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House sites.

Provision for — for flood affected persons.

GOVERNMENT OF BOMBAY,

REVENUE DEPARTMENT.

Resolution No. LND/3959/163425(a)-AI.

Sachivalaya, Bombay, 10th November 1959.

RESOLUTION OF GOVERNMENT.

Serious floods in several districts of the State have caused widespread damage to property and loss of both human lives and cattle. In many cases, entire village-sites or substantial portions of such village-sites have been washed away. The villages affected most are those on the banks of the Tapti, Narmada, Purna and other rivers which are liable to frequent floods. The Gaothan sites of many of these villages are in any event unsuitable and unsafe. The recent floods have, however, indicated the serious problem that these villagers, if they are not immediately shifted to the safer sites elsewhere, are likely to face. The problem affects entire villages in some cases, portions of villages in others and even individual houses.

2. Under the existing Land Revenue Rule 46 read with Form J, a provision for allotment of an alternative house-site in exchange of the existing site already exists. This, however, applied only to the pre-reorganisation, Bombay State and Saurashtra and Kutch areas of the new State. It is possible, however, that in many cases, there is no suitable Government land available for allotment Gaothan site. In such villages, therefore, it would be necessary to acquire occupied land belonging to private individuals. The existing Rules do not also provide for a planned development of the new Gaothan Site. No provision exists for making roads or for ear-marking plots for public purposes. It is, therefore, necessary to issue comprehensive orders on this subject. The following instructions are, therefore, issued for the guidance of the Collectors :—

(i) The Collector should try to ascertain if suitable Government land is available. If such Government land is available, he should select it in consultation with the Public Health Department for the location of the new Gaothan. If no Government land is available, he should select private land in consultation with the Public Health Department and representatives of the village. These instructions should also be followed where a defined portion of a Gaothan has to be shifted.

(ii) Where the entire Gaothan or a specific portion is required to be shifted and a new village or Wada is established, planned development of the new village-sites should be undertaken so that every villager gets a building-site of a minimum standard area and an adequate provision is made for roads and other public purposes.

(iii) In the new Gaothan, every person, who is required to be shifted from the old Gaothan, shall be given a plot equal in area of the plot which he held in the old Gaothan provided that where the plot held in the old Gaothan is less than the minimum standard area fixed, he shall be allotted a plot of the minimum standard area. The minimum standard area shall be one and a half gunthas for an agriculturist and one guntha for a non-agriculturists.

(iv) Every person, who is thus granted a plot in the new Gaothan, shall be allotted a plot in the new Gaothan without charging any occupancy price provided the grantee surrenders his old site in the village. The land surrendered in the old Gaothan shall be utilized by the Collector in such manner as he thinks fit subject to the prior approval of Government.

(v) In selecting a site for the new Gaothan, the Collector shall take into account the area required for roads and other public purposes such as—threshing floors, schools, play-grounds, community centres, wells, etc. The cost of all such sites shall be borne by Government.

(vi) In case where an entire Gaothan or specific portion of Gaothan is required to be shifted, Government shall also construct at its own costs one well up to 2,000 population and a second well for population above 2,000.

(vii) Where a school building has been washed away or destroyed, Government shall bear 3/4 of the cost of reconstructing similar school building provided that the school was originally constructed with the help of people's contribution. The remaining amount shall either be contributed by the public or by the District Local Board. But if in any village the public is not able to contribute the amount and the Local Board is also in need of a loan to meet its obligations of the school, the same shall be advanced by the State Government without interest.

3. These instructions should also be implemented in the Vidarbha area. A provision for the preparation of a layout and allotment of house sites exists in the rules framed under the Madhya Pradesh Land Revenue Code. In such cases the surrender of the sites in the old Gaothan by the sufferers will be considered as sufficient premium for a plot or plots to be allotted to a sufferer, in new gaothan. The sufferer should be asked to relinquish his old site.

4. (i) In the case of nazul towns in Vidarbha (urban areas) suitable sites should be first selected for rehabilitation of flood sufferers. Great care in the selection of such sites would be necessary. Such a site ought to be safe from floods but ought not to be very costly. A safe but a cheaper site which is not likely to be required for public purposes in the immediate future should be selected for rehabilitation of flood sufferers and such sites should be laid out into plots, necessary arrangements being made for roads and for the reservation of sites for public purposes.

(ii) As nazul rules have not yet been finalised plots should be granted to sufferers on temporary leases which could later on be converted into permanent leases or grants, as the case may be.

(iii) A new site of suitable dimension of an approximately equal area of the old plot should be allotted to such sufferer in exchange for the old site. The sufferer should be directed to relinquish or surrender his rights in the old plot.

5. The exchange contemplated above will also be allowed to those persons whose houses might not have been affected by the flood but who are required to shift in the new Gaothan as a result of decision to change the entire Gaothan.

By order and in the name of the Governor of Bombay,

H. K. OZA,  
Under Secretary to Government.