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[No.35491–RDM-LRGEA-POLICY-0012/2018/R&DM]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 25th November, 2021

Sub:- **Policy for regularization of unauthorized occupation of Government land by Government & Aided Degree Colleges and Higher Secondary Schools as well as Government & Aided High Schools in the State.**

The State Government, in the year 1977, had taken policy decision to provide Government land measuring up to Ac.10.00 in urban areas and up to Ac.15.00 in rural areas, free of premium for establishment of colleges. Similarly, it was also decided that lands will be provided free of premium for M.E. Schools up to Ac.2.00 and Ac.3.00 and for Secondary schools up to Ac.3.00 and Ac.5.00 in urban areas and rural areas respectively. This policy decision for secondary schools and +2 colleges, was reiterated further in the year 1998. Over the years, since 1977, many Government and Aided Educational Institutions have been established under occupation of Government Land and it has taken years together to settle the land in their favour. Sometimes, it is due to delay in processing as per the provisions of the OGLS Act and Rules and in most of times it is due to inability of such institutions to pay the government dues like premium, incidental charges, annual ground rent, cess, encroachment fees with penalty and interest thereon etc.

2. However, in the year 2010, Government took another policy decision, which was communicated vide letter No.48395 dated 26th November, 2010 that "*in the cases where land has been occupied without prior approval of the competent authority, it should be treated as encroachment and will be liable for eviction. However, in exceptional cases, where the Government due to certain good and sufficient reasons, consider to settle the land with the occupier, the occupier will be required to pay, premium at the rate of market*

value, annual ground rent, cess, arrear dues, interest thereon and encroachment charges etc. Further the benefits of concessional rates of premium, if any, available under any policy of Government will not be applicable to such cases, where the land has been occupied unauthorizedly without formal sanction of lease or grant of advance possession by any authority competent to sanction the lease".

3. As many educational institutions have occupied the land without prior approval of the competent Authority, they are required to pay the Government dues as stipulated in the aforesaid guidelines. Since these educational institutions are general schools and colleges having no source of income, those are not in a position to pay the Government dues and get the land recorded in the name of the institution. On the other hand, due to not having the RoR of the land, the colleges get deprived of Government of India funding under RUSA and other schemes. Besides, in NAAC assessment, the colleges are not considered for ranking due to the land problem. Even under 5T transformational initiatives, many schools are facing implementational issues due to non-recording of land in favour of the schools.

4. Keeping the above in view, the State Government, after careful consideration and with approval of the State Cabinet in their 36th Meeting held on 23rd November, 2021, have been pleased to decide the following principles to regularize the unauthorized occupation of Government land by the Government and Aided educational institutions, in relaxation of the restrictions imposed in the guidelines issued vide letter No.48395 dated 26th November, 2010.

i. All land, **irrespective of extent of area**, under occupation of standalone Government Degree Colleges (including autonomous and non- autonomous Government Colleges) and standalone Government Higher Secondary Schools (i.e., erstwhile + 2/ Jr. Colleges) will be recorded in the name of Higher Education Department and School & Mass Education Department respectively with marfat of the concerned Degree Colleges/ Higher Secondary School. But in case of composite colleges (i.e. where a Degree College co- exists with a Higher Secondary School), the land, irrespective of extent of area, shall be recorded separately; i.e. in the name of Higher Education Department (Marfat of the Degree College) for the area under occupation of the Degree College wing and in the name of School & Mass Education Department (Marfat of the Higher Secondary Schools) for the area under occupation of the Higher Secondary School wing. However,

where such splitting of land is not possible due to practical problems and inconveniences, the entire land shall be recorded in the name of Higher Education Department (Marfat of the Degree College).

ii. In case of Aided Degree Colleges having autonomous status and non- autonomous Aided Degree colleges and Aided Higher Secondary Schools, land **up to the extent of area specified** in Revenue Department G.O No. 38870/R dated 23rd May, 1977 and No. 62250/R dated 26th November,1998 (i.e. 10 acres in urban areas and 15 acres in rural areas) shall be recorded in the name of Higher Education Department and School & Mass Education Department respectively with marfat of the concerned educational institution. Wherever a Degree college co- exists with a Higher Secondary School, the land should be settled separately in the name of the Higher Education Department and School & Mass Education Department respectively with marfat of the concerned educational institution. However, where such splitting of land is not possible due to the practical problems and inconveniences, the land shall be recorded in the name of the Higher Education Department with marfat of the concerned educational institution.

iii. All land, **irrespective of extent of area**, under occupation of **Government High Schools** will be recorded in the name of the School & Mass Education Department with marfat of the concerned School.

iv. The land under occupation of **Aided High Schools up to the extent provided** in the G.O. No. 38870 dated 23rd May, 1977 i.e. for lands up to Ac.3.00 and Ac.5.00 for Secondary schools in urban areas and rural areas respectively, will be recorded in the name of the School & Mass Education Department with marfat of the concerned Aided High School.

v. The land to be settled with the educational institutions as mentioned in Para (i), (ii), (iii) & (iv) above should be leasable, non- forest, not in DLC list, un- objectionable category, free from encroachment by anyone other than the said educational institutions, free from any encumbrances and should not be having any mineral reserve.

vi. Land shall be settled with the concerned Department with marfat of the concerned educational institution on **free of all charges**.

vii. The process for settlement of aforesaid land shall be initiated by the Tahasildar and settlement shall be done with the approval of the concerned Collector.

viii. Where land is to be recorded separately in the name of Degree College and Higher Secondary School, local Tahasildar shall consult with the Principals of Degree College and Higher Secondary School and then demarcate the land between the Degree college and the Higher Secondary School and record the land separately. However, as stated earlier, where the two Principals cannot mutually agree for splitting of the land, then the land shall be recorded in the name of the Higher Education Department with marfat of the concerned educational institution.

ix. On settlement of such land, all previous encroachment cases booked by revenue authorities in respect of the aforesaid land shall be dropped and a token amount of Re.1/- per acre per year towards assessment and penalty @ Rs.10/- per acre per year may be charged. Interest on arrear amount if any may also be waived out.

x. The cut- off date for consideration of occupation of government land by an institution shall be **1st January**, **2020**. In other words, the govt. land under occupation of an institution as on 1st January, 2020 shall be considered for settlement. Any encroachment made after the cut-off date shall not be taken into account.

xi. In the event of the college or the Higher Secondary School is permanently closed, merged or shifted, the land so settled along with the infrastructure if any thereon, shall automatically revert back to Government in Revenue and DM Department without any compensation or cost thereof.

xii. This policy will not be applicable to private/ un- aided educational institutions.

ORDER

Ordered that the Resolution be published in an extraordinary issue of the *Odisha Gazette* and copies thereof forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

By Order of the Governor
BISHNUPADA SETHI
Principal Secretary to Government

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