

## **Project Report on**

**Conversion of Agricultural land for non-agricultural purpose under 8-A of OLR Act 1960- A Boon or Bane? & Up to date instructions issued by Government in the matter so far.**



### **Submitted by**

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**REVENUE OFFICER'S TRAINING INSTITUTE**

**Gothapatna, Bhubaneswar**

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# **1. Introduction**

**“The earth does not belong to man;**

**man belongs to the earth.”**

**-Chief Seattle**

Land plays vital role for the development of a state as all developmental activities revolve around the land. Without land, the basic amenities like food, clothes and shelter can not be imagined. Orissa is a developing state and its economy is growing at a faster rate. With the growth of country's economy agricultural land is required to be converted for non agricultural purposes for requirement of infrastructural development, industrial development and Urbanization. There is a procedure to be followed to change land use while developing agricultural land for non-agricultural purposes which is mentioned in Section 8-A of Orissa Land Reforms Act-1960 inserted vide ( Amendment) Act 12 of 1993 and Orissa Land reforms Rule 1965.

Agricultural land cannot be used for residential purposes although the land may be owned by the Raiyat, which needs to be converted from agricultural to residential before any construction. Converting agricultural land to residential or any other non agriculture purpose demands conversion fee to be paid to government and necessary directives for the same to be followed before conversion.

Though most of the people of Orissa depend on agriculture and agriculture is primary source of income of the state. Development of infrastructure and industry is parallel requirement for growth of economy but to a certain extent without hampering the agriculture produce. Hence, conversion of agricultural land to non agriculture purpose is a boon as it directly affects the growth of infrastructure, industry and economy.

Before proceeding to section 8-A of Odisha Land Reforms Act, we need to have basic definition of some terms which will be helpful in understanding the Act. They are as follows:-

(a) **Agriculture**: As per Section 2(1) of OLR Act 1960, Agriculture includes the raising of crops, grass or garden produce, horticulture, dairy farming, breeding and keeping of livestock and use of land as pasture or for forest or any other purpose where such use is ancillary to agriculture.

(b) **Authorised Officer**: As per section 2(3-a) of OLR Act 1960, Authorised Officer means an Officer appointed as such by the state Government for the purpose of Section - 8A.

(c) **Homestead**: According to section 2(12) of OLR Act 1960, any land, whether or not recorded as such, ordinarily used as house site, ancillary or incidental to agriculture.

(d) **Land**: As per section 2(14) of OLR Act 1960, land of different classes used or capable of being used for agricultural purposes and includes homestead.

(e) **Raiyat**: As per Section 2(26) of OLR Act 1960, a person who is deemed to be a Raiyat as such under the provisions of this act.

## **2. Objectives-**

The infrastructure of our state is required to be developed either for residential purpose or industry or any other development project. The section 8-(a)(i) of OLR Act- 1960 envisages that a Raiyat shall be liable to eviction, if he has used the land in a manner which render the land unfit for the purposes of agriculture or has used the land for any other purposes other than agriculture. This was totally against the development of infrastructure. So, The Government of Orissa in contravention to this amended OLR Act- 1960 by inserting Section 8-A (amendment act) 1993 ,which envisages the guidelines for conversion of agriculture land to non agriculture purpose by paying conversion fee to Govt and adhering some procedures.

Post implementation of Section-8A of OLR Act-1960 many lands have been converted to non agriculture purpose, which is used for residential, industry and also different developmental projects. Development of industries, other developmental projects are directly linked with the development of the state and growth of economy of the state. Hence conversion of land from Agriculture to non agriculture is boon for the society keeping in view not affecting the agriculture produce.

### **3. Procedure for conversion:**

(a) A Raiyat will apply for the conversion in Form No-25 in duplicate to Tahasildar with paying sufficient user fee (Rs 30) by mode of court fee.

(b) Tahasildar may initiate suo-moto cases where there is unauthorised conversion.

(c) Tahasildar is the only Authorised officer for conversion in rural area and upto  $\frac{1}{4}$  th of an acre in sadar Tahasil area.

(d) On receipt of the application the authorised Officer shall register a case in **RCCMS** (Revenue Court case Monitoring System) by uploading the application and providing case no. Tahasildar will also forward to Town planning Authority in Form No-26, if the land for conversion is falling in Town planning, Development plan, master plan area and the concerned officer will intimate any objection of conversion within thirty days, pending which it shall be deemed that there is no objection to the conversion applied for.

(e) The Authorised Officer will generate notice through RCCMS to tenant, co-sharer, boundary tenant and General notice and same to be served to all concerned in proper manner.

(f) The Authorised Officer shall make an enquiry or cause an enquiry through any Officer subordinate to him into the matter after giving a reasonable authority of being heard to the applicant.

(f) While considering application for conversion, the authorised officer shall certify himself that, the proposed conversion will not –

(i) Obstruct natural water courses thereby causing water logging or agricultural land in the neighbourhood, or

(ii) Obstruct water courses in laid out for carrying water for irrigating agricultural holdings in the neighbourhood.

(g) The Authorised Officer, if consider the conversion to be objectionable or not genuine or the information given by the applicant is not correct ,may record the same and reject the application with intimation to the applicant.

(h) If the case of conversion is allowed by Authorised Officer, the conversion fee may be realised and deposited as per Revenue & Disaster Management Department Notification No. 3312-Re.-I-3/2004 9Pt-III)-R dated 28th Jan 2006 by the applicant to the Revenue Inspector concerned or Nazir of the Tahasil.

(i) Post deposit of money, the Tennant will produce the money receipt to Tahasildar. Tahasildar will dispose the case in RCCMS by quoting money receipt no. and date and forward the same to Record Keeper directing to correct the ROR.

## **4. Case study and Order sheet**

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FORM NO.-320.....

### **O.L.R Case No:-. 08/2018**

Orissa Record Manual 1964 Para. – 207(1)

( Case Opening dt.29.06.2018-Closing dt.04.09.2018)

Tahasil:-*Balangir*

P.S.:-*Balangir*

Village:-*Sibtala .*

Sub-Division:-*Balangir*

District:-*Balangir*

R.I:-*Sibtala*

<b>Order sheet No and date</b>	<b>Order and Signature of Authority</b>	<b>Description of Order details with date</b>												
1 29.06. 2018	<p>Received an application filed one <b>Shri Aditya Majhi</b> S/o-<b>Adikanda Majhi</b>, Village-<b>Sibtala</b> P.O/P.S-<b>Balangir</b> Tahasil-<b>Balangir</b> District-<b>Balangir</b> Form No-25 required under Rule- 12-A 1(a) of OLR Rule for conversion of schedule below land for the purpose other than Agriculture u/s 8-A of OLR Act-1960.</p> <p style="text-align: center;"><b><u>Schedule of land</u></b></p> <table border="1"><thead><tr><th><b><u>Mouza</u></b></th><th><b><u>Kh ata</u></b></th><th><b><u>Status</u></b></th><th><b><u>Plot</u></b></th><th><b><u>Kisam</u></b></th><th><b><u>Area</u></b></th></tr></thead><tbody><tr><td>Sibtala</td><td>101</td><td>Rayati</td><td>153</td><td>Atamamuli</td><td><u>0.15dec.</u></td></tr></tbody></table> <p>Register a case. Ask the Record keeper to report the up to date ROR position within two days. Bench Clerk to put up the case record after verification.</p> <p><b><i>Case posted to ....02.07.2018</i></b></p> <p style="text-align: right;"><b><i>Dictated &amp; Corrected by me</i></b></p> <p style="text-align: right;"><b><i>Authorized Officer- Addl. Tahasildar</i></b></p>	<b><u>Mouza</u></b>	<b><u>Kh ata</u></b>	<b><u>Status</u></b>	<b><u>Plot</u></b>	<b><u>Kisam</u></b>	<b><u>Area</u></b>	Sibtala	101	Rayati	153	Atamamuli	<u>0.15dec.</u>	Application fee and process fee deposited and necessary documents attached.
<b><u>Mouza</u></b>	<b><u>Kh ata</u></b>	<b><u>Status</u></b>	<b><u>Plot</u></b>	<b><u>Kisam</u></b>	<b><u>Area</u></b>									
Sibtala	101	Rayati	153	Atamamuli	<u>0.15dec.</u>									

<p>2 02.07.2018</p>	<p>Case record is put up to me today. Perused the reports as called for.</p> <p>The application is in order. Revenue Inspector <b>Sibtala</b> is directed to make an enquiry in presence of applicant or his representative and furnish his report with his opinion by 12.07.2018 with a copy of the trace map.</p> <p>Issue General notice proclamation for publication in the locality inviting objections if any and issue notice to the applicant to appear on 27.07.2018 for hearing.</p> <p>Put up the case record with all compliances on 27.07.2018</p> <p><b>Case posted to .....27.07.2018</b></p> <p style="text-align: right;"><b>Dictated &amp; Corrected by me</b></p> <p style="text-align: right;"><b>Authorized Officer- Addl. Tahasildar</b></p>	<p>R.I report and trace map enclosed. Notice served and SR back</p> <p>(Bench Clerk)</p>
<p>3 27.07.2018</p>	<p>The case record is put up to me today. Applicant is present. Perused the Office report and served notices. The notices have been served and SR back. No Objection from any quarter received. Town Planning Officer has intimated vide letter no.... dated..... that the conversion is not violating master plan.</p> <p>The report of Revenue Inspector, <b>Sibtla</b> reveals that suit land is Raiyati status and the applicant is using the land for agriculture purpose at present, conversion will not obstruct any water course and also water passage to neighbourhood. There is no inconvenience to neighbourhood and passage to said land is available. The concerned R.I has also submitted a trace map along with report.</p> <p>In view of the above said facts, I am satisfied that the proposed conversion is genuine and information furnished by the applicant is correct. Hence, the conversion of the above suit land is allowed subject to deposit of the following fees in this Tahasil Office/R.I <b>Sibtala</b> within a period of 30 days. Intimate him in Form no-28.</p> <p>Amount to be deposited:- Rs.4579/- Premium:- Rs. 4500/- Land Rent:-Rs.45/- Cess:- Rs.34/-</p> <p style="text-align: right;"><b>Dictated &amp; Corrected by me</b></p> <p style="text-align: right;"><b>Authorized Officer- Addl. Tahasildar</b></p>	

4  
30.08.2018

The applicant has deposited the Govt dues fully i.e. Rs...4579/-..... vide M.R No.....dated .....as revealed from note and authenticated copy of the receipt attached. Record keeper is directed to effect necessary correction of ROR within 03 days.

**Case posted to ...04.09.2018**

***Dictated & Corrected by me***

***Authorized Officer-  
Addl. Tahasildar***

5  
04.09.2018

Perused the case record. Record correction made. No action pending. The case is closed.

***Dictated & Corrected by me***

***Authorized Officer-  
Addl. Tahasildar***

## **5. Up to date Government Instructions:-**

(a) Govt of Odisha, Revenue & Disaster Management Department letter no 3312/Re.-I- 3/2004 dated 28.01.2006:- Conversion fees to be paid to Govt as per location of the land as follows:-

<b>i. Land situated in Municipal Area</b>	<b>Rs.3,00,000/Acre</b>
<b>ii. Land situated within 500 mtrs of National Highways</b>	<b>Rs.3,00,000/Acre</b>
<b>iii. Land situated within 250 mtrs of State Highways</b>	<b>Rs.1,00,000/Acre</b>
<b>iv. Areas Covered by development plans but falling outside Municipal/N.A.C area</b>	<b>Rs.30,000/Acre</b>
<b>v. Other areas- @ 5% of market value of such plot but subject to minimum</b>	<b>Rs.1,000/Acre</b>

(b) Govt of Odisha, Revenue & Disaster Management Department letter no 38971/L.R(B)-RE-1-43/06 dated 11.10.2006:- The following guidelines has been issued for ensuring before conversion of any suit land:-

1. The proposed conversion does not obstruct natural water courses like stream, nala, Nayanjories, or any drainage channel and irrigation channel.

2. It does not cause any inconvenience or difficulty to the neighbouring land owners.

3. It shall be ascertained for what purpose the land will be used after conversion and whether the conversion will not affect the normal agricultural operation in the neighbourhood.

4. It should be seen that whether the present conversion along with the conversion already allowed will obstruct the passage of men, animals and agricultural implements.

5. It should also be seen that small scale industries set up on the converted land do not affect in any way the agricultural operation in the neighbouring plots. It is requested that suitable instructions may please be issued to all concerned to follow the procedure laid down in Rule-12-A of the Act meticulously and ensure that no agricultural land particularly lying in ayacut areas of irrigation projects are allowed for conversion for non-agricultural purpose without sufficient reasons. It is also equally important that the revenue machinery is watchful as to whether cases of conversion may be happening without valid orders under Section 8-A of OLR Act. It is hereby cautioned that all steps need to be taken to see that the conversion fees due

under the Act is realized without fail. It is instructed that the authorized officer, while conducting enquiry in the field shall also verify the physical status of neighbouring lands. He shall initiate cases U/S 8(1)(C) of OLR Act against such neighbouring raiyats, if they have unauthorisedly converted agricultural land for non-agricultural purposes.

(c) Govt of Odisha, Revenue & Disaster Management Department letter NoRE-I- 65/2013/38752 Dated 08.10.2013:- Clarification regarding disposal of applications under section -8-A of OLR Act-1960 by Tahasildars. There is no power of 'Authorised Officer' is vested on Assistant Settlement Officer. Hence, the area where settlement operation is in progress, Concerned Tahasildar will dispose the Conversion under section 8-A of OLR Act and intimate to Assistant Settlement Officer for necessary correction.

(d) Govt of Odisha, Revenue & Disaster Management Department letter No-REI- 28/2015/18125 Dated 10.06.2016:- Applicability of Section 8-A of OLR Act 1960 after coming into force of Orissa Development Authorities (amendment ) Act-2015. Govt after careful consideration of both the act has decided to follow following procedure for conversion in semi urban areas:

(e) Govt of Odisha, Revenue & Disaster Management Department Notification No-RE-I- 28/2015/9781 Dated 23.03.2017:- Sub collector is the Authorized Officer in Sadar Tahasil for conversion of land measuring one forth of an acre or more under section 8-A of OLR Act.

## **6. Conclusion**

Conversion of agricultural land to non agricultural purposes poses great threat to the environment which is the very basis of survival of mankind, whereas conversion of agricultural land for non agricultural purposes like habitation, setting up various organisations like school, colleges, universities and industrialisation is the exigency of time for the development of society. Hence, maintaining balance between these two contradictory aspects of the conversion is indispensable for the sustainable development of the environment. The OLR Act 1960 u/s 8(A) is one of the mostly required legislation to ensure the righteous conversion of agricultural land for other than agricultural purposes.

