5. Settlement of Government lands as on dated 13.9.1961.

(G.O. No. 48597-R., dated 26.10.1961.)

1. Settlement of land for agricultural purposes - (1) Settlement shall be made village wari. All applications pending in a village on the 1st June 1961 and all encroachments up to that date which have not yet been removed will be considered together in one batch under the rules and disposed of. In future every year applications received from the 1st June of the previous year to the 31st May of the year in question will be considered in one batch and disposed of.

(2) In each village communal land shall be reserved on the following basis -

(a) Where land is available in plenty, 10 percent pasturage, 5 percent for other communal lands including homestead and 20 percent for village forests shall be reserved;

(b) Where due to pressure of populations uncultivated land is limited, communal land of at least 5 percent pasturage and 10 percent other communal lands including homesteads and forests shall be reserved; and

(c) In areas where due to putting up of irrigation sources substantial portions of the village will be irrigated even though land may be available at present in plenty in the village reservation of communal land should be limited to 5 per cent for (pasturage, 10 percent for village forests and 5 per cent) other communal lands including homestead.

In estimating the percentage, lands already reserved for such purposes in the village should be included in the percentage and for extra amounts need to complete the percentage the officer shall decide which plot out of the common land and which land shall be reserved for this purpose and subject to the approval of the Collector this reservation shall be final.

In village where the minimum extent of communal lands and village forests, as indicated above, is not available, no further release should be given.

(3) No encroachment or settlement shall be allowed in the reserved area and all encroachments in such areas shall be evicted as objectionable.

(4) The following shall be treated as special cases outside these rules and dealt within the following manner, -

(a) Forest land allowed to be deforested for settlement by the Development Department prior to the 9th March 1960 and lands placed at the disposal of Revenue Department prior to the 9th March 1960 for such purpose, shall be settled according to the scheme prepared for each such case and approved by Government.

(b) Where reclamation schemes are undertaken by Government for agricultural development, settlement of the land reclaimed shall be made according to the scheme in each case and at such salami that the cost of the reclamation and the cost of any land that may have been acquired for the purpose is at least recovered. Subsidy, if any, should be allowed only in cases where such subsidy is part of an approved plan scheme.

(c) Sivaijamam cases in Ganjam and Koraput where the Suvaijamadara are shown in the village papers as having been in occupation for not less than 5 years before the 1st July 1964 and who have made the application in the proper form before 1955 shall be treated as Sivaijama cases under the Suvaijama Rules in force subject to the condition that all lands occupied for cultivation purposes shall be treated as valuable for charging salami.

(d) In areas where hill-tribes have to be settled in lower areas in order to control podu or whereby construction of irrigation schemes and other development schemes large areas fit for reclamation are made available, the Collector with the approval of the Commissioner shall reserve blocks in each village in the area for settlement on approved principles with hill-tribes or other groups not belonging to the village. Such areas shall be dealt with as outside the village scheme of settlement and shall be settled according to approved principles for such reservations.

(e) Displaced persons from East Pakistan for their rehabilitation.

(f) Settlement of land with displaced persons from large acquisitions such as Hirakud, Rourkela, etc.

3. ***Priority of settlement***- Leaving out the areas mentioned in the reservation Clause (Clause 2) and the special clause (clause 4) above, all other land fit for Cultivation in the village and at the disposal of Government shall be considered en-block for settlement periodically on the following principles.

Each year starting from the 1st June 1961 all pending applications and encroachment as mentioned in clause (1) above, shall be considered in one group and disposed of on the following principles -

(a) All encroachments which are unobjectionable shall be settled with the encroachers irrespective of the area at a flat rate of -

(i) Rs. 150 per acre for cash crop growing lands,
(ii) Rs. 100 per acre for wet lands,
(iii) Rs. 80 per acre for rain-fed paddy lands, and
(iv) Rs. 50 per acre for dry lands.

As regards the settlement of lands, other than the encroached lands to be leased out, there is however, hardly any need for making any provision for settling such land with person having land exceeding 5 acres. Such lands may be settled only with persons having lands less than 5 acres to the extend of 5 acres only inclusive of his own land on payment of premium salami at a flat rate of -

(i) Rs. 90 per acre for cash crop growing lands.
(ii) Rs. 70 per acre for wet land.
(iii) Rs. 50 per acre for rain-fed paddy lands, and
(iv) Rs. 30 per acre for dry lands.

(b) Before final disposal, the Officer authorising settlement shall consult the concerned Grama Panchayat or local body and then finalise the list of allottees. The local bodies shall furnish their recommendations to the Officer within a month after receipt of requisition for the same.

(c) Government will have the right to reduce or give up salami for settlement of land with poor members of the primitive tribes and hard case due to poverty on the recommendation of the Collector.

(d) in areas where Scheduled Tribes predominate and especially in scheduled areas in each class of the list of priorities Schedule Tribes should get preference over the others.

(e) Subject to the overall preference for Scheduled Tribes mentioned in Clause (a) above, Scheduled caste applicants shall preference in each class. The landless belonging to other Backward Classes and other landless people will get preference next to landless Scheduled Tribes and Scheduled Castes. (A person shall be deemed landless if he has either no land or land below half an acre per member of his family living in one mess).

(f) Each class of applicants shall be considered together and disposed of before going down to the next class in the list of priorities.

Applicants who have no land or land less than 5 acres in the family of which the applicant is a member, can be settled with land at half acre per member of the family to make up to 5 acres including land already held by the family. In the Dandakaranya Project area however the limit has been raised to 7 acres for settlement of land with the displaced persons from East Pakistan and the local tribal families to be settled on 25 P.C. of the reclaimed area released by Dandakaranya Development Authority. If available land is not enough for all of them, then settlement to make up to 5 acres shall first be made to all Scheduled Tribe applicants who may be entitled to priority under Clause (a) above and to the Scheduled Caste applicants and only balance land, if any, settled with orders. If land available is not enough to make such allocation for any of the classes according to the priority the available land shall be divided equally amongst all the applicants of the class. In making allocations of the class. In making allocations a person who has encroached on a piece of land may be allotted his share from that land but if the officer feels that encroachments are being made deliberately to claim this privilege, he may refuse to make any such allocation from out of the encroached land.

3. Temporary leases - Char, Diara and Utabandi lands or lands which will be thrown out of a reservoir or any other irrigation project for a season only shall not be given in permanent lease for cultivation. Such lands shall be settled for cultivation for a reason only on the following principles.

(a) The season for cultivation of such lands shall be fixed in each area and duly entered in the Sairat Registers of the village accounts concerned.

(b) Four months before the start of the season applicable for any area, application shall be called for by the Naib-Tahasildar of the area fixing a date one month afterwards and all applications received before the fixed date shall be forwarded to the Tahasildar or Sub-divisional Officer concerned along with the recommendations of the Naib-Tahsildar. The Tahsildar or the Sub-divisional Officer concerned should pass final orders quickly so that parties may be allotted parcels of land at least a month before the cultivation season.

(c) Settlement shall be made on the following basis -

(i) no reason or group shall be settled more than two acres for each Member;

(ii) a group of persons who offer to take cultivation in a area on a joint cultivation basis shall be given preference over individuals;

(iii) out of individuals, preference shall be given in order to –

(a) landless; and

(b) those with less than five acres of land in the family;

(iv) if land is not enough for any group or class, then available land should be distributed equally amongst applicants of the groups or classes according to priority;

(d) Settlement shall be on the following conditions:

(i) if the area is likely to be submerged being in an irrigation project or in a floodable area or likely to be damaged owing to natural causes, no loss of crop can be claimed against Government. Government may at the most give up the rent for the season if they consider it fit;

(ii) no compensation will be payable for any alleged improvement to the land;

(iii) the land shall be handed back every year on a fixed date after the close of the cultivation season and well before the start of the next season on penalty of recovery of damages at Rs. 50 per acre in addition to eviction. The amount will be recoverable as arrears of land revenue;

(iv) if the land is required by Government during the agricultural season for any Government purpose, Government will have the power to take back the land on payment of only compensation for the standing crop.

4. Collection of Salami- (i) Salami shall be paid in full before the patta is granted and occupation given, provided that the applicant may opt to pay the salami in 5 equal annual instalments in which e delivery shall be given to him on payment of the first instalment on his agreeing to -

(a) paying the instalments on due dates together with interest at 4% per cent simple as a sixth instalment; and

(b) salami being a first charge on the land and recoverable by attachment of produce or sale of the land as an arrear of land revenue;

ii If the land is assigned to a Co-operative Society of landless which finds it difficult to pay ni before the lease is granted, it may be allowed to pay the first instalment of the salami on a date to d after the first harvest on the crop raised on the land but subject to the same conditions; otherwise persons paying instalments under Clause (i) above;

(iii) Final pattas will be issued only after full payment of the salami together with interest, if any.

5. Special provisions for adibasis - In the case of the lands settled with Adibasis in schemes of colonisation if the Tribal and Rural Welfare Department agree to subsidise to the extent of the salami payable, possession can be given without recovery of salami from the settlers. The salami shall be duly recovered from the Budget of the Tribal and Rural Welfare Department by book adjustment.

6. Period of reclamation- (1) Where the land taken in settlement has to be reclaimed to make it fit for cultivation the applicant shall be given a temporary patta for reclamation of the land to make it fit for agriculture within three years of the grant of the patta. In case the land is not so reclaimed within the period fixed, Government shall have the option to evict the settler and take back the land. In case the land is taken back, any salami paid may be refunded by Government.

(2) Where the land is already fit for cultivation, no period for reclamation shall be allowed.

(3) Where the condition of land is such that no much reclamation is required, the period fixed for reclamation shall be one year only.

7. Rent - Final patta shall be issued after the period of reclamation fixed in Clause (6) above if the land has been reclaimed. Rent shall be fixed as for similar lands of that class in the neighbourhood according to the Settlement rates. The rent will be liable to be changed at each Settlement of rent in the area.

8. Rate of application fee, Amin fees, etc. - (1) On every petition that is filed for settlement of land, a petition fee of Rs.1.10 P. shall be levied and if not already filed shall be recovered before the application can be considered.

(2) A proclamation fee of Rs.1.10 P. for each application shall be levied before the application can be considered.

(3) An Amin fee for the demarcation shall be levied at Rs.2/- per plot to be demarcated according to the application.

9. Forest growth - When there are trees on any land which is proposed to be settled with any person, Patta for reclamation and occupation shall not be given unless the following formalities are completed:

(a) The Divisional Forest Officer-in-charge of the area shall be intimated of the decision to allocate the land and he shall be called upon to dispose of the trees within a period of six months from the date of the notice. If the period is not extended beyond six months at the outset, under Collector's orders Divisional Forest Officer will be bound by six months rule.

(b) The Divisional Forest Officer may either arrange distribution of the trees to the village community concerned on payment of royalty at the rates to be approved for the area by the Development Department or auction the same.

(c) As attempts have been made to get settlement of land merely with a view to remove valuable trees, settlement shall not be made a trees on payment of royalty with the person in whose favour the land is proposed to be settled. Only very small growth which is not saleable or which is not worth selling may be settled with the tenant at four times the royalty as otherwise the formal clearance of the land may be unduly delayed to the disadvantage of the tenant.

(d) If within six months the Divisional Forest Officer does not dispose of the trees or remove them and if the Collector is satisfied that the delay in clearance was available, the Revenue authorities will take steps to dispose of the trees in auction and arrange for the removal of the trees and collection of the auction dues before the settlement.

(e) As far as possible areas containing good trees growth should not be taken for settlement for agricultural purposes. They should generally be reserved as forest area. The Divisional Forest

Officer is given the authority to object that certain areas of good forest growth are being proposed for settlement.

In all such cases the area objected to shall not be settled without specific orders of the Collector after due consideration of the Forest Officer's objections. In case where the Collector wants to grant a lease against the opinion of the Divisional Forest Officer, he should consult the Conservator of Forests concerned before finalisation. If there is still difference of opinion the matter may be referred to the Commissioner, for his decision. But there is another point which has to be kept in view while leasing out the land for reclamation. In areas where there is scarcity of fuel, some minimum area of forests has to be maintained as forests or if there is little forests, forests have to be grown on waste lands.

10. Objections to settlements - Every year when all applications pending for settlement in a village are being considered, a general proclamation shall been made calling for objections on the basis of all applications proposed to be considered. Such objections should be duly considered before final orders of settlements are made. Any person whose objection has been disallowed shall be have the right or appeal provided under the rules.

11. Tope planting and orchards - No application from any private party shall be considered for tope planting or for orchards. Lands for topes or orchards may be settled only with Schools or Grama Panchayats and persons forming Co-operative Farming Societies.

12. Authority for grant of leases and appeals- (1) The Tahsildar of the area or where there is no Tahsildar, the Sub-divisional Officer shall be the authority competent to decide on settlement of land according to the above principles annually.

(2) An appeal from every original decision in a lease case shall lie to the Sub-divisional Officer if it is passed by the Tahsildar or the Additional District Magistrate, if it is passed by the Sub-divisional Officer, provided it is made within 30 days of the date on which the Original decision was pronounced or communicated.

(3) A revision shall be to the Revenue Divisional Commissioner purely on question of law.

(4) If at any time within three years of the original or appellate decision the Collector or the Deputy Commissioner is satisfied that there has been a material irregularity in the procedure or that the decision was grossly inequitable or that it exceeded the powers of the officer who passed it or that was passed under a mistake of fact or owing to fraud or misrepresentation, he may, with the previous approval of the Revenue Divisional Commissioner, set aside, or cancel after giving opportunity to the parties concerned to state their case. Where settlement operations are in progress of the Assistant Settlement Officers will have powers to receive and dispose of application for lease and all pending lease and encroachment case should be transferred to the settlement organisation. The Assistant Settlement Officer will be delegated with powers to detect and dispose of encroachment cases during settlement operation to the extent these are exercised by the Sub-Deputy Collector under Orissa Prevention of Land Encroachment Act, 1953 and to delegate to a Charge Office and Settlement Officer the powers which are exercised by Sub-divisional Officers or Collectors under the said Act.

13. Settlement of land for homestead purposes -This problem will have to be considered under three different heads:

(a) Urban land settlement;

(b) settlement of land for homestead in semi-urban and rapidly developing areas and

(c) settlement for homesteads in rural areas.

14. Settlement of land in which urban areas - The Orissa Urban Land Settlement Rules shall apply to all such settlements. The only modification that the Board would suggest is that in Rule 19 of the Orissa State Urban Land settlement Rules, it may be provided that if it is required in the interest of

essential services of the town that certain poor class of people shall be settled within the town limits services like conservancy, settlement may be made free of salami but on condition that if the land or building thereon is transferred, full salami shall be levied from the purchaser.

15. Settlement of homesteads in semi-urban and rapidly developing areas - (1) In each villa the land that is to be allotted for homesteads shall be demarcated separately at Rakhit for homestea No allocation shall be made for homestead purposes outside such reserved areas and all encroachme for homesteads outside such reserved area shall be evicted as objectionable.

(2) If in any village the pressure of population is excessive and sufficient homestead is not availat Government may approve of acquisition of lands for reservation as homestead sites.

(3) All pending applications for homesteads as on the 1st June 1961 should be considered in o batch and disposed of. In further years all applications pending from the 1st June of the proceeding ye to the 31st May of the year shall be considered in one batch and disposed of.

(4) Not more than 10 per cent shall be allocated for homestead purposes to anyone of the family areas where the pressure is very high the extent may be limited to 5 cents.

(5) Settlement shall be made in the following priority:

(a) Landless or people with less that 5 acres of land who have got no other valuable sources livelihood.

(b) Artisans who have to be settled in the village in the interest of the village community,

(c) Other persons of the village, and

(d) Persons of other villages whose residence in the village will be of benefit to the villager

(6) Where the land is not sufficient to accommodation all the person mentioned above, settlemer shall be made to the limit of availability according to the priority mentioned. If the remaining applicant are willing to take land that may be acquired for home site, a scheme for such acquisition may be draw up and submitted to Government for approval and if approved, acquisition made and allocations mad according to the scheme.

(7) All transfer of homesteads in areas developed as semi-urban or rapidly development shall be by registered deed.

(8) Salami shall be charged at 20 per cent of the market value out Government shall reserve to themselves the right to collect up to 25 per cent of the price of transfer from the transferee where such land is transferred after the settlement and at every such transfer in future of that land.

(9) Rent shall be levied for all homestead in semi-urban and rapidly developing areas at rates to be fixed in each settlement to coincide with the settlement of rent for agricultural lands in the area. If such agricultural settlements are not frequent, then on special settlements for homesteads only.

(10) Application shall be filed before the Naib Tahsildar of the Circle concerned who on the 1st June of every year shall consolidate all the applications and forward them alongwith his remarks or each village separately to the Tahsildar of the Circle or if there is no Tahsildar, the Sub-divisional Officer.

(11) Each application shall bear a stamp fee of Rs 1.10. P. and a proclamation fee of Rs1.50 P and a demarcation fee of Rs. 2 for every plot to be demarcated.

(12) If the necessary fees have not been filed with any application, the Naib Tahsildar shall ensure that the necessary stamps are fixed on the application before they are forwarded to the Tahsildar. If the party does not affix the stamps within the time allowed by the Naib Tahsildar, the application may be rejected summarily.

(13) The Tahsildar shall be the original Court for disposal of all such applications according to the rules. Where there is on Tahsildar, the Sub-divisional Officer shall be the original Court.

(14) An appeal shall lie to the Additional District Magistrate from the Sub-divisional Officer and to the Sub-divisional Officer from the Tahsildar. A revision shall lie to the Revenue Divisional Commissioner purely on question of law.

*16. **Settlement of homesteads in rural areas*** - (1) In every village land reserved for homesteads shall be demarcated and no settlement shall be made outside such lands and all encroachments for homesteads outside such reservation shall be evicted as objectionable.

(2) All applications pending one the 1st June 1961 shall be considered in one-batch and disposed of for every village. In future all applications filed between the 1st June of the previous year and the 31st May of the year shall be considered in one batch and disposed of.

(3) Settlement shall be made in the following order of priority

(a) Landless or people with less than 5 acres of land who have got no other valuable sources of livelihood;

(b) Artisans who have to be settled in the village in the interest of the village community;

(c) other persons of the village; and

(d) Persons of other village whose residence in the village will be of benefit to the villagers.

(4) Not more than 20 cent shall be allotted for homestead purposes to anyone family. In areas where the pressure is very high the extent may be limited to 5 cents. If land is available in excess and anybody wants more than 20 cents, land can be settled up to 50 cents in all. In such a case the salami for the land above 20 cents shall be at full market value.

(5) Where the land is not sufficient to accommodate all the persons mentioned above, settlement shall be made to the limit of available according to the priority mentioned. If the remaining applicants are willing to take land that may be acquired for home site, a scheme for such acquisition may be drawn up and submitted to Government for approval and if approved, acquisition made and allocations made according to the scheme.

(6) Salami shall be chargeable at 20 per cent of the market value and Government shall reserve to themselves the right to declare any village from time to time as a semi-urban or a developing area and after any such declaration shall reserve to themselves the right to collect 25 per cent of the cost of every transfer thereafter from the transferee as salami for the land. In cases of encroachment which are settled as unobjectionable if it is by a member of a Scheduled Caste or a Scheduled tribe no salami shall be chargeable for the first 10 cents allotted. It is open to Government to grant lease of land free of salami or premium to Schedule Tribes and Scheduled Castes.

(7) A nominal ground rent shall be fixed which shall be uniform for the State as long as it is a rural area. When it is declared that it is a semi-urban or a developing area Government shall have the right to change the rent after such declaratien.

(8) Authority to grant leases and appeals and revisions shall be as for semi-urban areas.

*17. **Allocations for non-homestead and non-agricultural purposes***- From time to time it becomes necessary to acquire land for industries, institutions and such purpose in urban semi-urban and rural areas. Under the present land acquisition rules there is provision for fixing price of land and charging of rent. Those rules should be followed or modified according to necessity. Such cases shall not be considered under these settlement schemes.

There term and conditions of lease in general to all industrialists will be as follows:

(1) The land should be leased for a period of 99 years on pay meant of full market value;

(2) The rent should be fixed at 5 per cent of the market value and will be changeable in every 25 years;

(3) No mutation fee be charged on subsequent transfers since full market value has to be charged when the settlement is made;

(4) That the Company shall employ the residents of the State of Orissa in all classes of services of the Company In preference to others subject to their suitable and shall pay and afford all reasonable facilities to such employees for their working in the factory in accordance with the rules and regulations of the Company;

(5) That the Company shall train in their factory and workshop and power-houses such number of residents of the State of Orissa as maybe deputed from time to lime by the Director of industries, Orissa. The said Director will however assess the number of trainees that can be deputed to the factory, workshop and power-house for training in consultation with the Company.

18. Alienation of land in favour of local bodies and educational and charitable Institutions. All transfers of land in favour of local bodies or educational and charitable institutions shall be for full market value. If the Department of Government sponsoring the case wishes that any subsidiary should be given, the same shall be provided in the Budget of the Department as grant to the local body or educational or charitable institution and paid against the cost of the land. Where it is not possible to foresee the need for grant of land to such institutions and to make provision in the Budge for the same shall be open to Government in deserving case to grant lease of land without payment of salami premium to any local body or educational or charitable institutions.

(2) The transfer shall be for a specific purpose with the condition that the land will be resumed if it is not used for the specific purpose for which it was granted or the conditions on which it was granted ceases to be fulfilled.

(3) Transfer shall be by registered lease for an educational for charitable organisation and according to the Statute if there is a provision in the relevant Statute in the case of local bodies and if there is no such provision by registered deed.

(4) Alienation shall be only made favour of duly registered educational charitable institutions of public nature.

(5) Rent shall be fixed at the castes prevailing in the locality for similar lands with similar advantages In the case of the educational and chantable institutions, however, rent may be fixed at a low or nominal rate in consideration of the public nature of the effort on specific orders of Government in each individual case.

(6) The limit relating to alienation of land in favour of local bodies and others Departments of Government shall be as follows:

(a) Government in the Revenue Department	Market value exceeding Rs.50,000.
(b) Board of Revenue	Market value exceeding Rs. 25,000 but not exceeding Rs. 50,000.
(c) Revenue Divisional Commerce	Market value exceeding Rs. 10,000 but not exceeding Rs. 25,000
(d) Collectors	Market value not exceeding Rs. 10,000

(7) For alienation to educational and charitable institutions the limit of transfer shall be as follows

(a) Government in the Revenue Department	Market value exceeding Rs. 10,000
(b) Board of Revenue	Market value exceeding Rs. 5,000 but not exceeding Rs. 10,000.

(c)	Revenue Division Commissioner	Market value exceeding Rs. 1.000 but not exceeding Rs. 5,000.
(d)	Collectors	Market value not exceeding Rs. 1.000

(8) Appeal from the order of the Collector may lie to the Revenue Divisional Commissioner and from the Revenue Divisional Commissioner to the Board and from the original orders of the Board to Government. Decision in appeal shall be final provided that Government if they are satisfied that there has been material irregularity in the procedure or that the decision was grossly inequitable or that it exceeded the power of the officer who passed it or that it was passed under a mistake of fact or owing to fraud or misrepresentation may set aside, cancel or modify any final order in the matter.

6. **Instructions for reservation of Govt. Land for specific purposes in R...**