villager.

(iii) Where the Committee considers it necessary to regulate grazing on the Gochar lands by alternate closing and opening of areas for such periods as it may deem proper, it may be ensured that such regulations does not affect the cattle population of the village due to shortage of grazing grounds.

Management
of Gochar
lands and
drawing up of
management
plans

8 (i) The Committee shall prepare a management plan for management of the above Gochar in consultation with the local Social Forestry Supervisor and obtain approval of the Tahasildar to the said management plan.

(ii) For the purpose of implementation of the plan the Committee may, if necessary divide the Gochar lands covered under the project in the village into different sections for plantation of different types of fodder plantations.

(iii) The Committee shall also take care to protect the Gochar lands from any vandalism, fire and pilferage in all stages.

(iv) The Committee shall implement the plan with the funds allotted to it by the Gram Panchayat, Panchayat Samiti and directly by Govt. by way of grants placed at its disposal for the purpose.

Village funds
Accounts and
Returns.

9 (i) The sale proceeds of the fodder trees and its produce realised by issue of permits from Gochar lands covered under this project shall be deposited in the Grama Fund of the Grama Sasan concerned after deducting expenses, if any, incurred for protection of such forests by the Committee.

(ii) All sum deposited shall be strictly utilised for development and management of the concerned gochar lands as would be decided by the Committee and shall not be utilised otherwise.

(iii) The Grama Panchayat shall maintain village-wise accounts for the Gochar lands under the project and shall furnish half yearly return to the Tahasildar/Sub-Collector and the Panchayat Samiti indicating therein the quantum of fodder produce sold and revenue realised.

(iv) Detailed accounts relating to receipt and expenditure of the Committee shall be laid before it in every meeting for scrutiny and approval.

(v) The accounts of the Committee shall be subject to audit by the internal audit organisation of the Revenue Department while the funds deposited by the Committee in the Grama fund shall be subject to audit as per provision contained in the Orissa Grama Panchayat Act. A copy of the audit report relating to these accounts shall be laid before the Committee every year and also be submitted to the Range Officer and the B.D.O. concerned.

Rate of payment.

10. The rate of payment to be made for the produce of the fodder trees by the villagers for obtaining these from the Gochar lands for their own use shall be at the rate as fixed from time to time by the committee.

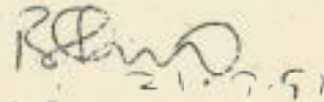
Transit.

11. The Orissa Timber and other Forest produce Transit Rules, 1980 shall not apply in cases of transit of fodder trees and its produce from the Gochar lands to the residence of the beneficiaries located in the same village. For this purpose, the permit issued for removal of fodder trees shall be deemed to be a transit permit for the purpose of this scheme.

Offence and penalty.

12. In case of any offence relating to these Gochar lands it shall be deemed to be an offence committed under the O.P.L.E. Act and shall be dealt accordingly. For this purpose, the Village Committee may bring the particular offence to the notice of the Tahasildar who shall get it enquired through the R. I. and take appropriate action in the matter.

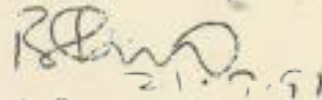
Yours faithfully,



Deputy Secretary to Government

Memo No. 42214 / R., Date 21.9.91

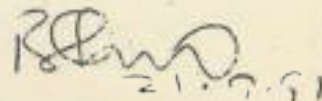
Copy forwarded to Secretary to Revenue Divisional Commissioner, Central Division, Cuttack/Secretary to Revenue Divisional Commissioner, Southern Division, Berhampur/Secretary to Revenue Divisional Commissioner, Northern Division, Sambalpur for information and necessary action.



Deputy Secretary to Government

Memo No. 42215 / R., Date 21.9.91

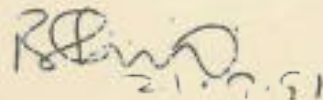
Copy forwarded to all Collectors/ all Sub-Collectors/ all Tahasildars for information and necessary action.



Deputy Secretary to Government

Memo No. 42216 / R., Date 21.9.91

Copy forwarded to Forest and Environment Department/ Director, Social Forestry Project, Orissa for information and necessary action.



Deputy Secretary to Government

FORM

Permit for removal of fodder trees from Gochar land coming under the
SIDA assisted Social Forestry Project.

1. Name of the Village :-
2. Particulars of the Gochar land :-
(a) Khata No. :-
(b) Plot No. :-
3. Name of the Purchaser.

Description of Fodder produce,	Quantity	Rate	Amount in Rs.
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Date of issue :-

Valid upto :-

Signature of the issuing
Authority on behalf of
Gramya Gochar Committee.

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-17/91-42308/R., LR & GE (A) Br.
Dated, Bhubaneswar, the 21-9-1991

From :

Shri B. B. Pattanaik, O.A.S.,
Deputy Secretary to Government.

To,

All Collectors

Sub. : Enquiry into proposals for transfer of management responsibility for wood lots from Social Forests Project to (SFP) to Village Forest Committees (VFCs) and submission of proposals for declaration of areas as village forests.

Sir,

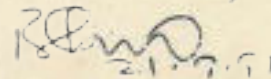
In inviting a reference to the above subject, I am directed to say that SIDA authorities have indicated that as many as 650 proposals for transfer of management responsibility for wood lots from the Social Forests Projects (SFP) to Village Forest Committees (VFC) and eventual declaration of such areas as Village Forests are pending in different districts since about one year. The main delaying factor seems to be completion of field enquiry at the Revenue Inspectors level and submission of report there of by the concerned Revenue Inspectors for onward transmission to Government.

Hence it is requested that all such proposals pending in your district may please be reviewed immediately and the enquiry and submission of report by the concerned Revenue Inspectors may be ensured and necessary proposals sent to Govt. immediately.

The details of such proposals pending in your district alongwith state-wise pendency of such cases and action taken in this regard may kindly be reported to this Department by 30-9-91 positively

Besides it may be ensured that in fresh case the local revenue functionaries should complete formalities regarding Notification of the village forest within one month from the date of receipt of reference from the Project Officer of the Social Forestry Organisation.

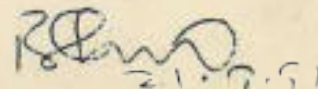
Your's faithfully



Deputy Secretary to Government

Memo No. 42309/R., dt. 21.9.1991

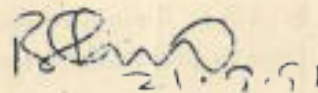
Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/ Secretaries to Revenue Divisional/ Commissioner (Central Division) / (Northern Division) / (Southern Division) for information and necessary action.



Deputy Secretary to Government

Memo No. 42310/R., dt. 21.9.1991

Copy forwarded to the Director of Social Forestry Project, Orissa, Bhubaneswar for information and necessary action. He is requested kindly to issue suitable instructs to the field officers of Social Forestry Project to pursue the matter with the concerned Collectors for early clearance of the pending proposals.



Deputy Secretary to Government

(Spare copy for file No. GE (GL) - 40 /91.)

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-41/91-44485 / R.,
Dated, Bhubaneswar, the 5-10-1991

From :

Shri B. B. Pattanaik, O.A.S., (I)
Deputy Secretary to Government.

To,

The Secretary to R.D.C. (ND) Sambalpur.

Sub. : Clarification regarding change of classification of land classified as communal.

Sir,

I am directed to invite a reference to your D.O. letter No. 587 dated 21-4-1990. On the above subject and to say that the question of making available lands having communal characteristic for different projects was under consideration of Government for sometime. Government after careful consideration have been pleased to issue the following guidelines which shall be followed in the matter concerning lands classified as communal or Sarbasadharan in the Settlement records.

2. The Sarbasadharan / Communal lands classified as 'Nala' Mahara', Adi, Jalasaya, Tank, Nayanjori etc. in case those come within the compact area taken over by the requisitioning authority and are absolutely necessary for use by the requisitioning authority, they may be permitted for use of the same subject to the condition that such permission shall not affect or infringe the communal rights like irrigation, drinking and bathing facilities of the people of the locality in any manner and shall not cause any obstruction to drainage facility.

3. (a) The lands classified and recorded as Rasta, Danda etc. shall also be permitted for use by the requisitioning authority subject to the condition that these shall continue to be recorded as such and its use by the requisitioning authority shall not infringe the existing communal rights of the people of the locality.

(b) Where, however, such lands come within a compact area under use by the requisitioning authority, the following guidelines should be followed :-

- (i) If such Rasta / Danda etc. is a portion of a continuous path extending beyond the limits of such compact area taken over by the requisitioning authority, there shall be no infringement of the communal / sarbasadharan rights existing thereon and.
- (ii) where the said Road / Danda etc. is confined to the compact area taken over and does not extend beyond its limit, its classification may be changed in due course after it has lost its communal character and use as Rasta, Danda etc. by the people of the locality as clarified in this Deptt. letter No. 19834, dt. 31-3-1987.

4 (i) Where Gochar lands are found surplus and are required by the requisitioning authority, those may be dereserved as per the provisions of the Orissa Government Land Settlement Act, 1962 and Rules framed there under.

Lands classified
as Nala,
Mahara, Adi,
Jalasaya, Tank
Nayanjori
etc. having
Communal /
Sarbasadharan
Character

Lands recorded
as Rasta,
Danda etc.

Gochar land

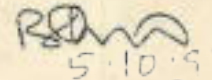
(ii) Where no surplus Gochar lands are available and where the Gochar lands are absolutely necessary for the project, those lands may be acquired under the Land Acquisition Act by providing equal extent of suitable private land in exchange for being used as Gochar.

Other communal
lands like
Melan Pada
Hata-pada etc.

5. The other communal lands like Melan Pada, Hata-Pada etc. which are absolutely necessary for the requisitioning authority, may be acquired under the Land Acquisition Act by providing equal extent of suitable alternate sites having similar facilities as are available at the existing sites.

All concerned are being informed.

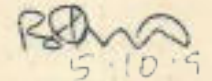
Your's faithfully


5.10.91

Deputy Secretary to Government

Memo No. 44486/R., dt. 5.10.1991

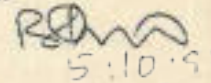
Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack / R.D.C. (CD) Cuttack/ R.D.C. (SD) Berhampur for information and necessary action.


5.10.91

Deputy Secretary to Government

Memo No. 44487/R., dt. 5.10.1991

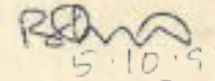
Copy forwarded to All Collectors for information and necessary action.


5.10.91

Deputy Secretary to Government

Memo No. 44488/R., dt. 5.10.1991

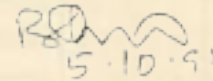
Copy forwarded to All Sub-Collectors for information and necessary action.


5.10.91

Deputy Secretary to Government

Memo No. 44489/R., dt. 5.10.1991

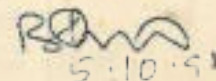
Copy forwarded to All Tahasildars for information and necessary action.


5.10.91

Deputy Secretary to Government

Memo No. 44490/R., dt. 5.10.1991

Copy forwarded to All Assistants of LR-GE (A), (B), (C) Branches for information and guidance / G.A (B) Branch for compilation / 50 spare copies to the LR & GE (A) Branch.


5.10.91

Deputy Secretary to Government

DRAFT FOR APPROVAL

No - 58695 / Dt. 31.12.91

To

The Collector, Puri / Ganjam.

Sub. : Principles of Settlement of fisheries in Chilika Lake.

Sir,

I am directed to say that detailed instructions regarding principles of settlement of fisheries in Chilika lake were last issued in this Department letter No. 48494/R., dt. 27.8.88 read with letter No. 65742/R., dt. 12.10.88 and letter No. 32997/R., dt. 30.5.89. The question of rationalising the principles of settlement of fishery sources in Chilika Lake was under active consideration of Govt. for some time. After careful consideration, Govt. have been pleased to issue the following guidelines to regulate settlement of Chilika Fisheries with effect from 1.1.92.

(i) All Capture fisheries may be leased out (for 3 years with 10% increase every year) to the Central Co-operative marketing Society or its successor in interest and primary societies may be allowed to get the sources on the basis of sub-lease from the Central Society. The Capture fisheries sources may be divided into convenient operational sizes in the interest of better management. In no case, the size of a particular source may exceed Acs-1000. Wherever a traditional source such as Jangels or Prawn source exceeds Acs-1000. It may be suitably divided into smaller plots in the interest of effective administration of the source.

(ii) Each Primary Society may be given a viable culture fishery source on the upset price of Rs. 800/- (Rupees Eight Hundred) per acre per annum for a period of 3 years on the stipulation that each year the upset price will be enhanced by 10%.

(iii) Rest of the culture sources may be suitably divided into convenient sizes by the Collector. Such sources may include land-mass which is submerged during high water. Upset price of Rs. 800/- per acre per annum subject to enhancement of by 10% every year, may be fixed for 3 years and the sources may be leased out to a society/ organisation formed by the inhabitants of the neighbouring village composed of people who are not members of the primary societies of fisherman. In case no such society/ organisation turns up to have the source on lease, Collector may lease such a source for 3 years to a near-by willing Primary Fishermen Society.

(iv) No source leased out to a primary fishermen society or society/organisation of villagers comprising persons not belonging to fisherman society may be permitted to be sub-leased.

(v) The settlement of fishery sources as indicated above will be subject to the following stipulations.

(a) Collectors, Puri and Ganjam may have the power to determine the extent of an area of each capture and culture source within their respective jurisdiction.

(b) Not more than 5 (five) leader lines may be laid in a prawn source and distance between 2 (two) leader lines may not be less than half a kilometer.

(c) Leader line (Khandas) may be laid only on one side of the source extending from the land mass upto the main channel/ Bahar Chilika. In no case length of the leader line should exceed 800 ft. indicating the maximum distance between the land mass upto the midstream of the outer channel (Bahar Chilika) and if the distance is less than 800 ft., then the length of the leader line may be limited to that extent. In other wards if the distance of the leader line from the land mass upto the midstream of the outer channel is 300 ft. only the total distance will be limited to 300 ft. only and in no case, the leaderline should ingress into the midstream of the outer channel.

(d) The leader lines shall be removed after the prawn season is over, but the lessee society shall have the right to catch fish by other means till the lease period expires subject to the condition as above.

(e) The period of operation for different types of sources shall be as follows subject to the restrictions imposed above.

- | | |
|-----------------|----------------------------|
| (i) Bahani- | Throughout the year. |
| (ii) Jano- | From Septmeber to January. |
| (iii) Uthapani- | From July to Septmeber. |
| (iv) Dian- | From July to October. |
| (v) Prawn- | From February to July. |

(vi) Size of traps, nets etc. used as devices for catching fish shall be as follows :-

1. Bazza :- Its hight, length and breadth shall not exceed 32", 21", and 8" respectilvely.
2. Dhaudi :- Its height, length and breadth shall exceed 42", 36", 12" respectively.

3. Collectors and the concerned Tahasildars shall have the power to saize boats/ nets/ bazza/ dhaudi etc. involving clandestine catching of fish. On every such selzure minimum penalty of Rs. 1000/- (Rupees One Thousand only) shall be imposed on boats including out-board engine fitted boats having hull length of less than 25 ft. and Rs. 2,500/- (Rupees Two Thousand and Five Hundred only) for boats having hull length of more than 25 ft. and Rs. 5,000/- (Rupees Five thousand only) for mechanised boats such as Traulers, Steaonuers etc.

4. Violation of any one or more of the aforesaid conditions shall be sufficient for determination of lease by the Collectors concerned.

5. The licence fee of Rs. 150/- (Rupees One Hundred fifty only) each per annum shall be paid by all boats which are not larger than hull length of 25 ft. and Rs. 300/- (Rupees Three Hundred only) for boats larger than this size. They shall be allotted serial numbers which would prominently be displayed in red-colour over white both on the storn and on the stern.

6. The conditions of the lease deed that shall be executed between the Collector and Central Fishermen Co-operative Marketing Society Ltd., Balugaon shall form part of the lease deed to be executed between the Primary Fisherman Co-operative Society and Central Fisherman Co-op. Martketing Society Ltd., Balugaon.

7. Annual lease value of the capture fisheries shall be determined by adding 10% over the value fixed for the proceeding year.

8. Restrictions as would be imposed by the Fisheries and A.R.D. Department under the Orissa Marine Fishing Regulation Act, 1981 shall be followed scrupulously.

9. Collectors and Tahasildars concerned may delegate powers of search, seizure and imposition and collection of penalties prescribed above to any authority subordinate to them. This supersedes this Department G. O. Nos. 48494, dt. 27.7.88, No. 65742, dt. 12.10.88 and G.O. No. 32997, dt. 30.5.89.

Immediate action may be taken for settlement of the fishery sources of Chilika lake accordingly.

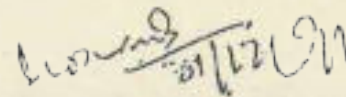
Yours faithfully,



Deputy Secretary to Government

Memo No. 58696 /R.. dated 31.12.91

Copy forwarded to Fisheries and A.R.D. Deptt./ R.D.C. (CD), Cuttack/ R.D.C. (SD), Berhampur for information and necessary action.



Deputy Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-47/91-6576 / R.,
Dated, Bhubaneswar, the 5th, Feb., 1992

From Shri P. B. Das, O.A.S.,
Under Secretary to Government

To The Collector, Bolanglir / Collector, Dhenkanal / Collector, Ganjam / Collector, Kalahandi /
Collector, Keonjhar / Collector, Mayurbhanj / Collector, Sambalpur / Collector, Sundargarh.

Sub. : **Compensatory afforestation - Sanction of advance possession of non-forest Government lands identified for 28 projects.**

Ref. : This Department letter No. 18940 / R., dt. 25-4-91 and No. 27337 / R., dt. 19.6.1991

Sir,
In inviting a reference to the correspondence cited above, I am directed to say that you were requested in this Department letter No. 18940/R., dt. 25-4-91 to hand over advance possession of 2370.60 ha. of Government non-forest land identified in your districts in respect of 28 projects cleared by Government of India to the concerned Forest Department officials for compensatory afforestation, pending formalities. Subsequently, Principal Chief Conservator of Forest informed that the extent of lands earlier identified required to be revised as per details sent to you in this Department letter No. 27337/ dt. 19-6-1991. You were also requested in the said letter to verify the details of such land and report the same to this Department for further action. But so far no reply has been received in this regard.

In the meanwhile powers for sanction of advance possession of Government non-forest lands have been delegated in favour of different authorities in this Department letter No. 18947/R., dt. 25-4-91.

In view of this you are requested to take immediate action for sanction of advance possession of this identified Government non-forest lands in your districts concerning these 28 projects cleared by Government of India pending formalities and report compliance within a fortnight at the latest.

Your's faithfully

P. B. Das 5.2.92

Under Secretary to Government

Memo No. 6577/R., dt. 5-2-1992

Copy forwarded to the Forest and Environment Department with reference to this Deptt. Memo No. 27339 /R., dt. 19-6-1991 / Principal C.C.F., Orissa, BBSR with reference to this Deptt. Memo No. 27338 /R., dt. 19-6-1991 / The Secretary, Board of Revenue, Orissa, Cuttack/ The All Revenue Divisional Commissioners for information and necessary action.

P. B. Das 5.2.92

Under Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-47/91 (Pt.)-6578 / R.,
Dated, Bhubaneswar, the 5 - 2 - 1992

From

Shri Pulin B. Das, O.A.S.,
Under Secretary to Government

To

The Deputy Secretary to Government,
Forest and Environment Department,
Bhubaneswar.

Sub. : Disposal of Forest growth in Revenue Department Forest lands transferred in favour of different organisations - deposit of cost of forest growth under Revenue Department receipts.

Sir,

In inviting a reference to the subject cited above I am directed to say that Revenue Department Forest lands are being transferred in favour of different organisations on receipt of necessary clearance from Government of India under the Forest Conservation Act, 1980. In these cases Forest Department Officials are undertaking disposal of Forest growth, wherever necessary. In such cases the sale proceeds of the Forest Growth are to be credited to the appropriate receipt head of account of the Revenue Department as the land in question was the property of Revenue Department before its transfer in favour of the concerned organisations.

Hence, it is requested that suitable instructions may kindly be issued by Forest and Environment Department to their field officers for deposit of the sale proceeds of forest growth on these lands under appropriate Head of Account of the Revenue Department.

Your's faithfully,

Pulin B. Das 5.2.92
Under Secretary to Government

Memo No. 6579/R., dt. 5-2-1992

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack / Secretaries to all Revenue Divisional Commissioners / All Collectors / All Sub-Collectors / All Tahasildars for information and necessary action.

Pulin B. Das 5.2.92
Under Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE(GL)-S-47/91 (Pt.)-6674 / R.,
Dated, Bhubaneswar, the 5 - 2 - 1992

From

Shri Pulin B. Das, O.A.S.,
Under Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Sanction of advance possession of Government non-forest lands for compensatory afforestation in connection with implementation of different projects.

Ref. : This Department letter No. 18947 / R., dt. 25-4-91.

Sir,

In inviting a reference to this Department letter on the subject cited above I am directed to say that with a view to making available non-forest Government lands to the Forest Department for compensatory afforestation in connection with various projects where forest lands are being utilised, Government had delegated authority for sanction of advance possession upto 1000 ha. in favour of different functionaries as per the said delegation. But it has been brought to the notice of Government that while sanctioning such advance possession, payment of premium and completion of other formalities are being insisted upon by the sanctioning authorities. This not only defeats the very purpose of such delegation but also delays the execution of the projects.

It is, therefore, again reiterated that in these cases advance possession may be sanctioned pending formalities, including payments, if any.

It has been indicated in this Department letter under reference that the user Department would furnish land particulars after joint verification with the Forest and Revenue Department officials and the concerned D.F.O. would file necessary requisition for the same with the Tahasildar. In view of this Collectors are requested to ensure that this joint identification is done very carefully so that no communal or disputed or other objectionable lands are identified or included in the requisitions and proposals for lease and advance possession of Government non forest lands for compensatory afforestation.

As regards payment of premium etc. for the lands given for compensation afforestation to the Forest Department, the matter is under examination and separate instructions in this regard will issue.

Your's faithfully,

Pulin B. Das 5.2.92

Under Secretary to Government

Memo No. 6675/R., dt. 5-2-1992

Copy forwarded to

- i) All Revenue Divisional Commissioners,
 - ii) All Collectors,
 - iii) All Sub-Collectors,
 - iv) All Tahasildars
- for information and necessary action.

Pankaj B. Das 5.2.92

Under Secretary to Government

Memo No. 6676/R., dt. 5-2-1992

Copy forwarded to

- i) Forest and Environment Department,
 - ii) Nodal Officer, Office of the Principal C.C.F. Bhubaneswar,
- for information and necessary action.

Pankaj B. Das 5.2.92

Under Secretary to Government

**Government of Orissa
Revenue and Excise Department**

No. GE (GL)-S-23/92-7921/R.,
Dated, Bhubaneswar 12th, February 1992

From

Shri P. K. Mishra, I.A.S.,
Commissioner - cum - Secretary to Government

To

The Secretary,
Ministry of Rural Development,
Government of India,
New Delhi.

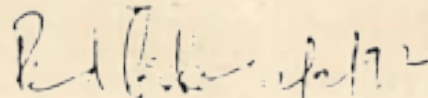
Sub. : Centrally Sponsored Scheme for strengthening of Revenue Administration and updating of Land Records - Proposal for the year 1991-1992.

Sir,

I enclose herewith a copy of the Project-Proposal for the Centrally Sponsored Scheme referred to above for Modernise of cadastral survey by using Stereo-photogrammetry and Computer Technology in the district of Dhenkanal. The project is proposed to be implemented by the Director, Land Records & Surveys, Orissa in collaboration with the Survey of India. The broad features of the Scheme have been discussed with the representative of the Survey of India. The proposal involves use of modern concept of Stereo-photogrammetry and Geographical Information system. The Scheme has the potentiality of repetition at a lesser cost, as at the initial stage the project includes procurement of equipment which will be non-repetitive in nature. Apart from other advantages, the project involves computerised preparation of map of villages and of each plot and correction of maps upon mutation through a mutation module in computer.

It is requested that project may be sanctioned in the current year and funds released.

Your's faithfully,



Commissioner - cum - Secretary to Government.

Government of Orissa
Revenue and Excise Department
Bhubaneswar

No. GE (GL)-S-63/92-10571/R., Dated, 25.2.1992

From

Shri G. P. Mohanty, O.A.S.,
Deputy Secretary to Government

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Reservation of Government land at the village level for construction of Government quarters.

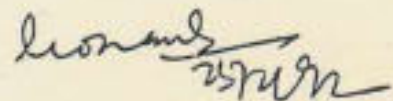
Sir,

I am directed to invite your attention to Section 3(a) of the Orissa Government Land Settlement Act, 1962 which empowers Government to reserve such portions of the lands as they deem proper for the purpose of being used as house sites or for any communal or industrial purpose or for any other purpose whatsoever. More over paragraphs 3 (1) and 3 (2) of the instructions for reservation of Government land for specific purposes in rural areas issued in this Department letter No. 4898 /R., dt. 28-1-1966 also prescribe for reservation of land in villages for purposes of village forest and for communal and developmental purposes including homestead for future.

It has been noticed that quarters constructed by different Departments of Government in the rural areas made in many cases came up in sporadic locations causing inconvenience in management of their properties and also such locations have caused inconvenience to the users. It has therefore been felt that care should be taken to ensure that Government accommodations are created in a cluster. For this, suitable compact patches of Government land needs to be identified. It is therefore, requested that suitable instructions may be issued to field officers on the lines indicated above for reservation of Government land in rural areas for construction of quarters at the village level.

All concerned are being informed accordingly.

Your's faithfully,



Deputy Secretary to Government.

Memo No. 10572/R., dt. 25-2-1992

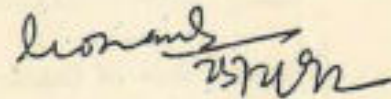
Copy forwarded to the P. & C. Department with reference to their letter No. 1327 (35) dt. 21-1-92 for information and necessary action.



Deputy Secretary to Government

Memo No. 10573/R., dt. 25-2-1992

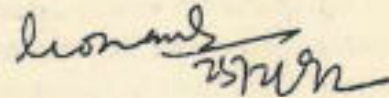
Copy forwarded to All Revenue Divisional Commissioners / All Collectors for information and necessary action.



Deputy Secretary to Government

Memo No. 10574/R., dt. 25-2-1992

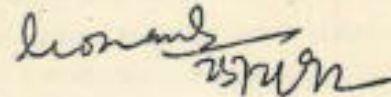
Copy forwarded to All Sub-Collectors for information and necessary action.



Deputy Secretary to Government

Memo No. 10575/R., dt. 25-2-1992

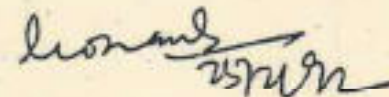
Copy forwarded to All Tahasildars for information and necessary action.



Deputy Secretary to Government

Memo No. 10576/R., dt. 25-2-1992

Copy forwarded to All Assistants of LR & GE (A), (B) and (C) Branches / G.A. (B) Branch with reference to their Memo No. 7967/R. dt. 12-2-92 for information / 25 spare copies to LR & GE (A) Branch.



Deputy Secretary to Government

Government of Orissa
Housing & Urban Development Department

RESOLUTION

No. TP-OM-19/91-13704 / HUD.,
Bhubaneswar, the 25th, March, 1992

The question of creating a State Level Committee to regulate developments and activities in the Coastal Regulation Zone i.e., up to 500 mts. from the High Tide Line was under consideration of Government for some time past.

2. The State Government, after careful consideration, have been pleased to constitute a State Level Committee consisting of the following members for the above purpose namely :-

- | | | |
|--|-----|-----------------|
| (1) Commissioner-Cum-Secretary to Government, Housing and Urban Development Department, Orissa, Bhubaneswar. | ... | Chairman |
| (2) Director, Environment, Orissa, Bhubaneswar or his representative. | ... | Member |
| (3) Director, Tourism, Orissa, Bhubaneswar or his representative. | ... | Member |
| (4) Director, Town Planning, Orissa, Bhubaneswar. | ... | Member-Convenor |

3. The Secretary, Puri-Konark Regional Improvement Trust, Puri and Executive Officer, Puri Municipality will attend the meeting of the committee as special invitees, whenever their presence is considered necessary.

4. The functions of the committee and the procedure to be adopted for disposal of the cases for permission for construction of building are as follow :-

- (i) The Secretary, Puri-Konark Regional Improvement Trust will forward to the Director of Town Planning, Orissa, Bhubaneswar all the pending cases in respect of Puri-Astarange-Coastal Stretches, after due scrutiny, with reference to the provisions of the Coastal Zone Management Plan and the Puri-Sea-Beach Development Plan alongwith his views. As regards fresh cases, the Secretary Puri-Konark Regional Improvement Trust, Puri will, in the first week of every month send all proposals received during the proceeding month after due examination alongwith his views to Director of Town Planning, Orissa, Bhubaneswar.
- (ii) The Director, Town Planning will examine each proposal and place the same alongwith all relevant information before the Committee within one month of its receipt for consideration.
- (iii) The Director, Town Planning, Orissa, Bhubaneswar at his discretion may call for such documents and information from the applicants for placing the proposal before the committee.
- (iv) The concerned Regional Improvement Trust / Urban Local Body shall implement the decision / recommendation of the committee communicated through Director, Town Planning, Orissa, Bhubaneswar.
- (v) The above arrangements will continue till the Coastal Zone Management Plans are approved by Government of India and the State Government take a decision for identifying the agency which will deal with cases related to the area covered under Coastal Zone Management Plan.

Order : Ordered that the resolution be published in the next issue of Orissa Gazette and copies thereof forwarded to the Chairman and all members of the Committee / Department of Environment, Forests and wild life, Government of India / All Departments of Government / All Heads of Departments / Revenue Divisional Commissioner, (Central Division), Cuttack / Collector, Puri.

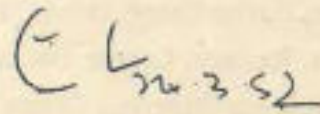
By order of the Governor

R. B. Mishra

Director, Housing-cum-Joint Secretary to Government

Memo No. 13705/HUD, Bhubaneswar the 25th, March, 1992.

Copy forwarded to the Director, Printing, Stationery and Publications, Orissa, Madhupatna, Cuttack with a request to publish this resolution in the next issue of Orissa Gazette positively and supply 20 (Twenty) spare copies of the same to this Department immediately.

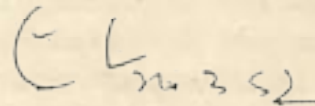


Director,

Housing-cum-Joint Secretary to Government

Memo No. 13706/HUD, Bhubaneswar the 25th, March, 1992.

Copy forwarded to the Chairman and all members of the Committee / Deptt. of Environment, Forest and wild life, Government of India, New Delhi / All Departments of Government / All Heads of Departments / R. D. C. (CD), Cuttack / Collector, Puri / Secretary, PKRIT, Puri / Executive Officer Puri Municipality / 10 spare copies to T. P. Section for information and necessary action.



Director,

Housing-cum-Joint Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-47/91-(Pt.)-18308/R.,
Dated, Bhubaneswar, the 6.4.92.

From

Shri B. P. Mishra, O.A.S.,
Deputy Secretary to Government

To

All Collectors

Sub. : Sanction of advance possession of Non-forest Government lands for compensatory afforestation in connection with execution of different projects regarding 62 projects already cleared by the Government of India.

Ref. : This Department Memo No. 6673, dated 5.2.92.

Sir,

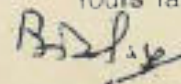
In inviting a reference to the correspondence on the subject cited above, I am directed to say that instructions were issued in the letter under reference for taking immediate steps by the concerned Collectors for sanction of advance possession of the identified lands in different districts against the 62 projects already cleared by the Government of India as per delegation already made in this Department letter No. 18946/R., dated 25.4.91. In the meanwhile, it has been brought to the notice of this Department that the progress achieved in this direction has been very slow and apprehension has been expressed by the Forest Department that these identified lands may not be available for afforestation during the present afforestation season.

In order to expedite the afforestation work and in view of the urgency in making available Government lands for the purpose, it has been decided by Govt. that pending receipt of details out of the lands already identified by the Forest Department and Revenue Department officials which are classified as hills, i.e. 'Pahad', 'Parbat', 'Mundia' etc. and do not contain any poddu/kudki cultivation be immediately handed over to the concerned Forest Department officials pending formalities. Necessary proposals for alienation of these lands may be sent to this Deptt. through Revenue Divisional Commissioners.

As regards handing over of advance possession of the remaining identified lands as indicated in the statement enclosed to this Department Memo No. 6673 dt. 5.2.92 the details of such lands may be furnished within 15 days for appropriate orders of Government.

This may kindly be treated as extremely urgent.

Yours faithfully,

 6.4.92

Deputy Secretary to Government

Memo No. 18309 / R., Date 6.4.92

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack for information and necessary action with reference to this Department letter No. 6672 dated 5.2.92.

B. S. Singh / 6.4.92

Deputy Secretary to Government

Memo No. 18310 / R., Date 6.4.92

Copy forwarded to -

- (i) Forest & Environment Department,
- (ii) All Revenue Divisional Commissioners,
- (iii) Principal Chief Conservator of Forest, Orissa, Bhubaneswar,
- (iv) All Sub-Collectors,
- (v) All Tahasildars for information and immediate necessary action with reference to this Department Memo No. 6673 dated 5.2.92.

B. S. Singh / 6.4.92

Deputy Secretary to Government

DRAFT FOR APPROVAL

No. - S-47/92-20321 / Dt. 10.4.92.

To

The Director of Land Records & Surveys,
Board of Revenue, Orissa, Cuttack.

Sub. : Status Rule for Survey and Settlement Operation in Kashipur Tahasil of Koraput District.

Ref. : Government letter Nos. (a) 41777/R., dated 15.7.1989 (b) 49830/R., dated 4.8.1989 and (c) No. 17181/R., dated 15.4.1991.

Sir,

In inviting a reference to the letters on the subject cited above, I am directed to say that in this Department G.O. No. 17181/R., dated 15.4.1991 referred to above instructions were issued that Donger Khasara shall be prepared in favour of tribal persons doing Donger cultivation on the hills slopes beyond 10°. It was stipulated in the G.O. among other things that the land in respect of which Donger Khasara should be prepared had to be utilised for agro-forestry purpose.

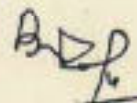
2. In modification of the aforesaid Government orders, it has been decided that raiyati right shall be conferred on the tribals who are in cultivating possession of the hill slopes either in form of podu or Kudki up to 30°.

3. Tribals in cultivating possession of the hill slopes above 30° either in form of Kudki or Podu or otherwise shall also be recorded as raiyats in respect of such land. Conferment of such right is subject to the provision that the land beyond 30° slope shall only be utilised for raising perennial crops in the form of plantations etc. In the remarks column of the Patta to be issued in such cases the condition that the land is meant for raising perennial crops in the form of plantations and in the event of failure to do so the right conferred in respect of such land shall be revoked, shall be recorded.

4. Transfer of any land to be settled in the manner indicated in para 2 and 3 above is not permissible except by way of mortgage in favour of any public financial institution for securing a loan granted by such institution for any agricultural purpose. The settlement shall be cancelled for violation of this condition. This condition should be appropriately recorded in the remarks column of the patta.

5. In view of the above, you are requested to take action accordingly.

Yours faithfully,


10-4-92

Deputy Secretary to Government

Government of Orissa
Revenue and Excise Department

No. GE(GL)-S-81/92-21100/R., Dated 20.4.1992.

From

Shri N. K. Baliarsingh, I.A.S.,
Joint Secretary to Government

To

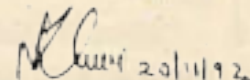
All Collectors

Sub. : Disposal of lease cases.

Sir,

I am directed to invite reference to the letter No. 805/Rev. dated 20.3.92 of the Secretary, Board of Revenue, Orissa, Cuttack to your address on the above subject and to say that the instructions contained therein regarding disposal of the pending lease applications as per the provisions of Rule-5 of the Orissa Government Land Settlement Rules, 1983 may please be followed scrupulously and the pending lease cases be finalised within the time period specified therein. The copies of the report on the progress of disposal of such cases mentioned therein may also be furnished simultaneously to this Department for information of Government.

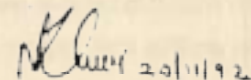
Your's faithfully



Joint Secretary to Government

Memo No. 21101/R., dt. 20.4.92.

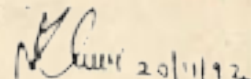
Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack with reference to their Memo No. 806 dt. 20.3.92 for information and necessary action,



Joint Secretary to Government

Memo No. 21102/R., dt. 20.4.92.

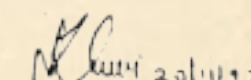
Copy forwarded to the Secretary to all Revenue Divisional Commissioners with reference to the Memo No. 806 dated 20.3.92 of the Board of Revenue to their address for information and necessary action,



Joint Secretary to Government

Memo No. 21103/R., dt. 20.4.92.

Copy forwarded to all Sub-Collectors/ all Tahasildar with reference to the Memo No. 807 dt. 20.3.92 of the Board of Revenue to their address for information and necessary action.



Joint Secretary to Government

Government of Orissa
Revenue & Excise Department

No. EA-V-2/92-22735/R., L.R. (A), Dated, 27.4.92.

From

Shri P. K. Mishra, I.A.S.,
Secretary to Government

To

All Collectors

Sub. : **Preservation of certain records filed by the ex-Intermediaries with the Compensation Officers under OEA Act.**

Sir,

Consequent upon vesting of estates under Section 3 and 3-A of the OEA Act, 1951, the ex-Intermediaries have filed certain registers and records prescribed in Form-C under OEA Rules with the respective Tahasildar-cum-OEA Collectors concerned.

2. Basing on such records, particularly Jamabandi filed by the ex-Intermediaries, the Tahasildars have opened Tenants' Ledgers and started collection of rent, cess, etc. with "Without Prejudice" seal till record-of-rights were prepared and published under OSS Act, 1958 or under OCH and PEL Act, 1973.

3. It is **observed** that many of these jamabandi or Ekpadias which were filed by ex-Intermediaries do not bear **the seal and** signature of the ex-Intermediaries or their authorised agents **nor have** these records been attested by the Tahasildars concerned. Cases of subsequent wrong entries in the Tenants' Ledgers or interpolation of entries both in Jamabandi or Ekpadia and the Tenants' Ledgers made by some unscrupulous hands have come to the notice of Govt. In some cases these records are also not available in the Tahasil Offices when required for reference or to be produced before any Court of Law. Due to non-availability of these basic records or manipulated entries in the said records, interest of Government has not been safeguarded in some cases in Civil Courts filed by private individuals taking advantages of the distorted records.

4. The ex-Intermediaries have also filed certain returns with the respective Compensation Officers for determination of compensation to be paid to them in respect of the vested estates. These returns must have been filed in the Court of Compensation Officers and must be available in the connected case records. In the said return the ex-Intermediaries were required to file a statement prescribed in item No. 5 of the notice under Rule 13 of OEA Rule, 1952 which is either in Form 'D' or Form 'DD'. Jamabandi or Ekpadia filed by the ex-Intermediaries before the respective Tahasildars should be identical with the said statement.

5. In absence of the Jamabandi or Ekpadia in the Tahasils or in case of doubt about the genuineness of entries therein, the statement of the returns which have been filed before the Compensation Officer should be verified. Such a course must be adopted when the records are required to be produced before the Civil Court or before the Settlement Authority.

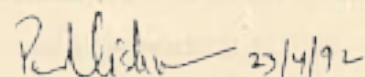
6. Thus the return, particularly the statement as prescribed under Item No. 5 of Form 'DD' or Form 'D' should serve as a second check about the genuineness of doubtful entries in the original Jamabandi or Ekpadia which could have been tampered with.

7. It is, therefore, necessary that these returns are to be preserved for varied purposes, like verification of entries in the Ekpadia and Tenants' Ledger at Tahasil level or for production before the Civil Court or other Revenue Courts in defence of the case filed against the State by private individuals.

8. It is, therefore, requested that the Compensation Officer under your control may be suitably instructed to prepare 4 xerox copies of the aforesaid returns. Of the said 4 copies one copy is to be sent to Board of Revenue and another copy to Government and the 3rd copy to the concerned Tahasildar for preservation for reference. The 4th copy may be retained estate-wise or village-wise in your Office in Judicial Section, so that necessary verification can be made while preparation of parawise comments/counter in any Civil cases. I hope, this work can be completed within a period of three months.

9. Where, however, the Intermediaries have not filed any return, the Compensation Officer might have finalised the compensation assessment basing on the demand asset received from the Tahasildar concerned. While compiling the information estate-wise, the estate in respect of which no returns have been filed, a mention to this effect may be kept. In such cases, it is to be deemed that no lease was allowed by the Intermediaries from the Anabadi prior to date of vesting and accordingly such a stand has to be taken in defence of the case, if such occasions arise.

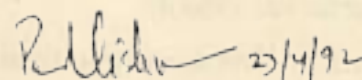
Your's faithfully



Secretary to Government

Memo No. 22736/R., Dated 27.4.92.

Copy forwarded to the all Revenue Divisional Commissioners/ Secretary, Board of Revenue, Orissa, Cuttack for information.



Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-44/92-30225/R.,
Dated, Bhubaneswar, the 8.6.92.

From

Shri P. B. Das, O.A.S.,
Under Secretary to Government

To

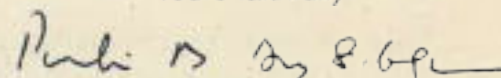
The Revenue Divisional Commissioner, Northern Division, Sambalpur.

Sub. : Regarding payment of premium for non-forest Government land leased out for compensatory afforestation in respect of Talcher-Sambalpur Railway line Project in Bonai Sub-Division of Sundargarh District.

Sir,

I am directed to invite a reference to your Memo No. 2788, dt. 12.12.91 on the subject noted above and to say that Government have been pleased to decide that since the non-forest Govt. land is being alienated in favour of the Forest Department for purpose of compensatory afforestation which is for a non-commercial purpose, no premium would be charged for such land as per Rule-283 (I) of Orissa General Financial Rules Volume-I.

Yours faithfully

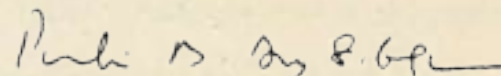


Under Secretary to Government

Memo No. 30226/R., Dated 8.6.92.

Copy forwarded to the Collector, Sundargarh for information and necessary action with reference to letter No. 2787, dt. 12.12.91 of Secretary, R.D.C., N. D., Sambalpur to his address.

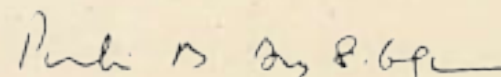
2. Copy forwarded to all Collectors (Except Collector, Sundargarh) for information and necessary action.



Under Secretary to Government

Memo No. 30227/R., Dated 8.6.92.

Copy forwarded to the Secretary, Board of Revenue Orissa, Cuttack/ Revenue Divisional Commissioner, Central Division and Southern Division for information and necessary action.



Under Secretary to Government

DRAFT FOR APPROVAL

No. - (GE) (eje)-S-117/92-30445 / Dated 8.6.92,

To

The Forest & Environment Deptt.

Sub. : Declaration of village forest for the benefit of village communities under Section 30 of Orissa Forest Act, 1972.

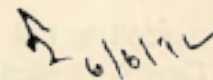
The undersigned is directed to say that Notifications under Section 30 of the Orissa Forest Act, 1972 (Orissa Act-14 of 1972) constituting village forest are received from the Forest & Environment Deptt. from time to time. For constituting a reserve forest, the Revenue Deptt. are issuing notifications under Section 21 of the Orissa Forest Act after taking concurrence of the Forest Deptt. But it appears that concurrence of the Revenue Deptt. in constituting village forest covering Government lands of different Kissams have not been taken before issue of such notifications. Forest Department may, therefore, consider taking concurrence of Revenue Department before issue of notification.

2. In the Revenue & Excise Deptt. Memo No. 37885 dt. 6.6.84, certain guidelines were prescribed for plantation under SIDA assisted social forestry projects. A copy of the letter is enclosed for quick reference. The Forest Deptt. may please clarify if these guidelines are being followed to raise plantation for village wood lot.

3. The notifications for constituting village forest do not indicate the classification of lands included in the village forest. It is found that Gucher lands also being included in village forest. This would adversely affect the community rights.

4. The Revenue Department are not aware of the procedure adopted by the Forest Department before notification under Section 30 of the Orissa Forest Act, i.e. whether proclamations are being issued at any level inviting objections. Unless this is done, there will be no scope for any member of the community or any local officer to present their point of view. Adoption of a procedure inviting objections would help in avoiding any serious problems in future.

5. It is requested that these issues may please be considered and views of the Forest Department communicated at an early date for taking further action.



(N. K. Ballarsing)

Additional Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE-CTC-123/92-31343/R.,
Dated, Bhubaneswar, the 16.6.92.

From

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government

To

The Collector, Cuttack.

Sub. : Rehabilitation measures for persons/ families displaced from encroached Government lands due to execution of the Duburi Steel Plant Complex.

Ref. : This Department letter No. GE (CTC)-123/92-23913/R., dated 4.5.92.

Sir,

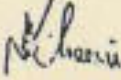
I am directed to invite a reference to the correspondence on the subject cited above and to say that in the matter of allotment of land for homesteaded purpose the encroachers facing displacement due to execution of the Duburi Steel Plant Complex were considered eligible to get 1/20 of an acre of land per family in this Department G. O. No. 23913/R., dt. 4.5.92. It had been represented to Government that since the persons facing displacement from their private lands have been considered eligible to get 1/10 of an acre of homestead land at the cost of the Government the encroachers facing displacement should also be given 1/10 of an acre of land for homestead instead of 1/20 of an acre.

As per provisions of the O.P.L.E. Act, 1972 a homesteadless encroacher is eligible for settlement upto 1/10 of an acre of unobjectionable land under his occupation.

Taking the above aspect into consideration and to provide further relief to the encroachers who may have to face displacement from Government land due to execution of the above project, Government after careful consideration have been pleased to decide that in the matter of allotment of homesteaded lands to the encroachers facing displacement from Government land, they will get 1/10 of an acre per family for homestead purpose in a rehabilitation colony instead of 1/20 of acre as stipulated earlier in para 4 (b) of this Department letter No. 23913/R., dated 4.5.92.

The instructions contained in Para 4(b) of the aforementioned G.O. No. 23913/R., dated 1.5.92 stand modified to the above extent only. Other instructions contained in the said G. O. remain unaffected.

Yours faithfully


16/6/92

Additional Secretary to Government

Memo No.31344/R., Dated 16.6.92.

Copy forwarded to Principal Secretary to Government, Steel & Mines Department for favour of information in continuation of this Department Memo No. 23914 dated 4.5.92.

M. Mohanti 16/6/92

Additional Secretary to Government

Memo No. 31345/R., Dated 16.6.92.

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/ Secretary to Revenue Divisional Commissioner, Central Division, Cuttack/ Sub-Collector, Jajpur/ Tahasildar, Darpan for information and necessary action.

M. Mohanti 16/6/92

Additional Secretary to Government

Memo No. 31346/R., Dated 16.6.92.

Copy forwarded to L. A. (A)/ (B)/ (C)/ (D)/ LR. & GE (A), (B), (C) Branches for information and necessary action.

M. Mohanti 16/6/92

Additional Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-35/92-33323/R.,
Dated, Bhubaneswar, the 26.6.92.

From

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Lease of land to Tree Grower's Co-operative Society sponsored by Forest and Environment Department for launching of the SIDA/ NDDB assisted Projects for societies.

Ref. : This Department letter No. 46758-R., dt. 9.10.90.

Sir,

I am directed to invite a reference to the above cited letter wherein a set of guidelines have been issued for lease of Govt. lands to the Tree Grower's Co-operative Society and to say that in the meanwhile, suggestions had been received from Rastriya Vikash Mitra Sahyog Ltd. (RVMA) for making some modifications in the aforementioned guidelines. After careful consideration of the suggestions, Government have been pleased to decide as follows :-

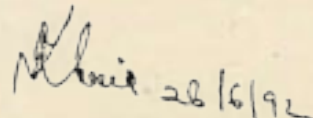
(i) It was earlier decided and communicated in this Department letter No. 46758-R., dt. 9.10.90 that the membership of the Tree Grower's Co-operative Society will be open only to the land less agricultural labourers. It has now been decided that the membership will be open to all in the village with the stipulation that usufructory right of trees planted on Government land would accrue only to the land-less members of the T.G.C.S. This would not prevent and other farmer from becoming a member of the T.G.C.S. and plant trees on his own land. The lease will be given to the Society and not in favour of any individual members.

(ii) The period of lease will be 15 years with provisions for renewal for a further period of 15 years at a time subject to satisfactory plantation and use.

(iii) Planting over the land so leased out must be completed within a period of 5 years from the date of sanction of lease failing which the lease shall stand determined.

2. Instructions issued in this Department letter No. 46758-R., dt. 9.10.90 stand modified to the above extent. Other terms and conditions of the said G. O. dt. 9.10.90 remain unaltered.

Yours faithfully,

 28/6/92

Addl. Secretary to Government

Memo No. 33324/R., Dated 26.6.92.

Copy forwarded to Forest and Environment Deptt. for information and necessary action in continuation of this Department memo No. 46759 dt. 9.10.90.

M. S. Chavhan 26/6/92

Addl. Secretary to Government

Memo No. 33325/R., Dated 26.6.92.

Copy forwarded to All R.D.Cs./ All Collectors/ All Sub-Collectors/ All Tahasildars for information and necessary action with reference to this Department memo No. 46760 dt. 9.10.90.

M. S. Chavhan 26/6/92

Addl. Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-125/92-35267/R., L.R. & G.E. (A) Branch,
Dated, Bhubaneswar, the 7th July 1992.

From

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Principles for lease of Government Land for Brackish water Pisciculture—Amendment to the approval form of lease deed.

Ref. : This Department Letter No. GE (GL)-S-41/83 (Pt), No. 24830/R., dt. 15.4.83.

Sir,

I am directed to invite a reference to the subject cited above and to say that an approved form of lease deed for transfer of Government land for brackish water pisciculture had been sent to you and all concerned in this Department letter No. 24830/R., dated 15.4.83. In the meanwhile the principles prevailing at that time have undergone modifications from time to time. Considering the changes in the policy brought about in meanwhile Government have been pleased to make the following modifications in the approved form of lease deed communicated in the letter under reference.

(i) A provision will be added to the existing provision in clause - 5 of the approved form of lease deed as follows:-

"Provided that no such written permission may be necessary in case of mortgage of the lease hold land to the financial institutions for obtaining loans for development of the said land for brackish water prawn culture when the extent of the lease hold land is 12 ha. or less and the lessee belongs to any of the following categories :-

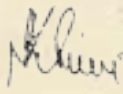
- (a) Beneficiaries under antipoverty programme.
- (b) Professional Fishermen or landless persons whose annual income together with the income of other members of their families does not exceed Rs. 4,800/- only and.
- (c) Educated unemployed persons."

(ii) Clause 8 of the approved form of lease deed will be substituted as follows :-

"8. In case the lessee fails to develop the land for prawn culture within 2 years of the execution of the lease deed, the lease shall be terminated and the lands shall be resumed."

All concerned are being informed.

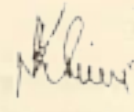
Yours faithfully


7/7/92

Additional Secretary to Government

Memo No. 35268/R., Dated 7.7.92.

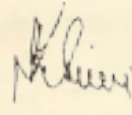
Copy forwarded to the Secretary to Revenue Divisional Commissioner, Central Division, Cuttack/ Secretary to Revenue Divisional Commissioner, Southern Division, Berhampur/ Collector/ Cuttack/ Collector, Puri/ Collector, Balasore/ Collector, Ganjam for information and necessary action with reference to this Department Memo No. 24831, dated 15.4.83.

 7/7/92

Additional Secretary to Government

Memo No. 35269/R., Dated 7.7.92.

Copy forwarded to all Sub-Collectors and all Tahasildars of Cuttack, Puri, Balasore and Ganjam district for information and necessary action with reference to this Department Memo No. 24832, dt. 15.4.83.

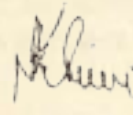
 7/7/92

Additional Secretary to Government

Memo No. 35270/R., Dated 7.7.92.

Copy forwarded to Fisheries and Animal Resource Development Department/ Agriculture and Co-operation Department/ Director of Fisheries for information and necessary action, with reference to this Department Memo No. 24833, dt. 15.4.83.

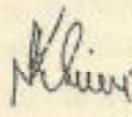
This reference to letter No. 11579, dt. 8.6.92 of Fisheries and Animal Resources Development Department.

 7/7/92

Additional Secretary to Government

Memo No. 35271/R., Dated 7.7.92.

Copy forwarded to all District Seats of L. R. & G. E. (A), (B) and (C) Branches for information and necessary action, with reference to this Department Memo No. 24834, dt. 15.4.83.

 7/7/92

Additional Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-137/92-38480/R., L.R. & G.E. (A) Branch,
Dated, Bhubaneswar, the 28th July 1992.

From

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government

To

The Collector,
Cuttack / Puri / Ganjam / Sambalpur / Bolangir / Balasore.

Sub. : Alienation of Government land for construction of residential and Non-residential buildings of Rural Development Department.

Sir,

I am directed to say that the Rural Development Department have proposed for construction of their residential, non-residential buildings at different places of your district for which the concerned Executive Engineers have filed requisitions for alienation of Government land for the purpose before the concerned Revenue Authorities. They have now intimated to be experiencing difficulties in getting these lands as a result of which the construction works of the buildings have been delayed.

It is therefore requested that the requisitions filed by the Executive Engineers of the Rural Works Divisions for alienation of Government land for construction of the above mentioned buildings may be considered on priority basis and disposed of expeditiously so that the lands in question, if available can be alienated at an early date.

2. All concerned may be instructed accordingly.

Yours faithfully

N. K. Baliarsingh 28/7/92

Additional Secretary to Government

Memo No. 38481/R., Dated 28.7.92.

Copy forwarded to the Rural Development Department with reference to their D. O. letter No. 13762, dt. 8.7.92 for information and necessary action.

N. K. Baliarsingh 28/7/92

Additional Secretary to Government

Memo No. 38482/R., Dated 28.7.92.

Copy forwarded to the Secretary to Revenue Divisional Commissioner (CD), Cuttack/ R.D.C. (ND), Sambalpur/ R.D.C. (SD), Berhampur, with reference to the Memo No. 13763, dt. 8.7.92 of the R. D. Department for information and immediate necessary action.

N. K. Baliarsingh 28/7/92

Additional Secretary to Government

Memo No. 38483/R., Dated 28.7.92.

Send Ten (10) spare copies to L.R. & G.E. (A) Branch for reference.

N. K. Baliarsingh 28/7/92

Additional Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-131/92-39472/R.,
Dated, Bhubaneswar, the 3rd Aug. 1992.

From

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government

To

The Collector,
Bolangir/ Balasore/ Cuttack / Dhenkanal/ Ganjam/
Keonjhar/ Mayurbhanj/ Puri/ Sambalpur/ Sundargarh.

Sub. : Alienation of Government land for E. S. I. Hospitals.

Sir,

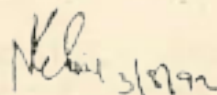
I am directly to say that the Labour & Employment Deptt. have indicated that the E.S.I. Corporation have filed requisition for alienation of Government land before the concerned Revenue authorities of your district for construction of E.S.I. dispensaries/ hospitals. They have further requested that the requisite sites for the purpose be made available to them before 30.9.92.

2. In this Department letter No. 78798/R., dt. 8.12.86 instruction was issued to all concerned regarding alienation of Government land for E.S.I. dispensaries/ hospitals at concessional rates as prescribed in the Industrial Policy Resolution.

3. Necessary instructions may therefore be issued to the Tahasildars of your district to process the requisitions filed by the E.S.I. Corporation expeditiously as per the G. O. mentioned above so that the lands in question are made available to the Corporation by 30.9.92.

A copy of letter No. 8493 dt. 29.6.92 of Labour and Employment Department containing details of requirement of land at 33 places is enclosed for reference at your end.

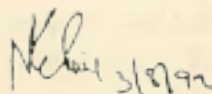
Yours faithfully



Addl. Secretary to Government

Memo No. 39473/R., Dated 3.8.92.

Copy forwarded to the Labour & Employment Deptt. with reference to their letter No. 8483/ LE dt. 29.6.92 for information & necessary action.



Addl. Secretary to Government

**Copy of letter No. IVS/ 2-9/ 92-8483/ LE, dt. 29.6.1992 from Shri M. K. Purkait, I.A.S.,
Commissioner-cum-Secretary to Government, L & E Department addressed to the Principal
Secretary, Revenue and Excise Department, Government of Orissa.**

The E.S.I. Scheme has been extended to different parts of the State. Most of the dispensaries are presently run in private buildings, the rent whereof is fully owned by the State Government, because the E.S.I. Corporation fund is available in a particular ceiling, which is found inadequate to meet expenses on account of pay and allowances of the staff and the cost of medicine.

The Corporation is unable to construct buildings, because suitable land is not available and even when it is available the process of settlement of Government land in favour of the Corporation takes a long time. If Government land is made available that will help in constructing permanent buildings for the dispensaries and at the same time the rental burden on the State Exchequer will go down considerably, because for occupation of buildings constructed by the Corporation the rent is charged at 7½% of the capital cost, out of which 1/8th is borne by the State Government.

The Union Deputy Minister for labour visited our State and called on the Chief Minister on 8.6.92. During discussion, the labour Minister apprised the Chief Minister on the problems of availability of Government land for the E.S.I. Dispensaries with more stree on backward districts, which has been communicated to this Department by the Principal Secretary to the Chief Minister in his endorsement No. 2926 (2) dated- 15.6.92 which has also been communicated to you.

A statement showing unit wise land requirement at 33 places and latest position regarding action taken at the level of the Regional Director, E.S.I. Corporation is enclosed for favour of reference.

The Government land in question are to be alienated in favour of the E.S.I. Corporation on payment of required premium/ land value on execution of the agreement. The average area of land required for each dispensary is 1.5 acres for construction of the E.S.I. Dispensaries, Staff quarters and Office of the Local Manager of the E.S.I. Corporation.

I would, therefore, request you to kindly so arrange that the requisite sites are made available for the purpose to the E.S.I. Corporation before 30.9.92.

Alienation of land in respect of E. S. I. Dispensaries - Detail provision thereof.

Sl. No.	Name of the Dispensary	Name of the Dist/ Tahasil	Latest position on steps taken	Remarks
1	2	3	4	5
1.	ESI Disp. Bolangir	Bolangir/ Bolangir	-	Required land 1.5 acres
2.	ESI Disp. Sonepur	Bolangir/ Sonepur	Collector, Bolangir moved in R.D.'s letter No. 44-W-13/12/18/88. Co-ordn. dt. 3.1.91 for selection of site.	-
3.	ESI Disp. Kirei	Sundargarth/ Sundargarth	-	Required land 1.5 acres
4.	ESI Disp. C.I.S.F. Colony, Rourkela	Sundargarth/ Panposh	-	- do -
5.	ESI Disp. F.C.I. Colony, Rourkela	- do -	-	- do -
6.	ESI Disp. I.D.L. Chemicals, Rourkela	- do -	Requisition for alienation of land is filed before the Tahasildar, Panposh on 2.3.88 by R. D. ESIC.	-
7.	ESI Disp. Kansbahal	- do -	-	Required land 1.5 acres
8.	ESI Disp. Rajagangpur-II	Sundargarth/ Rajagangpur	-	- do -
9.	ESI Disp. Kalunga	Sundargarth/ Panposh	-	- do -
10.	ESI Disp. Baripada	Mayurthanj/ Baripada	Requisition of alienation has been filed by R.D.E.S.I.C.	-
11.	ESI Disp. Brahmanipal	Keonjhar/ Anandapur	-	Required land 1.5. acres
12.	ESI Disp. Dhenkanal	Dhekanal/ Dhenkanal	-	- do -
13.	ESI Disp. Govindapur	- do -	Tahasildar Dhenkanal has been requested to select Plot No. 1004-1005 Khata No. 1064 of village Govindapur in favour of ESIC by R. D.	-

1	2	3	4	5
14.	ESI Disp. Sambalpur	Sambalpur/ Sambalpur	R.D.E.S.I.C. has filed requisition before the Tahasildar, Sambalpur on 10.5.91.	-
15.	ESI Disp. Tora	Sambalpur/ Bargath	Tahasildar Baragath has been requested in letter No. 44-W-13/12/8/90-Co. ordn. dt. 3.12.90 by R.D.E.S.I.C. for selection of site.	-
16.	ESI Disp. Balasore	Balasore/ Balasore	Requisition has been filed before the Tahasildar Balasore for alienation.	-
17.	ESI Disp. Bhadrak	Balasore/ Bhadrak	Requisition filed for alienation.	-
18.	ESI Disp. Charampa	Balasore/ Bhadrak		Required land 1.5 acres.
19.	ESI Disp. Balagopalpur	Balasore/ Nilgiri		- do -
20.	ESI Disp. Ganjam	Ganjam/ Chhatrapur	Requisition for alienation filed by R.D.E.S.I.C. before the Tahasildar Chhatrapur on 21.8.90.	-
21.	ESI Disp. Berhampur	Ganjam/ Berhampur		Required land 1.5 acres.
22.	ESI Disp. Aska	Ganjam/ Aska		- do -
23.	ESI Disp. Jagatpur	Cuttack/ Tangi		- do -
24.	ESI Disp. Bhagatpur	- do -		- do -
25.	ESI Disp. Dhanmandal	Cuttack/ Darpan	Application for alienation of land has been filed by ESIC before Tahasildar Darpan	-
26.	ESI Disp. Nuapatana	Cuttack		Required land 1.5 acres
27.	ESI Disp. Paradeep	Cuttack/ Kujang		- do -
28.	ESI Disp. Tirtol	Cuttack/ Tirtol	Tahasildar Tirtol has been requested by R. D. in his letter No. RD/ MIS/1/92 dt. 7.2.92 for selection of site of 1.5. acres	- do -

1	2	3	4	5
29.	ESI Disp. Jaipur Road	Cuttack/ Sukinda	-	Required land 1.5 acres
30.	ESI Disp. Khapuria	Cuttack/ Cuttack	-	- do -
31.	ESI Disp. Rajabagicha	- do -	-	- do -
32.	ESI Disp. Khurda	Puri/Khurda	Requisition for alienation filed before the Tahasildar Khurda on 11.10.91 by the R.D.E.S.I.C.	-
33.	ESI Disp. Manchewar	Puri/BBSR	-	Required land 1.5. acres

**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-141/92-39877/R.,
Dated, Bhubaneswar, the 5th Aug. 1992.

From,

Shri N. K. Baliarsingh, I.A.S.,
Addl. Secretary to Government.

To

The Secretary, Board of Revenue, Orissa, Cuttack.

Sub. : Concessions in the matter of land provided to Jawans.

Sir,

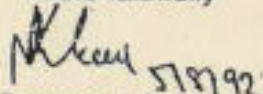
I am directed to say that as per Home Department Resolutions No. 11323/ Poll dt. 14.5.1963 and No. 20827/ Poll dt. 7.7.1969 the defence personal who have served in the forward areas during the period from 26.10.1962 to 31.1.1964 were eligible to get 5 acres of land free for agricultural purpose as reward in consideration of the sacrifice rendered by them for the motherland. A large number of Jawans have been benefited under above instructions of Government in the matter of allotment of land.

2. It has come to the notice of Government that in a number of cases, the Jawans who have been settled with agricultural land are disposing of the same on sale or otherwise. This defeats the benevolent purpose of the Scheme. Under Section-6 A (1) of the Orissa Land Reforms Act, 1960 any transfer by raiyat of any land which has been settled with him for agricultural purpose under the permanent lease from Government shall, if such transfer is made within 10 years from the date of such settlement without obtaining the previous permission in writing of the Revenue Officer, be void. Therefore any such case detected should be firmly dealt with under the said Section of the O.L.R. Act.

3. In some cases it is found that the land settled with the Jawans for agricultural purpose are being transferred for the purposes other than agriculture. Such use of the land affects the provisions of Section-8 of the Orissa Land Reforms Act, 1960. Such cases when detected should also be dealt with properly.

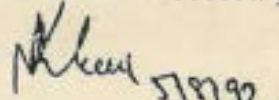
4. All concerned are intimated accordingly.

Yours faithfully


Addl. Secretary to Government

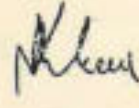
Memo No. 39878/R., Dated 5.8.92.

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.


Addl. Secretary to Government

Memo No. 39879/R., Dated 5.8.92.

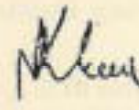
Copy forwarded to all Collectors for information and necessary action.

 579792

Addl. Secretary to Government

Memo No. 39880/R., Dated 5.8.92.

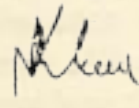
Copy forwarded to all Sub-Collectors for information and necessary action.

 579792

Addl. Secretary to Government

Memo No. 39881/R., Dated 5.8.92.

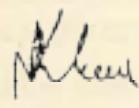
Copy forwarded to all Tahasildars for information and necessary action.

 579792

Addl. Secretary to Government

Memo No. 39882/R., Dated 5.8.92.

Copy forwarded to all Assistants of L.R.G.E. (A)/ (B) and (C) Branches for reference / G.A. (B) Branch for compilation / 20 spare copies to L.R. & G.E. (A) Branch for guard file.

 579792

Addl. Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE (GL)-S-33/92-42432/R.,
Dated, Bhubaneswar, the 20.8.92.

From

Shri S. R. Pal, I.A.S.,
Principal Secretary to Government

To

All Collectors,

Sub. : Regularisation of advance possession of land.

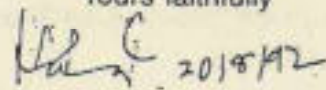
Sir,

I am directed to say that from the review report of Board of Revenue for the month ending May, 1992, it appears that 477 cases of advance possession covering an area of 50409.905 acres are pending for regularisation. Out of this, 51 cases are more than 10 years old. In absence of lease orders, collection of rent and cess in respect of these lands must be pending. Therefore, a serious consideration at your level is necessary to regularise all these cases. Steps taken by you to expedite lease or alienation proposals may be intimated to Government.

2. The list of advance possession of cases pending for regularisation for more than 10 years may be listed and sent to Government. You may also report the number of cases in which lease or alienation proposal has already been furnished by you and the number of remaining cases pending at the district level or field level.

3. Your report may be furnished to Government by the end of August, 1992.

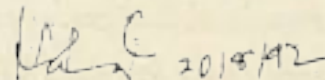
Yours faithfully



Principal Secretary to Government

Memo No. 42433/R., Dated 20.8.92.

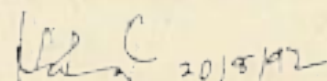
Copy to Secretary, Board of Revenue for information and necessary action with reference to his Memo No. 2320 dated 3.8.92. The required information as mentioned above may please be obtained from the Collectors and furnished to Government.



Principal Secretary to Government

Memo No. 42434/R., Dated 20.8.92.

Copy to all Revenue Divisional Commissioners for information and necessary action.



Principal Secretary to Government

**Government of Orissa
Revenue & Excise Department**

No. GE-CTC-272/92-43234/R.,

Dated, Bhubaneswar, the 27.8.92.

From

Shri P. B. Das, O.A.S.,
Under Secretary to Government.

To

The Secretary to Revenue Divisional Commissioner (Central Division) Cuttack.

Sub. : Alienation of Govt. land measuring Ac. 0.70 in village Jemadeipur under Tighiria Tahasil District Cuttack in favour of Jemadeipur Budha Sangha free of premium for construction of Temple.

Sir,

I am directed to invite reference to your letter No. 91 dt. 16.1.91 on the above subject and to say that after careful consideration of the proposal, Govt. have been pleased to accord sanction of lease of land measuring Ac. 0.70 dec. Pertaining to Khata No. 1 Plot No. 1 of village-Jemadeipur, under Tighiria Tahasil, Dist. Cuttack in favour of Jemadeipur Budha Sangha for construction of Temple free of premium but on payment of annual ground rent @ 0.25% of the premium of land amounting to Rs. 19,600/- (Rupees Nineteen Thousand Six Hunderd) only. Besides, the Budha Sangha is to pay annual cess as per rule.

The sanction order is subject to the following terms and conditions in addition to the usual terms and conditions.

1. The Budha Sangha shall have only the surface right over the land.
2. The Land shall be utilised for the purpose for which it is sanctioned.
3. In case the land or any part thereof is not utilised for the purpose for which it is sanctioned the same shall revert back to Govt. Revenue Department free from all encumbrances and without payment of any compensation.
4. The Budha Sangha shall execute the lease at its own cost within six months from the date of sanction lease failing which the sanction order will stand cancelled.
5. The Revenue Department reserve the right to determine the lease and resume the land without payment of any cost/ compensation for the land and structures standing thereon in case of violations of any of the terms and conditions mentioned in the sanction order.

The lease case Record No. 9/73-74 of Tighiria Tahasil is returned herewith. The receipt of which may please be acknowledged.

Yours faithfully

P. B. Das 26.8.92

Under Secretary to Government

Memo No. 43235/R., Dated 27.8.92.

Copy forwarded to the Collector, Cuttack/ Tahasildar, Tighiria for information and necessary action.

Pulak B Das 26.8.92

Under Secretary to Government

Memo No. 43236/R., Dated 27.8.92.

Copy forwarded to the GE-CTC-Seat of L.R. & G.E. (A) Branch (5 copies).

Pulak B Das 26.8.92

Under Secretary to Government

Government of India
Ministry of Environment & Forests.
Paryavaran Bhawan, C.G.O. Complex,
Lodi Road, New Delhi - 110 003.
No. 5-5/86-FC.
Dated 31st August, 1992.

To

The Chief Secretary (All States/ UTs).
The Forest Secretary (All States/ UTs.)

Sub. : **Forest (Conservation) Amendment Rules, 1992.**

Sir,

In exercise of the powers conferred by Sub-section (1) of **Section 4 of the Forest (Conservation) Act, 1980 (69 of 1980)**, the Forest (Conservation) Rules, 1982 **has been further amended in May, 1992.** The amended Rules have been notified in part II Section 3 **Sub-section (i) of Extraordinary Gazette** of India, dated 28th May, 1992. A copy of the said Gazette Notification in bilingual, is enclosed for perusal and compliance.

Yours faithfully

Sd/-

(ARUN KSHETRAPAL)

Joint Secretary to the Government of India

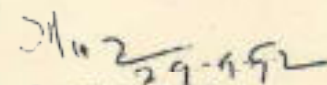
Government of Orissa
Forest & Environment Department

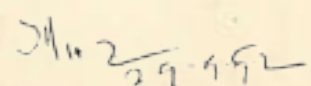
Memo No. 10F (OGS) 72/92,-23566/ F&E., Dated 29.9.92.

Copy **with copy of its enclosure forwarded to All Department of Government / All Heads of Department/ All R.D.Cs/ All Collectors / All Conservator of Forests (T)/ All Divisional Forests Officers (T)** for information and necessary action.

Memo No. 23567/ F&E., Dated 29.9.92.

Copy with copy of its enclosure to guard file (10 copies).


Under Secretary to Government


Under Secretary to Government

THE GAZETTE OF INDIA : EXTRAORDINARY

Part - II - Section 3-Sub Section (i)

PUBLISHED BY AUTHORITY

No. 244 NEW DELHI, THURSDAY, MAY 28, 1992 / JYASTHA 7, 1914.

Separate Paging is given to this part in order that it may be filed as a separate compilation.

MINISTRY OF ENVIRONMENT AND FOREST

NOTIFICATION

New Delhi, the 21st May, 1992.

G.S.R. 563 (F) - In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government hereby makes the following rules further to amend the Forest (Conservation) Rules, 1981, namely :-

1. (1) These rules may be called the Forest (Conservation) Amendment Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. (i) In the Forest (Conservation) Rules, 1981 (hereinafter referred to as the said rules), for rule 4, the following rules shall be substituted, namely :-

"4 (1) Every State Government or other authority seeking the prior approval under section 2 shall send its proposal to the Central Government in the form appended to these rules :

Provided that all proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reforestation shall be sent in the form of Working Plan/ Management Plan.

(2) Every proposal referred to in sub-rule (1) shall be sent to the following address, namely :-

Secretary to the Government of India,

Ministry of Environment and Forests,

Paryavaran Bhawan,

C.G.O. Complex, Lodi Road,

New Delhi - 110 003.

Provided that all proposals involving forest land upto twenty hectares and proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reforestation shall be sent to the Chief Conservator of Forests/ Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests."

(ii) In Rule 5 of the said rules for sub-rule (i) the following sub-rule shall be substituted, namely :-

"(1) The Central Government shall refer every proposal received by it under sub-rule (1) of rule 4 to the Committee for its advice thereon if the area of the forest land involved is more than twenty hectares.

Provided that proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reforestation shall not be referred to the Committee for its advice".

FORM

**FORM FOR SEEKING PRIOR APPROVAL UNDER SECTION 2 OF THE PROPOSALS
BY THE STATE GOVERNMENTS AND OTHER AUTHORITIES.**

(SEE RULE 4)

1. **Project details** :-

- (i) Short narrative of the proposal and project / scheme for which the forest land is required.
- (ii) Map showing the required forest area, boundary of adjoining forest and item-wise break-up of the required forest area for different purposes (to be authenticated by an officer not below the rank of Deputy Conservator of Forests).....
- (iii) Total cost of the project
- (iv) Justification for locating the project in the forest area giving alternatives examined and reasons for their rejection.....
- (v) Financial and social benefits.....
- (vi) Total population benefited
- (vii) Employment generated.....

2. Location of the project/scheme :—

- (i) State / Union Territory.....
- (ii) District
- (iii) Forest Division, Forest Block, Compartment etc.....

3. Item-wise break-up of the total land required for the project / scheme alongwith its existing land use.....

4. **Details of forest land involved :-**

- (i) Legal status of the forest (namely, reserve, protected / unclassed, etc.)
- (ii) Details of flora and fauna existing in the area.....
- (iii) Density of vegetation.....
- (iv) Species-wise and diameter class-wise abstract of trees.....
- (v) Vulnerability of the forest area to erosion, whether it forms a part of a seriously eroded area or not.....
- (vi) Whether it forms a part of national park, wildlife sanctuary, nature reserve, biosphere reserve, etc.; and if so, details of the area involved. (Specific comments of the Chief wildlife warded to be annexed).....
- (vii) Item-wise break-up of the forest land required for the project / scheme for different purposes.....
- (viii) Rare / endangered species of flora and fauna found in the area.....
- (ix) Whether it is a habitat for migrating fauna or forms a breeding ground for them.....
- (x) Any other significance of the area relevant to the proposal.....

5. Details of displacement of people due to the project :-

- (i) Total number of families involved in displacement
- (ii) Number of Scheduled castes / Scheduled Tribes families involved in displacement.....
- (iii) Detailed rehabilitation plan.....

6. Details of compensatory afforestation scheme :-
 - (i) Details of non-forest area /degraded forest area identified for compensatory afforestation, its distance from adjoining forests, number of patches, size of patch.....
 - (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.....
 - (iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.....
 - (iv) Total financial outlays for compensatory afforestation scheme.....
 - (v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation for afforestation and from management point of view. (To be signed by an officer not below the rank of Deputy Conservator of Forests)
 - (vi) Certificate from the Chief Secretary regarding non-availability of the non-forest land for compensatory afforestation (if applicable).....
7. Details regarding Transmission Lines (only for Transmission Line proposals) :-
 - (i) Total length of the Transmission Line.....
 - (ii) Length passing through forest area.....
 - (iii) Right of way.....
 - (iv) Number of Towers to be erected.....
 - (v) Number of Towers to be erected in forest area
 - (vi) Height of transmission towers.....
8. Details of Irrigation / Hydel Projects (only for Irrigation / Hydel projects) :-
 - (i) Total Catchment area.....
 - (ii) Total Command area.....
 - (iii) Full Reservoir level
 - (iv) High Flood level
 - (v) Minimum Drawal level.....
 - (vi) Break-up of area falling in catchment area of the Project (Forest land, cultivated land, pasture land, human cultivation and others.).....
 - (vii) Area of submergence at High Flood level.....
 - (viii) Area of submergence at Full Reservoir level.....
 - (ix) Area of submergence 2 meter below Full Reservoir level.....
 - (x) Area of submergence at 4 meter below Full Reservoir Level (For medium and major projects only).....
 - (xi) Area of submergence at Minimum Drawal level.....
 - (xii) Detailed catchment area treatment plan.....
 - (xiii) Total financial outlays and details regarding availability of funds for Catchment Area Treatment Plan.....

- 9 Details regarding Road/Railway lines (only for Roads / Railway lines proposals) : –
- (i) Length and width of the strip required and forest area required
 - (ii) Total length of the road.....
 - (iii) Length of the road already constructed.....
 - (iv) Length of the road passing through the forest
10. Details regarding mining proposals (only for mining proposals) :-
- (i) Total mining lease area & forest area required.....
 - (ii) Period of mining lease proposed
 - (iii) Estimated reserve of each mineral / ore in the forest area and in the non-forest area.....
 - (iv) Annual estimated production of mineral / ore.....
 - (v) Nature of mining operations (Opencast / underground).....
 - (vi) Phased reclamation plan.....
 - (vii) Gradient of the area where mining would be undertaken.....
 - (viii) Copy of the lease deed (to be attached only for renewal purposes).....
 - (ix) Number of labourers to be employed
 - (x) Area of forest land required for :-
 - a. Mining
 - b. Storing mineral / ore.....
 - c. Dumping of overburden.....
 - d. Storing tools & machinery
 - e. Construction of building, power stations, workshop etc.....
 - f. Township / housing colony.....
 - g. Construction of road / ropeway / railway lines.....
 - h. Full land use plan of forest area required.....
 - (xi) Reasons why any of the activities referred to in (a) to (h) above under the project for which forest land has been asked for cannot be under taken / located outside forest area.
 - (xii) The extent of damage likely to be caused and the number of trees affected on account of mining and related activities.....
 - (xiii) Distance of the mining area from perennial water courses, national and state highways, national parks, sanctuaries and biosphere reserves.....
 - (xiv) Procedure for stocking of the topsoil for reuse.....
 - (xv) Extent of subsidence expected in underground mining operations and its impact on water, forest and other vegetation.....
11. Cost benefit analysis.....
12. Whether clearance from environmental angle is required (Yes / No).....
If yes, whether, requisite details for the same have been furnished (Yes / No).....

13. Whether any work in violation of the Act has been carried out (Yes / No).....
If yes,
(i) Details of the same including date of commencement.....
(ii) Officers responsible for violation of the Act.....
(iii) Action taken/being taken against erring officers.....
(iv) Whether work in violation of the Act is still in progress.....
14. Any other information
15. Details of Certificates / documents enclosed.....
16. Detailed opinion of the Chief Conservator of Forests/Head of the Forest Department concerned covering the following aspects, namely :-
(i) Out-turn of timber, fuelwood and other forest produce from the forest land involved ;
(ii) Whether the district is self-sufficient in timber and fuelwood ; and
(iii) The effect of the proposal on
a. Fuelwood supply to rural population ;
b. Economy and livelihood of the tribal and backward communities.
(iv) Specific recommendations of the Chief Conservator of forest / Head of the Forest Department for acceptance or otherwise of the proposal with reasons thereof.

Certified that all other alternatives for the purpose have been explored and the demand for the required area is the minimum demand for forest land.

Signature of the authorised Officers
of the State Government / Authority

N.B - 1 : While furnishing details of flora and fauna, the species should be described by their scientific names.

N.B : If the space provided above is not sufficient to specify any information, please attach separate details/documents.

R. RAJAMANI
Secretary

Foot Note :

The principal rules were notified vide Number G. S. R. 719 dated the 20th July, 1981 and subsequently amended vide

- (1) G.S.R. 14, dated the 28th December, 1987.
- (2) G.S.R. 640(E), dated the 26th June, 1989.

Shri S. R. Pal, I. A. S.
Principal Secretary to Government,
Revenue and Department

URGENT
Bhubaneswar
Dated : 6th, Nov., 1992

D. O. No. GE (GL)-S-11/92-53881/R.,

Dear

Sub. : Encroachments on forest land and settlement of encroachers and in forest habitants inside forest land.

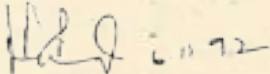
I am desired to say that you have furnished the extent of forest land being used for homestead and agricultural purpose. There are a number of eligible persons who are entitled to settlement of such lands but for the restrictions contained in Forest Conservation Act, 1980. The State Government proposes to move Govt. of India for clearance under the Forest Conservation Act so that eligible encroachers can be settled on rayati basis.

2. In order to move Government of India, a proforma has been prescribed under the Forest Conservation Rules for furnishing proposal for each such case. I am enclosing a copy of the format in which such informations are to be furnished. The guidelines of Govt. of India in the matter of settlement of the encroached land are also sent herewith.

3. You are requested to immediately fill up the formats in consultation with the Revenue Field Officers and the Forest Officers for settlement of encroached lands within the frame work of the guidelines of Govt. of India and furnish a report to Government by 20-11-1992 at the latest. The format may contain the total extent of encroached land to be settled and the detailed extent of non-forest Government land projected for compensatory afforestation and the detailed land particulars may be separately enclosed to the filled in proforma.

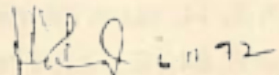
4. Treat this as immediate and the date line should be adhered to at any cost.

With Best Wishes
Yours sincerely


(S. R. PAL)

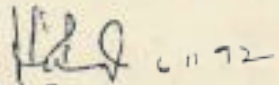
Memo No. 53882/R., Dated 6-11-92

Copy to the Commissioner-cum-Secretary to Government, Forest and Environment Department for information and necessary action.


Principal Secretary to Government

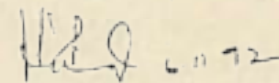
Memo No. 53883/R., Dated 6-11-92

Copy to the Revenue Divisional Commissioners with enclosures for information and necessary action,
They are requested to ensure that the reports are sent by the Collector by the stipulated date.


Principal Secretary to Government


Memo No. 53884/R., Dated 6-11-92

Copy to the Secretary, Board of Revenue alongwith copies of enclosures for information and necessary
action.


Principal Secretary to Government

Memo No. 53885/R., Dated 6-11-92

Copy to all Tahasildars for immediate action.


Addl. Secretary to Government

FORM

**FORM FOR SEEKING PRIOR APPROVAL UNDER SECTION 2 OF THE PROPOSALS
BY THE STATE GOVERNMENTS AND OTHER AUTHORITIES.**

(SEE RULE 4)

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- (xiv) Procedure for stocking of the topsoil for reuse.....
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11. Cost benefit analysis.....

12. Whether clearance from environmental angle is required (Yes / No).....
If yes, whether, requisite details for the same have been furnished (Yes / No).....

13. Whether any work in violation of the Act has been carried out (Yes / No).....
If yes,
(i) Details of the same including date of commencement.....
(ii) Officers responsible for violation of the Act.....
(iii) Action taken/being taken against erring officers.....
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16. Detailed opinion of the Chief Conservator of Forests/Head of the Forest Department concerned covering the following aspects, namely :-
(i) Out-turn of timber, fuelwood and other forest produce from the forest land involved;
(ii) Whether the district is self-sufficient in timber and fuelwood; and
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a. Fuelwood supply to rural population;
b. Economy and livelihood of the tribal and backward communities.
(iv) Specific recommendations of the Chief Conservator of forest / Head of the Forest Department for acceptance of otherwise of the proposal with reasons thereof.

Certified that all other alternatives for the purpose have been explored and the demand for the required area is the minimum demand for forest land.

Signature of the authorised Officers
of the State Government / Authority

- N.B -L : While furnishing details of flora and fauna, the species should be described by their scientific names.
- N.B : If the space provided above is not sufficient to specify any information, please attach separate details/documents.

R. RAJAMANI
Secretary

Foot Note :

The principal rules were notified vide Number G. S. R. 719 dated the 20th July, 1981 and subsequently amended vide

- (1) G.S.R. 14, dated the 28th December, 1987.
(2) G.S.R. 640(E), dated the 26th June, 1989.

The first part of the report is devoted to a description of the
 general situation of the country at the beginning of the year.
 It is found that the country is in a state of general
 depression, and that the people are suffering from
 want and distress. The cause of this is attributed to
 the war, and the consequent destruction of property,
 and the loss of the means of subsistence. The
 government is unable to supply the wants of the
 people, and the people are forced to turn to the
 market for their necessities. The market is
 glutted with goods, and the prices are low.
 The people are unable to purchase what they
 need, and they are forced to live on the
 edge of starvation. The government is
 unable to do anything to relieve the
 suffering of the people, and the people
 are forced to look to themselves for
 relief. The only way to relieve the
 suffering of the people is to stop the
 war, and to restore peace to the
 country.

**GUIDELINES ISSUED TO STATES ON
TRIBAL - FOREST INTERFACE**

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS
(DEPARTMENT OF ENVIRONMENT, FORESTS AND WILDLIFE)
NEW DELHI**

GUIDELINES ISSUED TO STATES ON
TABLE - FOREST INTERFERENCE

DEPARTMENT OF AGRICULTURE
BUREAU OF FOREST SERVICE
WASHINGTON, D. C. 20250
MAY 1961

Government of India
Ministry of Environment and Forest
Department of Environment, Forests and Wildlife

No. 13-1/90-F. P.

Dated, 18 - 09 - 1990

Sub. : Encroachments on forest lands - review there of and measures for containment.

Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources through out the country. Statistical information compiled by the then Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of states and regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Governments to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

2. The National Forest Policy 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments, some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the conference of the Forest Ministers held in May, 1989 and was latter examined by an inter-Ministerial Committee, set up by this ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the committee referred to above, and with the approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below :-

- 1.1 PRE - 1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULARISE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.
- 1.1 Such cases are those where the State Government had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the forest (conservation) Act, on 25-10-1980.
- 1.2 All such cases should be individually reviewed. For this purpose the State Government may appoint a joint team of the Revenue, Forest and Tribal Welfare Departments for this work and complete it as a time bound programme.

- 1.3 In cases where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.
- 1.4 All encroached lands proposed for regularisation should be properly surveyed.
- 1.5 Encroachments proposed to be **regularised** must have taken place before 25-10-1980. This must be ascertained from the First **Offence Report** issued under the relevant Forest Act at that point of time.
- 1.6 Encroachment must subsist on the field and the encroachment land must be under continuous possession of the
- 1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.
- 1.8 As far as possible scattered encroachment proposed to be regularised should be consolidated / relocated near the outer boundaries of the forests.
- 1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.
- 1.10 All the cases proposed to be regularised under this category should be covered in one proposal and it should give districtwise details.
- 1.11 All cases of proposed regularisation of encroachment should be accompanied by a proposal for compensatory afforestation as per existing guidelines.
- 1.12 No agricultural practices should be allowed on certain specified slopes.

2. **INELIGIBLE CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.**

2.1 Such cases should be treated at par with post 1980. Encroachments and should not be regularised.

3. **ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.1980.**

3.1 In no **case** encroachments which have taken place after 24-10-1980 should be regularised. **Immediate action should be taken to evict** the encroachers. The State/ UTS Government **may, however, provide alternate economic base to** such persons by associating them collectively **in afforestation activities in the manner suggested** in this Ministry's letter No. 6-21/89-FP, dated 1-6-1990, but such benefits should not extend to fresh encroachers.

This Ministry may kindly be apprised of the action taken / proposed to be taken in this regard.

Sub : Review of disputed claims over forest land, arising out of forest settlement.

It has been brought to the notice of the Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain **notified forest lands contending that they were in occupation of** such areas prior to the initiation of forest **settlements and/or their rights were not required and / or commuted** before notifying these lands as forests under **respective laws. The claimants are requesting that title of** such lands should be conferred on them. It is **being generally felt that even bonafide claims are persistently** overlooked causing widespread discontent among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration **and sanctity of the forest laws especially in the tracts** inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land :

2.1 The State Government / UT Administration should review the cases of disputed claims over forest land and identify the following three categories of claims :-

- (a) Claims in respect of forest areas notified as 'deemed Reserved Forests' without observing the due process of settlement as provided in Forests Acts provided that these pertain to :
 - (i) tribal areas or affect a wide cross section of rural poor in non-tribal areas; and
 - (ii) the claimants are in possession of the 'disputed land'.
- (b) Claims in tribal areas wherever there is prima facie evidence that the process of forest settlement has been vitiated by incomplete or incorrect records / maps or lack of information to the affected persons, as prescribed by law, provided that :
 - (i) such forest settlement pertains to a period after 1947; and
 - (ii) the claimants are in possession of the 'disputed land'.
- (c) Claimants in tribal areas wherever the process of settlement is over but notification under section 20 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government / UT Administration should get these enquired through a committee which should consist of atleast the concerned Divn. Forest Officer, Sub-Divisional Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claim after examining all available evidence to establish that :

- (i) In case of category 2.1 (a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) in case of categories 2.1 (b) and 2.1 (c) the claimant was in possession of the disputed land when the notification showing Governments intention to declare reserved forest was issued under section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered :

- (i) As far as possible, restoration of claims should not result in honey combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere (e.g. non-forest Govt. land) should be exhausted.

- (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act, 1980, alongwith proposals for compensatory afforestation.

3. Progress of the action taken/proposed to be taken under the above guidelines may kindly be conveyed to the Ministry.

3. Sub. : Disputes regarding pattas/leases/grants involving forest land-settlement thereof.

An Inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal-forest-interface, has pointed out that a number of cases of pattas/leases/grants involving forest land in one way or the other, have become contentions issues between different departments of the State/U.T. Governments such pattas/leases/grants are said to have been issued under the proper authority and orders of the respective State/U.T. Govts. and the land in question continues in the possession of the allottees or under their authorised use but its status is under dispute between different departments. Some of such cases are listed below for illustration.

- 1.1 Protected forests in Madhya Pradesh termed as "Orange Areas" which according to the State Govt.'s decision were to be transferred to Revenue Deptt. after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Deptt., which should have preceded allotment of pattas, was not effected.
- 1.2 'Dali' lands in Maharashtra which are said to have been leased to the entire village community in the past by the State Government. The assignees continue to make use of these lands for various purposes as per original terms and conditions and, some times, in accordance with the decision of the village community wherever such leases are for collective use of the community as a whole. But the formal status of these 'Dali' lands is not clear.
- 1.3 Cases in which land was assigned by the Revenue Deptt. supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.
- 1.4 Leases granted by the State Governments for cultivation, agro-forestry or tree plantation; the lessees continue to possess the land though these have not been renewed since enactment of the Forest (Conservation) Act, 1980.

2. An ambiguity about the status of the land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these land the neighbouring areas, part from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter Ministerial Committees, it has been decided that inter departmental issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard :-

- 2.1 All the cases of pattas, leases, grants involving forest land whether by intent, omission, oversight or accident, should be reviewed by the State/UT Government. Such review should enable the

State/UT Government to identify those cases in which the pattas/leases/grants were awarded under proper authority. The assignees continue to be in possession of the land and the term of the pattas/leases/grant is yet to expire.

2.2 In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individually or collectively, such pattas/leases/grants should be honoured and inter-departmental disputes should not affect the rights of the lessees provided they are in physical possession of the land, and term of the patta/lease/grant has not yet expired. These cases should be examined by district level committees consisting of D.F.O.S.D.O. Revenue Department, a representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable orders of the State/UT Government or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case may be.

2.3 Lease of a period prior to 25-10-1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/UT Government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State / UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980, pending final decision the lessees should not be dispossessed of the land.

3. In case where Forest (Conservation) Act is attracted proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation.

This Ministry may be kept informed of the action taken / proposed to be taken in this connection.

4. Sub. : Elimination of intermediaries and payment of fair wages to the labourers on Forestry works.

Forestry works are one of the important sources of livelihood to the tribals and other rural poor living in and around forests. On a number of occasions in the past, especially in the deliberations of the Central Board of Forestry, the need to eliminate contractors and other intermediaries in forestry operations has been emphasised with a view to ensure fair wages to the labourers. The National Forestry Policy, 1983 has again reiterated that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, Government cooperatives etc. as early as possible. A number of States / UTs have taken steps to execute these works through Government agencies viz., State Forest Departments, Forest Corporations, Nevertheless, at operational level certain aberrations still persist resulting in under payment of wages to the labourers. In order to protect tribals and other rural poor from exploitation by intermediaries and for ensuring adequate and fair wages to them, the following guidelines may kindly be complied with :

- (a) no outside labour should be engaged in forestry operations where local tribal labour is adequately available ;
- (b) no contract should be entered into for imported labour ;
- (c) tribal cooperatives should be involved wherever labour is in short supply ;
- (d) representatives of Tribal Welfare Departments should sit in the wage Board appointed by Forest Department for fixation of daily wages rates ;

- (e) norms for payment of wages for piece works should be worked out by carrying our detailed work studies; and
- (f) uniform wage rates should be prescribed for similar piece of works throughout the area by the State Government for all agencies; and
- (g) for payment of wages for forestry operations the State Forest Departments and Forest Corporations should comply with the provisions of the Minimum wages Act.

Action taken / proposed to be taken in this respect may kindly be intimated to this Ministry.

5. Sub : Conversion of forest villages into revenue villages and settlement of other old habitations.

Forest villages, were set up in remote and inaccessible forest areas with a view to provide uninterrupted manpower for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages will before 1980. Nevertheless there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorised houses / homesteads, dwelling of tribals who have been living in them in virtually preagrarian life styles, are suspected to exist in forest lands even though these may not have been recognised either as revenue villages or forest villages.

2. In March, 1984 the then Ministry of Agriculture suggested to the State/UT Govts. that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been addressed to in the National Forest Policy, 1988 which states that these should be developed on par with revenue villages. This issue was again examined by an inter-Ministerial Committee, set up this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the State

3. Although the forest villagers have lived in harmony with their surrounding forests and the concept of forest villages prove an effective arrangement for sustained supply of manpower, yet it would not be appropriate to deny them legitimate rights over such lands which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter-Ministerial Committee in view, the following measures are suggested to resolve the outstanding issue of forest villages and other types of habitations existing in forest lands;

3.1 Forest Villages

Forest villages may be converted into Revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted expeditiously. While converting these villages into Revenue villages, the following principles may be adhered to :

- (i) the villages are conferred heritable but inalienable rights;
- (ii) administration of these and other Revenue villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

3.2 Other habitations

(a) Habitations other than Forest villages may be grouped into the following categories :

- (i) Cases where dwellings belong to persons who have encroached on forest land for cultivation :
- (ii) Dwellings of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue villages no Forest villages.

(b) Each case may be examined on its merits. Suggestions for resolving the cases are given below :-

- (i) In case of category (a) (i) above wherever encroachments for agricultural cultivation are regularised, the house sites and homesteads, too, may be regularised either in-situ or as near to the agricultural field as possible subject to certain safeguards in the interest of forest protection and "eligibility" criteria as may be evolved by the State Government.
- (ii) In case of category (a) (ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case on merits for their amicable settlement.
- (iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
- (iv) All other unauthorised habitations must be evicted.
- (v) Wherever provisions of the Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/UT Govt. ensure that all the measures are taken simultaneously and effectively and are accompanied with proposals for compensatory afforestation.

4. This Ministry may kindly be kept informed of the action taken/proposed to be taken in this regard.

6. **Sub. : Payment of compensation for loss of life and property due to predation-depredation by wild animals.**

It has been observed that loss of life and property by wild animals is not compensated adequately by the State Governments. Different States have different norms for compensating such losses. The maximum compensation for loss of human life varies from Rs. 2000 (Orissa) to Rs. 20,000 (Bihar). In the interest of inhabitants in and around forests as well as wild fauna it is essential that loss of human life is compensated in such a way that it is fully commensurate with the amount required to settle the dependents of a deceased earning member of the family. The loss of property including livestock also needs to be compensated fully.

This issue was discussed in detail by an inter ministerial committee set up by this Ministry for this purpose. The recommendations of the committee were considered and after obtaining approval of the competent authority it is suggested that the following norms may be accepted for the time being.

(a) Death or permanent incapacitation -

Minimum of Rs. 20, 000/- Part amount of the compensation should be paid through long term deposits.

- (b) Grievous injury – one third of (a).
- (c) Minor injury - cost of treatment.
- (d) Loss of cattle - Market value (categorywise)
- (e) Damage to house or crop or any other property – As per assessment of damage. Compensation should be revised subsequently to bring it on par with the amount admissible to riot victims. The quantum of compensation may be reviewed periodically with a view to bring it on par with any better norm.

- 2.1 The compensation shall be governed under the regulations made under wildlife (protection) Act.
- 3. This Ministry may kindly be apprised of the action taken/proposed to be taken in this regard.

..... 0

Government of India
Ministry of Environment & Forests.
No. 13-1/90-FD.

B-Block, Paryavaran Bhawan,
C.G.O. Complex, Lodi Road,
NEW DELHI - 110 003.
26th August, 1991.

Sub. : Encroachments on forest land- a review there of and measures for containment.

A reference is invited to this office letter of even number dated 18-09-1990 through which guidelines were issued by this Ministry for regularisation of certain cases of forest encroachments. The relevant paragraph 1.1 of the circular, which clarifies the cases of encroachments, which subject to specified conditions, would be eligible for regularisation, is reproduced below :-

"Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decisions either wholly or partially before enactment of the Forest (Conservation) Act. on 25-10-1980".

2. Doubts have been raised as to whether all encroachments that had taken place upto 25-10-1980 could be regularised in accordance with a eligibility formula by which some earlier encroachments were regularised.
3. A perusal of the paragraph reproduced above will make it clear that there are 2 pre-conditions for any encroachments to be considered for regularisation. These are :-
 - (a) the State Government should have taken the decision on regularisation of encroachments before 25.10.1980, and
 - (b) that the decision should be with reference to some eligibility criteria (normally expected to be related to social and economic status of encroachers, location and extent of encroachment cut-off date of encroachment etc.).
4. It would be seen that the encroachments which are proposed to be considered for regularisation, subject to the prescribed conditions, are those which fulfilled the eligibility criteria evolved by the State Government as per a decision taken before 25.10.1980 for regularisation of encroachments. The objective is limited to permitting implementation of decisions taken before 25.10.1980 which could not be implemented because the enactment of Forest (Conservation) Act, 1980 intervened. It is, therefore, quite clear that while all encroachments that can be considered as eligible for regularisation would have taken place before 25.10.1980 all encroachments that had taken place before 25.10.1980 would not be eligible for regularisation - they may be ineligible because either they do not meet the eligibility criteria or are not covered by any decision taken before 25-10-1980. Thus, if the decision on regularisation of encroachment in a State covered only encroachments upto a date earlier than 25-10-1980, the guidelines on regularisation of encroachments do not envisage that the State Government would now survey encroachments between that date and 25.10.1980 and propose regularisation. The latter encroachments, though occurring before

25.10.1980, are not covered by any regularisation decision taken prior to that date and hence cannot be considered for regularisation at this juncture.

5. Accordingly, the State Governments may take up for implementation only such decisions of pre 25.10.1980 period which could not be implemented because of Forest (Conservation) Act, 1980 intervening and propose regularisation of encroachments as per those decisions and in accordance with the eligibility criteria laid down in those decisions. No encroachments not covered by any pre 25.10.1980 decision – even though they might have occurred prior to that date – should now be considered for regularisation in terms of our guidelines.

Sd/-

(S. S. HASURKAR)

Joint Secretary to the Government of India

To

1. Secretary, Forest Department, (All States / UTs)
2. Principal Chief Conservator of Forest, (All States / UTs), Orissa.

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-7/92-58692 / R.,
Dated, Bhubaneswar, the 2nd Dec., 1992

From,

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government.

To

The Revenue Divisional Commissioner,
Northern Division, Sambalpur.

Sub. : Execution of lease agreement with Steel Authority of India Limited towards transfer of land in their favour for establishment of the Steel Plant at Rourkela.

Sir,

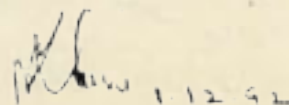
I am directed to send herewith the prescribed lease deed form prepared on the basis of the decisions arrived at after discussions with Ministry of Steel and Mines, Government of India and duly approved by Government and to request that necessary agreement may please be executed with the Steel Authority of India Limited, Rourkela for the Government and acquired private land transferred in their favour for installation of the Steel Plant and other ancillary purposes at Rourkela excluding the lands already surrendered and proposed to be surrendered by them to the State Government in pursuance of the joint discussion between the State Government Officials and Rourkela Steel Plant authorities on 8-8-1992.

2. A tripartite lease deed form duly approved by Government is also sent herewith for execution in cases where sub-leases have been granted by SAIL between the State Government as the party of the first part, the Steel Authority of India Limited as the party of the second part and the Sub-Lessees as the party of the third part.

3. The blank spaces of the lease deed form should be filled up by giving the correct date, measurement of land and amount of the sum etc. before execution.

Memo No. 58697/R., Dated 2-12-1992

Copy with copies of the lease deed and tripartite lease deed forms forwarded to the GE (sund) Seat/ 25 (Twenty five) spare copies to GE(GL) -S-seat of L.R. & G. E. (A) Branch for reference and guard File.



Additional Secretary to Government

ANNEXURE - II
TRIPARTITE LEASE AGREEMENT

THIS INDENTURE is made thisday
of One thousand Nine hundred
and among the Governor of the State of Orissa (herein-after called the "party of the first
part" which expression where not repugnant to the context shall include his successors in office and
assigns) AND the Steel Authority of India Limited, a company registered under the Companies Act, 1956,
having its registered office at Lodhi Road, New Delhi - 3 and its plant at Rourkela called the Rourkela Steel
Plant in the district of Sundargarh in the State of Orissa (hereinafter called the "party of the second part"
which expression where not repugnant to the context, shall include its predecessors company, the Hindustan
Steel Limited, its successors and assigns) AND Sri
(hereinafter called the "party of the third part").

WHEREAS by a registered lease deed (herein-after called the "said lease deed") executed on
the the party of the first part demised to the party in second
part, for 99 years, the land mentioned there in of which the land described in the Schedule appended
hereto is a part :

AND WHEREAS the party of the third part has applied to the party of the second part for sub-lease
of a parcel /plot of land subject to the conditions of the said lease deed.

AND WHEREAS the committee (herein-after called the said committee) constituted as per the provision
of the said lease deed and the party of the first part have agreed that a lease should be granted to the party
of the third part and the party of the first part has given is deemed to have accorded its approval as per the
terms contained in the said lease deed and subject to the terms and conditions laid down by the said
committee ;

AND WHEREAS the party of the third part has agreed to accept the sub-lease subject to the terms
and conditions laid down by the said committee ;

NOW THIS INDENTURE WITNESSETH and it is hereby agreed as follows :-

1. (1) In consideration of the party of the third part having paid to the party of the second part
Rs..... (Rupees..... only)
as the premium at the market value determined by the said committee before the execution
of this indenture (the receipt whereof is hereby acknowledged by the party of the second
part) and in consideration of the party of the third part agreeing to pay the service charges
to the party of the second part as may be fixed by the party of the second part and rent
of Rs. per annum to the party of the second part, and in consideration
of such payments made and to be made, and the covenants on the part of the party of
the third part hereinafter reserved and contained and the concurrence of the parties of
the first and second part as aforesaid for grant of this sub-lease, the party of the second
part hereby demises unto the party of the third part in respect of their respective interests

ALL THAT piece or parcel of land bearing..... decimals / hectores
 being a part of Hal Plot No.
 Unit No. **in Sector**..... of the
 Rourkela Steel Township clearly and more particularly described in the Schedule hereunder
 prescribed and for the purpose of identification with dimensions and abuttal thereof
 delineated on the plan attached here to TOGETHER WITH the right for the party of the
 third part and the occupiers of the house to be erected by the party of the third part on
 the said piece of land and all persons authorised by them to pass and repass, subject to
 the control of the party of the second part on security reasons, with or without horses,
 carts, carriages, motors and other means of transport by road over and along the road
 abutting the said piece of land in its..... side
 and belonging to the party of the second part and not covered herein and user of general
 services like owned
 and maintained by the party of second part in their Stell Township **EXCEPT AND
 RESERVED** unto the party of the second part and its successors in title at all times
 hereafter the full and free right of regulating the user of the demised premises and the
 service facilities and resumption and pretaking of possession of the demised premises
 upon expiration of this lease by efflux of time or otherwise in accordance with this lease
 deed or under the law,

 and all other rights to which the party of the second part is entitled hereunder **TO HOLD**
 the same unto the party of the third part for the term years
 from the day **YIELDING AND PAYING**
 there for during the said terms annual service charges as may be determined by the
 party of the second part or such other sum as may hereafter be assessed under the
 covenants and conditions hereafter contained clear of all deductions by equal yearly
 payments and annual rent of Rs. or such other sum
 as may hereafter be assessed under the covenants and conditions hereafter contained
 clear of all deductions by equal yearly payments on the
 day of in each year at the office
 of the party of the second part at Rourkela or at such other place or places as the party
 of the second part may from time to time appoint in that behalf, the first of such payment
 to be made on the day of.....

*Here please
 insert the
 nature of right if
 any desired to
 be reserved by
 the party of the
 second part*

- (2) The party of the second part shall be entitled to enhance the rent fixed as above after every 10 years during the period of the sub-lease provided that at no event such increase shall exceed 20% of the existing rent.
- (3) 50% of the market value, the consideration i.e. the premium realised from the party of the third part in accordance with the provisions of Paragraph-1 shall be paid by the party of the second part to the party of the first part through the Collector of the District within

30 (thirty) days of receipt of the same by the party of the second part from the party of the third part and the balance 50% shall be utilised by the party of the second part for maintenance of the services in the Steel Township.

2. The party of the third part for itself and its successor in interest covenants with the other two parties—
 - (1) To pay the said yearly and other service charges, rent herein before reserved at the time or as revised by any of the parties of the first and second part, as the case may be and in the manner at which the same are made payable without deduction or abatement whatsoever;
 - (2) To pay all rates, taxes, charges including electric, water and other charges for specific services provided to the party of the third part duties, burdens, assessments, outgoings and impositions whatsoever whether parliamentary, local or otherwise which now are or shall at any time hereafter during the said term be charged, rated assessed, or imposed upon or in respect of the land hereby demised or the said house and other erection that may be erected by the party of the third part thereon, to the party of the second part;
 - (3) To erect on the demised land building suitable for.....
within a period of one year from the date of execution of this indenture or such further time as may be allowed in writing by the party of the second part but not exceeding a period of three years with necessary and convenient out-buildings, godowns and other erections and structures, drains, boundary walls and fences in accordance with plans elevations and specifications which are to be approved by the party of the second part and in conformity with the provisions of any statute applicable thereto and the bye-laws and regulations of the local authorities;
 - (4) To pay all fees, taxes and charges payable to such authorities and to the party of the second part in relation thereto;
 - (5) To allow the party of the second part to re-enter and resume the demised land on failure of the party of the third part to utilise the demised premises for a period of three years, for the purpose for which it is assigned whereby this sub-lease may be determined by the party of the second part;

Provided that the party of the third part shall not be entitled to any right of access of light or air to any buildings to be erected on the said land hereby demised or to any service facilities which would restrict or interfere with the free use of any adjoining or neighbouring land or building, or for any other purpose or the general or local service system of the party of the second part and further that no estate or interest in the soil of the road or roads or footpaths adjacent to the said land herein before described is or shall be deemed to be included in the demised land herein before contained.

- (6) Not to sell or dispose of any earth clay, gravel, sand or any minor or major minerals from the land hereby demised nor to make any excavation except, so far as the same may be necessary to carry out any works, in terms of the sub-lease in accordance with the provisions thereof provided that the party of the third part may use for the purpose of the said works any clay, gravel, or sand which may be necessary to excavate.
- (7) To pay a reasonable proportion of the expense of repairing and maintaining all partition walls or party fenced walls or fence, sewere, drains, pipes, water-courses and other easements used

or to be used in common by the occupier of the said demised premises and the occupiers of any adjoining or neighbouring premises and in such proportion as may be determined by the party of the second part;

- (8) Save as aforesaid, not to build or permit to be built or erected or to make any additions or alternations to any buildings on the land hereby demised except with the prior permission in writing of the party of the second part and in accordance with plans, elevations and specifications previously approved by the party of the second part and in conformity with any statutory or other provisions relating thereto as aforesaid;
- (9) To repair and at all times during the continuance of the term to keep in repair the said.....to be erected on the land hereby demised and all sewers, drains and the fences or walls marked on the said land and all other buildings and erections which at any time during the said term may be upon any part of the land hereby demised and to keep the same at all times during the said term in perfect tenantable and sanitary order and conditions;
- (10) At least once in every year of the said term, to paint grain varnish and colour all the external wood and iron work and parts usually painted with grain varnish and coloured of the said.....to be erected and of all other buildings and erections for the time being existing upon the land hereby demised and at least once in every.....year of the said term to paint colour white wash grain varnish in like manner all the inside of the said.....and of all other buildings and erections for the time being existing upon the land hereby demised;
- (11) At the expiration of the said term or on sooner determination unless the party of the second part shall have given notice for exercising option to purchase the same in accordance with the provisions of clause 6(2) and 6(4) hereof, to take down and remove all buildings erection and structures with the foundations there of and all boundary and other walls, fences, drains, etc. then on the demises land and to fill up all excavations made by the party of the third part for such purpose or otherwise and replace the surface soil so as to level the demised land and if so required but not otherwise to remove all trees and shrubs planted by the party of the third part and to restore the demised land to its present state and condition thereof (except in such part thereof (if any) as may be laid out as a garden as the party of the second part shall in writing require all these the party in third part to leave in the then state and condition thereof and for the purpose aforesaid to sow all requisite parts of the demised land with good grass seeds;
- (12) At the end or on sooner determination of the said term peaceably to yield unto the party of the second part the land hereby demised with or without the said..... and other buildings and erections, fixtures and fittings as the case may be in good and tenantable order and conditions in accordance with the covenant herein contained;
- (13) To permit the party of the second part and its surveyor or agents with or without workmen and other twice or more every year during the said term at reasonable times in day time to enter upon the land hereby demised, the buildings thereon and every part thereof to view the state and conditions of the same of all defects, decays and want of reparation there found and to give

notice in writing to or for the party of the third part to repair all such defects decays and wants of reparation;

- (14) Within one month next after every such notice as aforesaid well and substantially to repair and make good all such defects decays and wants of reparation to the said demised premises at its own cost;
- (15) Not to do or suffer to be done upon the said demised premises anything which may be to the annoyance, damage or disturbance of the parties of the first or second part or the other lessees or tenants or licensees of the parties of the first or second part or the occupier of any adjoining or neighbouring houses and not to use or permit the said demised premises to be used for any purpose except as provided in this indenture.
- (16) Not to use the land for any purpose other than that for which it has been demised and not to assign, transfer, mortgage or sublet or otherwise deal with or part with the possession of the said land hereby demised, or any part thereof, or the said.....to be erected thereon by the party of the third part as aforesaid and all other buildings and erections that may at any time be constructed in or upon the said land or part thereof without previous consent in writing of the party of the second part and anything prohibited hereunder, if done without prior consent in writing shall be void and shall authorise the party of the second part to terminate this sub-lease and enter upon the land and take possession of the land and all construction, growths and all things available in or upon the land without paying any compensation whatsoever to the party of the third part and in case of any such transfer or other dealings with the prior approval of the party of the second part or in case of devolution of interest by operation of law furnish the parties of the second part and first part with a certified true copy of the relative document or other evidence in respect of such transaction or devolution as aforesaid, within six months from the date thereof to enable the party of the second part to mutate the name of the successor after such further enquiry as the party of the second part may deem proper failing such production of evidence within the time permitted hereunder will entitle the party of the second part to terminate this sub-lease and enter upon the demised premises without paying any compensation whatsoever to the party of the third part or his successors;
- (17) To pay interest on the amount of service charges or rent, if any, remaining unpaid after the due date of payment thereof at the rate of 20% per annum from the due date till the date of payment it being distinctly understood that the provisions for payment of interest as herein contained will not in any way prejudice the party of the second part's right to re-entry or any other rights under these presents, or under the law in respect of such default on the part of the party of the third part to pay any rent or service charges on the due date default in payment of which shall be construed as a breach of the terms of the sub-lease by the party of the third part;
- (18) To keep in deposit with the party of the second part during the said term a sum of Rs.....(Rupees.....) as and by way of security deposit for the due discharge of the obligation prescribed under these presents which is to be refunded to the party of the third part on the expiry or sooner determination of this sub-lease after deduction there from all outstanding dues payable by the party of the third part to the party of the second part in terms of these present;

- 3 (1) The parties of the first and second parts hereby covenant with the party of the third part that the party of the third part, paying the rents and other charges hereby reserved to the party of the second part and performing and observing the covenants and agreements and/or stipulations on the part of the party of the third part contained in these presents, shall and may peaceably hold and possess the demised premises for the said term hereby created without any interruption by the party of the first or second part or any persons right fully claiming through or under or in trust for any of them;
4. The party of the first part hereby covenants with the party of the second part—
- (1) That upon determination of this lease in favour of the party of the third part by efflux of time or on sooner determination in accordance with the terms of this lease or on exercise of option as per the terms of this lease or under any law, the demised premises with or without the buildings etc., as the case may be, shall continue to remain vested in the party of the second part and to remain as a part of its demised premises and the party of the second part shall continue to hold the same on the terms and conditions contained in the said lease deed ;
 - (2) That not-with-standing the arrangement and agreement between the parties of the first and second parts, for sub-leasing out of this property, the party of the second part shall always have regulatory control over the user of the demised premises by the party of the third part as expressly contained in this indenture including the right of termination of this sub-lease and right of re-entry and also have the right to ensure all service lines running upon, under or over the demised premises and the party of the second part shall have the exclusive authority to deal with the sub-lease in terms of this indenture including such legal actions as may deem necessary ;
5. 8. The party of the second part hereby expressly covenants to the party of the first part—
- (1) That the party of the second part shall perform all conditions and discharge all obligations that are attached to them under the said lease deed in respect of the demised premises ;
 - (2) That the party of the second part shall not claim any compensation against the party of the first part for any delay in getting possession of the demised premises from the party of the third part upon termination of the lease or for any litigation which the party of the second part may be required to undertake or persue in order to secure possession of the demised premises from the party of the third part ;
6. PROVIDED ALWAYS AND IT IS HEREBY EXPRESSLY agreed among the parties hereto as follows :-
- (1) That if the said rent or service charges hereby reserved or any part thereof shall remain unpaid for a period of 90 days next after any of the days herein before appointed for the payment thereof (whether the same shall have been lawfully demanded or not) or if default shall be made in the performance or observance of any of the covenants conditions stipulations contained in this indenture on the part of the party of the third part then and in any such case it shall be lawful for the party of the second part or any person or persons duly authorised by it in that behalf to enter into and upon the said demised premises or any part thereof and to prepossess and enjoy a part of its first and former estate as per the said lease deed or the

estate in its position as existing on that date free from all encumbrances notwithstanding anything to the contrary (if any) elsewhere contained in this indenture, or instruction and thereupon the said terms hereby created shall cease without prejudice to any other claim of right to action or remedy of the party of the first or the second part in respect thereof or in respect of any antecedent breach of any of the covenants by the party of the third part herein before contained PROVIDED HOWEVER before proceeding to enforce any action or otherwise any alleged right or re-entry or forfeiture under the above or any other provisions or stipulations under this indenture the party of the second part shall serve upon the party of third part a notice in writing with copy to the party of the first part and giving the party of the third part a reasonable time of not less than a month to remedy the default or breach complained of if capable of remedy and to make reasonable compensation to the party of the second part for such breach of default ;

- (2) That if at any time during the subsistence of the terms hereby created, the premises or any portion thereof is required by the party of the second part for its own use (the decision of the party of the second part in this respect being final and binding) or for the public interest, the party of the second part shall be entitled to determine this sub-lease by giving six months notice in writing to the party of the third part and on expiry of the period of such notice the party of the third part shall make over to the party of the second part quiet and peaceful possession of the demised premises together with the dwelling houses and all other erections, structures, fixtures and fittings existing therein and thereon in terms of sub clause (12) of clause 2 of this indenture if so desired by the party of the second part in the said notice in which event the party of the second part shall pay to the party of the third part compensation as per provision of sub clause (4) of this clause ;
- (3) That the party of the third part shall not have any right in respect of mines and minerals, coals, coals, quarries, products and buried treasures in or upon the said land hereby demised and shall be obliged to bring to the notice of the parties of the first and second part of discovery and existence of such mines and minerals, etc., who shall have full powers at all times to do all acts and things which may be necessary or thought expedient for the purpose of searching for, working, obtaining, removing and enjoying the same provided always that the parties of the first and second part shall make reasonable compensation to the party of the third part for damages directly occasioned by the exercise of the said rights hereby reserved or any of them ;
- (4) That if the party of the second part gives notice in writing to the party of the third part not less than 6 months before the expiry of the said term hereby created as per sub-clause (2) of clause 6 or in case of sooner determination thereof not less than a month before re-entry is made as per sub-clause (1) of clause 6 if the party of the second part desires to buy the said and the other buildings erection and therein the demised land the party of the third part shall leave the same in tact and in good repair with all fixtures and fittings therein or thereon (except such of them if any as the party of the second part may expressly agree to allow the party of the third part to remove) on being paid the then value thereof depreciated on the actual capital cost invested but the party of the third part will not be entitled to any payment of compensation in respect of any improvements made on the said land beyond such value and shall not be entitled to remove or be paid for any trees or shrubs on the demised land ;

- (5) That in case of dispute as regards the amount of compensation payable under this clause by the party of the second part, the matter shall be referred to the Arbitration Tribunal of the State of Orissa under the provisions of the Arbitration Act, 1940 ;
- (6) That if the party of the third part wants to retain the demised land for any further term subsequent to the period fixed herein, the party of the third part shall give notice of his intention to do so to the party of the second part twelve months prior to the date of expiry of such period and the party of the second part shall deal with such request in accordance with the terms of the said lease deed ;
- (7) That the cost of stamp and registration for execution and registration of this indenture and the deeds of renewal, if any, shall be borne by the party of the third part.
- (8) Any notice required to be served under or in any way in respect of this sub-lease shall be deemed to have been sufficiently served on the party of the third part if delivered to him personally or forwarded to it/him by post or left addressed to it/him at or other dwelling house and/or any other erections and structures on the said land hereby demised or at its/his last known address in India and shall be sufficiently served on the party of the second part if forwarded to it by post or left addressed to it at A notice sent by post shall be deemed to be given at the time when in due course of post it would be delivered at the address to which it is sent.

The Schedule of the land consisting the description in the Rourkela Steel Township, Dist : Sundargarh P.S. Sub-Registry ; Panposh are as follows :-

Mouza :	Sector :
C. S. Unit No. (s)	North :
Khatian No. (s)	East :
Area	South :
Plot No. (s)	West :

IN WITNESS WHEREOF the parties hereto have executed these presents the day, month and year first above written.

Signature and particulars of witness

(1)

(2)

Signature of the Officer acting in the premises on behalf of the party of the first part.

Signature and particulars of the witnesses

(1)

(2)

Signature of the Officer acting in the premises on behalf of the party of the second part.

Signature and particulars of the witnesses.

(1)

(2)

Signature of the party of the third part.

Dated, this _____ day of _____

LEASE DEED

THIS INDENTURE is made this day of one thousand Nine hundred and BETWEEN the Governor of the State of Orissa (herein after called "the Government" which expression where not repugnant to the context shall include his successors in office and assign) of the one part AND the Steel Authority of India Limited, a company registered under the Companies Act, 1956, having its registered Office at Lodhi Road, New Delhi- 3 and its Plant at Rourkela called the Rourkela Steel Plant in the district of Sundargarh in the State of Orissa (Herein after called "the Company which expression, where not repugnant to the context, shall include its predecessor Company, the Hindusthan Steel Limited, its successors and assigns) of the other part.

WHEREAS the Company applied to the Government to aquire the land and / or premises, hereinafter described, under the provisions of the Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (Orissa Act XVIII of 1948) (hereinafter called the "said Act") and to provide land belonging to the Government for the purpose of enabling the Company to construct thereon an integrated Steel Plant and Township and other ancillaries at Rourkela and the Governor after enquiry held under the provisions of the said Act and being satisfied that the proposed acquisition was needed for the aforesaid purpose and the said work was likely to prove useful to the public, consented to acquire the said land and / or premises for the Company ;

AND WHEREAS the Government has acquired the said lands and taken possession of the same in accordance with the procedure laid down in the said Act and the same has absolutely vested in the Government free from all encumbrances ;

AND WHEREAS possession of the said lands together with other lands owned by Government totalling to have already been made over by the Government to the Company ;

AND WHEREAS the Company has paid to the Government / deposited with the Collector of the district up to the sum of Rupees being the amount so far demanded under clause 1 of this indenture and admits its liability to pay any further sum or sums demanded under the provisions hereof ;

AND WHEREAS the said lands have vested in the Government and the Company has requested the Government to execute this indenture for the purpose of lease of the said lands and premises in favour of the Company ;

AND WHEREAS the company has agreed to pay occupation fee at the rate of rupee one per acre per annum for the lands made over by Government to the Company from the date of such make over i.e. from to the 31st Day of May, 1976 and acre having been taken to calculate the amount due from the Company in this regard after taking into account the surrender of any part of such land by the Company to the Government.

1. NOW THESE PRESENTS WITNESS AND it is hereby agreed and declared by and between the parties hereto as follows :-

(i) In consideration of the payment made or to be made and the rent hereinafter reserved and of the covenants on the part of the Company hereinafter contained the Government hereby demises to the Company for the purpose of constructing and installing an integrated Steel Plant and Township and other ancillaries at Rourkela all that land described in the schedule hereto and for greater clearance delineated on the plan annexed hereto and thereon shown with its boundaries coloured together with all casements and appurtenances whatever belonging or in any way appurtenant thereto to hold the said lands by the Company from the 1st day of June 1976 for the term of Ninety Nine years. The Company shall pay to the Government an occupation fee at the rate of Rs. 1/- (Rupees one) per acre per annum from the when the demised land was originally handed over to the Company till 31st day of May, 1976. The ground rent will be paid at the rate of Rs. 10/- (Rupees ten) per acre per annum for the first Twenty five years with effect from the 1st June 1976 onwards.

(ii) The ground rent will be payable by the company in the month of January each year to the Collector/Deputy Commissioner of the district.

(iii) The annual ground rent payable by the Company during the period from the 1st June 1976 to 31st May 2001 is liable to be refixed with effect from 1st June 2001 and the Company shall pay all municipal and other local rents, cess and taxes which may be assessed upon the demised premises under any law in force.

(iv) The Company shall make payment to the Government in respect of all dues of occupation fee and ground rent due till the execution of this indenture within one month from the date of execution.

2. That the Company shall provide for payment and reimbursement to the Government, in the manner and to the extent hereinafter mentioned, the entire cost of acquiring the said land pursuant to the provisions of the said Act, including all compensations, damages, costs, charges, and expenses, whatsoever which have been or may be paid or incurred in respect of or on account of such acquisition and all full costs and other expenses which have been or may be incurred by the Government upon or in respect of or incidental to the said acquisition or any litigation arising therefrom, either in the original or appellate court or courts and including the costs of the establishments and salary of the Officer or Officers of the Government employed or to be employed by the Government in connection with or for the purpose of such acquisition and the costs of building and transport provided for such Officer or Officers and their staffs.

3. That the entire rehabilitation costs on account of rehabilitation of displaced persons will be shared equally by the Company and the Government.

4. That all lands already at the disposal of the Government which are required by the Company directly for the construction of the Steel Plant including the Steel Township and interest in which need not be hereby transferred to the Company free of cost. In addition, the Government shall waive the recovery of a sum of Rupees Five lakhs out of the money payable as aforesaid in clause 1 (i) of this indenture.

5. That in the event of any area containing homestead and / or agricultural, or other lands being completely encircled on all sides due to any such acquisition made on behalf of the Company, the Company shall at its own cost provide one or more approach roads, as may be necessary for the ingress and egress of the owners of such lands to be in satisfaction of the Collector/ Deputy Commissioner. Similarly, if any public road or any tank used for drinking purposes by the public be anywhere acquired for the Company, the Company shall provide at its own cost to the satisfaction of the Collector/ Deputy Commissioner an alternative road or an alternative source or sources of adequate supply of drinking water as the case may be.
6. That the lands acquired for the Company can be used for the Steel Plant and for the purposes ancillary to smooth running of the plant. The land can not be used or allowed to be used by the Company for any purpose other than for the purposes of the Steel Plant and for needs and services connected thereto, which are supplemental, complementary or appurtenant to the main purpose.
7. That the Company shall not except with the previous sanction of the Government use the land or allow the same to be used for any purpose other than that for which it was acquired.
8. That sub-leases may be sanctioned from the demised land in favour of the defence installations connected with the Steel Plant's activities, the public sector undertakings of the Department of Steel of Government of India, other public sector undertakings, financial institutions, the Commercial Banks, Educational, Cultural, Phillantropic and professional institutions on the basis of a recommendations of the committee consisting of three representatives of the Steel Authority of India Limited (including Managing Director, Rourkela Steel Plant) and three representatives/ nominees of the State Government. The Managing Director, Rourkela Steel Plant shall be the Chariman of the Committee. The purpose and terms and conditions of sub-lease and the person/ institution/ organisation/ undertaking to whom land shall be allotted shall be determined by the Committee.
9. That the decision of the Committee shall be communicated to the Government and the Government shall have the right to review and if necessary reject the decisions of the committee in exceptional cases and communicate the same to the Chairman of the Committee within a period of one year. In case no communication is received by the Chairman within stipulated period the sub-lease will be executed. In cases of rejection land shall not be allotted to the party concerned.
10. The company in the past have allowed some sub-leases out of the demised land. Such cases of sub-leases shall stand ratified for the remaining period of the sub-lease on the same terms and conditions. The Committee shall have powers to renew the sub-leases already granted by the company after expiry of the period of sub-lease and on application by the sub-lessee.
11. The deed for sub lease shall be signed by the lessor i.e. the Government as first party, the lessee i.e. the Company as the second party and the sub-lessee at the third party in the form of a tripartite agreement as annexed hereto as Annexure- II.

12. The consideration money already received and to be received from the sub-lessees shall be shared equally by the Government and the Company. The amount shall be utilised for maintenance of civic services in the Rourkela townships.
13. That Ac. 647.84 of land surrendered by the Company for alienation in favour of the Rourkela Engineering College will be treated as fully adjusted for the land taken for Fertilizer Plant (537.64 acres) and Slag Granulation Plant (62.52 acres).
14. That assignment of the land for the Fertilizer Plant and Slag granulation Plant will also be on the same terms and conditions as governing the transfer of land in favour of the Steel Authority of India Limited under this deed. The said lease will be granted after completion of the formalities and the Company shall continue to deal, use and occupy the lands delivered to it for the fertilizer Plant and Township and Slag Granulation Plant till then.
15. That the money, which shall become payable as aforesaid shall be paid by the Company to the Collector/ Deputy Commissioner of the District (hereinafter called the Collector) within three month of the receipt of the notice from the said collector/ Deputy Commissioner in this behalf requiring payment of the whole or any part of such money as may be due and payable.
16. That in the event of the Company failing to pay the money as aforesaid the Government will be at liberty to withdraw from acquisition and in case, of such withdrawal the company shall be liable to indemnify the Government, against all costs incurred and damages as a result of anything done in the matter of acquisition till the date of withdrawal.
17. That the Housing Scheme taken up at Koel Nagar with financial assistance from Housing and Urban Development Corporation will be treated differently as may be decided by the Government.
18. That notwithstanding anything contained herein if at anytime or items any part or parts of the said land, lying vacant shall be necessary to be possessed by the State Government for the purpose of General administration or for the purposes connected with the public health, safety or necessity (of which matter the State Government shall be the sole judge) the Company shall, on being thereupon required by the State Government transfer to the State Government such part or parts of the said lands as the State Government shall specify to be necessary for the purposes aforesaid and in consideration of such transfer the State Government shall pay to the Company a sum equal to the amount of the compensation awarded under the provisions of the said Act and paid by the Company in respect of the land together with compensation for the buildings erected on such part or parts including development costs of the land at a valuation to be determined by the Collector/ Deputy Commissioner of the district. An appeal from the decision of the said Collector / Deputy Commissioner shall lie to the Divisional Commissioner concerned and the decision of the said Collector / Deputy Commissioner where any appeal has not been preferred against such decision and the decision of the said Commissioner where an appeal has been preferred determining such valuation as aforesaid shall be final, conclusive and binding on the Company. Provided that in selecting the land required for the purpose, herein specified the Government shall consult the Company. The Company in consideration of

their existing and future plan in the development of the plant and Township shall communicate their views to the State Govt. within three months from the date of reference.

Provided that in case of lands belonging to the Government and transferred to the Company free of cost, the price payable by the Government shall not exceed the developmental cost as may be determined by the Collector of the District, if any, incurred by the Company in respect of the said land. An appeal from the decision of the Collector on the quantum of the developmental cost shall however lie to the concerned Revenue Divisional Commissioner, whose decision shall be binding on the parties.

19. That the public shall have right of access to and for use of the land and premises of the Company, necessary for the transaction of their business with the Company subject to the requirements of security of which the company shall be the sole judge and subject to the declaration of any area as "prohibited" under the Indian Official Secrets Act, 1923.

20. That, if any land is found by the management of the Company to be surplus to the present and future requirements of the Company the same shall be surrendered to the Government.

21. That in case of a breach by the Company of any of the terms and conditions of this deed, the Government shall, after giving the Company three months notice in writing to remedy the breach and on the latter's failure to do so within the said period or within such extended period be entitled to re-enter on the whole or part of the said land and upon such re-entry the interest of the Company in the said land or part thereof shall cease and determine. The compensation payable, if any, to the Company will be decided by mutual agreement by the parties.

22. That in the event of re-entry by the Govt. under Clause 21 the company shall be entitled to remove within twelve months from the date of such re-entry all buildings and structures erected on the said land failing which the said buildings, structures shall be deemed to vest with the Govt. and the Company shall not be entitled to any compensation therefor.

23. That the Company shall have to give to the Government not less than six months notice in writing prior to the expiration of the term reserved herein expressing a desire to renew the lease and if the Government are satisfied that all the terms and conditions of this indenture have been duly observed and performed by the Company they will grant to the Company a new lease of the demised premises by way of renewal for a further period of 99 years to commence from the date of expiry hereof at the same rent and upon the same terms and conditions in all respects as are reserved and contained herein (excluding only this present covenant for renewal).

24. That if any dispute or difference arises touching or concerning the subject matter of this indenture or any covenant or clause or thing herein contained. The same shall be referred to the Arbitration, Tribunal of the State of Orissa. The provision of the Arbitration Act, 1940 shall be applicable to this arbitration.

(Schedule of land under the indenture in possession of the Company)

Part - A (Acquired Land)

Part - B (Government Land)

Name of Dist.	Name of Tahasil	Name of Mouza	Khata No.	Plot No.	Area	Boundaries
1	2	3	4	5	6	7

IN WITNESS WHEREOF the parties hereto have put their hands and seals the day and year first above written.

Common seal of the Company

In the presence of witnesses :

1.

2.

Signature of Officer acting in the premises for and on behalf of the Government.

In the presence of witnesses :-

1.

2.

Signature of Officer acting in the premisses for and on behalf of the Company.

**Government of Orissa
Revenue & Excise Department**

No. GE(GL)-S-42/92-59742 / R.,
Bhubaneswar, Dated the 8th, December, 1992

From

Shri N. K. Baliarsingh, I.A.S.,
Additional Secretary to Government.

To

The Secretary,
Board of Revenue, Orissa, Cuttack.

Sub. : Management of traditional village rural institutions like Bhagabata Tungi, Kotha Ghara etc. - Encroachment of their land.

Sir,

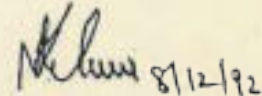
I am directed to say that there are voluntary traditional village level rural institutions like "Bhagabata Tungi", "Kotha Ghar" etc. which are surviving since, long in the State. The space of these institutions are usually used for various village level discussions, religious festivals, other entertainment programmes and for resolving village level disputes voluntarily. Sometimes, when officials visit the villages they meet and talk to the villagers in the Bhagabata Tungi or Kotha Ghara.

2. It has now come to the notice of Government that the land / space of these institutions are being encroached by unscrupulous persons as a result of which these rural community centres are gradually losing their importance and sanctity.

3. It has been, therefore, decided that necessary steps may be taken to protect the lands recorded in the name of Bhagabata Tungi, Kotha Ghara, Dera Ghara, Harihat, Bhagabat Pathagar, Alekh Tungi, Samkirtan Ghara, Thakur Mandap etc. from encroachment by unscrupulous elements.

4. All concerned are being intimated accordingly.

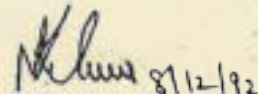
Yours faithfully,



Additional Secretary to Government.

Memo No. 59743/R., Dated 8-12-1992

Copy forwarded to the Planning and Co-ordination Department with reference to their letter No. 28718 (2) / SPB Dated 15-10-1992 for information and necessary action.



Additional Secretary to Government

Memo No. 59744/R., Dated 8-12-1992

Copy forwarded to all Revenue Divisional Commissioners / All Collectors for information and necessary action.

M. Kumar 8/12/92

Additional Secretary to Government

Memo No. 59745/R., Dated 8-12-1992

Copy forwarded to all Sub-Collectors for information and necessary action.

M. Kumar 8/12/92

Additional Secretary to Government

Memo No. 59746/R., Dated 8-12-1992

Copy forwarded to all Tahasildars for information and necessary action.

M. Kumar 8/12/92

Additional Secretary to Government

Memo No. 59747/R., Dated 8-12-1992

Copy forwarded to all Assistants of L. R. & G. E. (A), (B), and (C) Branches / G.A. (B) Branch for compilation / 20 spare copies to L. R. & G. E. (A) Branch for guard file.

M. Kumar 8/12/92

Additional Secretary to Government

