

REVENUE OFFICER'S TRAINING INSTITUTE (ROTI)

Project Report on

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

Submitted by

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Saintala

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1. Introduction

Orissa is a developing state and economy of the state 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 Orissa Act 12 of 1994 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 development of infrastructure and industry is parallel requirement for growth of economy but most of the people of Orissa depend on agriculture is a primary source of income of the state. Hence, conversion of agriculture land to non agriculture purpose is a bane as it directly affects the agricultural production and eco system.

Before proceeding to section 8-A of Odisha Land Reforms Act we need to have a basic definition of some term which will help 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 i.e conversion of agricultural land for developmental purposes :

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. 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 projects is directly linked with the development of the state and growth of economy of the state.

3. Procedure for conversation:

(a) A Raiyat will apply for the conversation 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 Authorisd officer for conversation 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 conversation is falling in Town planning, Development plan, master plan area and the concerned officer will intimate any objection of conversation 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, cosharer, 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 considered 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.

Procedure/ Steps for change of land use (u/s 8 A of OLR Act)

1 Filing of application by the Recorded Tenant in Form No. 25 before the Authorized Officer (Tahasildar / Addl. Tahasildar)

2 Verification of RoR by Record Keeper.

3 Field verification by RI and submission of report.

4 Notice to Development Authority / Town Planning Authority / Improvement Trust in Form No. 26 for necessary verification and report if land situated in these areas.

5 Hearing of case by Authorized Officer and passing of final order.

6 Intimation to applicant in Form No. 28 for deposit of conversion fee, in case the Authorized Officer allows conversion of land use.

7 Correction of RoR after realization of conversion fee.

4. Case study and Order sheet

INDEX – LIII FORM NO.-320.....

O.L.R Case No. – 08/2018 U/s-8(A)

ORISSA RECORD MANUAL 1964 PARA – 207(1)

Tahasil:- Sainatala P.S.:- Sainatala Village:- Tirapada .O.L.R Case No:-. 08/2018

District:. Balangir Sub-Division:-. Titlagarh

Order sheet No and date	Order and Signature of Authority	Descripti on of Order details with date												
29.08.18	<p>Received an application filed one Surendra Bhoi S/o- Indra Bhoi, Village-Tikrapada P.O/P.S-Tikrapada Tahasil- Sainatala District-Balangir Form No-25 required for conversion of schedule below land for the purpose other than Agriculture u/s 8-A of OLR Act-1960.</p> <p align="center"><u>Schedule of the Land</u></p> <table border="1" data-bbox="363 1339 1256 1503"><thead><tr><th>Mouza</th><th>Khata No</th><th>Status</th><th>Area</th><th>Plot</th><th>Kisam</th></tr></thead><tbody><tr><td>Tikrapada</td><td>151</td><td>Rayati</td><td>0.12</td><td>312</td><td>Ata mamuli</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 documents after verification.</p> <p><i>Case posted to 02.09.2018</i></p> <p>Dictated & Corrected.</p> <p>Addl Tahasildar</p>	Mouza	Khata No	Status	Area	Plot	Kisam	Tikrapada	151	Rayati	0.12	312	Ata mamuli	Application fee and process fee deposited and necessary document
Mouza	Khata No	Status	Area	Plot	Kisam									
Tikrapada	151	Rayati	0.12	312	Ata mamuli									

Case record is put up to me today. Perused the reports as called for. The application is in order.

Revenue Inspector Tikrapada is directed to make an enquiry in presence of applicant or his representative and furnish his report with his opinion by 10.07.2018 with a copy of the trace map. Issue General notice proclamation for publication in the locality inviting objections if any and issue notice to the applicant to appear on 06.08.2018 for hearing.

Put up the case record with all compliances on 06.09.2018

Case posted to 06.09.2018

Dictated & Corrected

Addl Tahasildar

Authorized Officer

The case record is put upto 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.

The report of Revenue Inspector, Tikrapada reveals that suit land is Rayati 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.

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 Tikrapada within a period of 30 days.

Intimate him in Form no-28.

Amount to be deposited:-

Conversion fee:-

Rent:-

Cess:-
Measurement fee:-

Dictated & Corrected
Addl Tahasildar

Authorized Officer

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

Case posted to 18.08.2018 Dictated & Corrected
Addl Tahasildar

Authorized Officer

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

Addl Tahasildar

Authorized Officer

5. Upto date Government Instructions:-

(a) Govt of Odisha, Revenue & Disaster Management Department letter no **3312/Re.-I-3/2004 dated 20-03-2017** Conversion fees to be paid to Govt as per location of the land as follows:- (i) Land situated in Municipal Area- Rs 03 lakh per Acre (ii) Land situated within 500 mtrs either side of National Highways-Rs 03 lakh per Acre (iii) Land situated within 250 mtrs of State Highways – Rs 01 lakh per Acre (iv) Areas Covered by development plans but falling outside Municipal/N.A.C area-Rs 30, 000 per Acre (v) Other areas- @5% of market value of such plot but subject to minimum Rs-1000/- per acre.

(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 nonagricultural 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 fourth of an acre or more under section 8-A of OLR Act.

6. Conversion of land biggest threat for future generation .

Conversion of Agricultural land for non-agricultural purposes under 8-A of OLR Act, 1960- **A boon or Bane?**

It is worth considering that every proposition has two sides. Conversion of agricultural land for non-agricultural purposes can be seen as a bane likely for the following reasons-

- In an agrarian economy like Odisha, Conversion can be considered to be hazardous because of the depleting availability of land resources for agriculture.
- It is also pertinent to mention here that the Conversions are more so for commercial purposes wherein the large patches of agricultural lands are sold to real estate stakeholders or builders for plotting and selling the land or construction of apartments.
- Many cases have come to light where the real estate managers go on to construct and sell apartments or houses without conversion and later on the buyer bears the wrath of the illegality done without his/her knowledge.
- Land being a limited resource and population being on an burgeoning trend, the issues of food security are likely to arise if rampant conversions of agricultural land for non-agricultural purposes are allowed.
- Land, water and minerals being finite and scarce resources, its need-based allotment to different promoters of industries is required to be made keeping in mind the requirement in future. The natural resources are not factors of production (only) for industrial growth but also for agriculture production on which the food security of the country rests, and these also had impact on sustainability of environment and sustenance of livelihood of citizen. However, this legislation is a blessing in disguise as it promotes growth which is the key factor for the development of any nation.
- Every conversion is accompanied by the payment of a premium money along with the land revenue generated. While Revenue plays a vital money in boosting the economy of the region it can be considered as a motivator for conversion by the Government. Hence said, the premium generated on the conversion earns Revenue for the Government. The law so framed also ensures that cost of conversion in terms of revenue generated is more in case of companies and corporates while setting up Industries and Infrastructure and other commercial purposes than just for homestead purposes.
- The conversion facilitates the usage of agricultural land for certain development purposes which enhances employment and self-sufficiency skills.

- Land has an emotive value and a lawful occupancy right bestows the owner with the pride of legally enjoying the benefits of having the Right, Title and interest. Therefore It lawfully bestows occupancy rights on a raiyat.
- The industrial and infrastructure development in turn leads to town planning and development in a certain area. Further educational institutions,(schools,medical colleges , engineering colleges, Universities etc) Roads, industries etc are all the harbinger of development, without which their can be no growth.It is through Conversion only that these parameters of growth canbe undertaken and achieved.

However, it is extremely important that our growth is Sustainable and Inclusive. Development should not be at the cost of defeating the interests of the marginal section of the society. The agricultural labourers or farmers who earn their livelihood should be protected from the hands of the corporate honchos. And the fruits of development should Trickle Down to the last person in the society to ensure equality in growth and development, else the paradox of the rich getting richer and the poor getting poorer shall prevail. But the OLR Act through its different clauses ensures that agriculture is not affected and enumerates restrictions which will ensure that no conversion is made if those conditions prevail.The Government of Odisha in the Revenue and Disaster Management Department has actively taken steps to regulate the process of conversion by issuing circulars and notifications from time to time in a bid to make the process stringent and legal.

1. The Government of Odisha in the Revenue and Disaster Management Department vide Letter **No.38971 dtd.11.10.2006** enumerated the following discretions to be followed diligently while disposing the conversion cases: It specified that the Authorised officer should make or cause inquiry as per the provisions u/r 12-A OLR(General) Amendment Rules, 1997 and ensure the following aspects before granting permission.

- The proposed conversion does not obstruct natural water courses like stream, nala, Nayanjories, or any drainage channel and irrigation channel.
- It does not cause any inconvenience or difficulty to the neighbouring land owners.
- 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.
- 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.
- 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.
- 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 nonagricultural 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.

- All steps need to be taken to see that the conversion fees due under the Act is realized without fail.
- 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 nonagricultural purposes. He should appropriately dispose of such cases of neighbouring lands, so that agricultural land conversion to non-agriculture purposes shall necessarily happen only after realization of conversion fees and the valid orders U/S 8 of OLR Act, but not otherwise.

2. Subsequently the Government of Odisha in the Revenue and Disaster Management Department vide Letter **No.24350 dtd.03.06.2011** cautioned the authorised officers to look into the matters regarding sale of agricultural land through plotted housing schemes for non-agricultural purpose without conversion u/s-8A of OLR Act. Apart from invoking the provisions of Sec-8(1) and 8(2) of OLR act in case of erring raiyats liable for eviction for having used agricultural lands in a manner which renders it unfit for the purpose of agriculture, the Government also directed that wherever instances of builders selling agriculture lands to customers in plotted housing schemes are noticed steps should be taken to initiate proceedings for eviction u/s-8 of the OLR Act. In any other case of violation of section-8 also similar action should be taken.

3. The letter no-**18125 dtd.10.06.2016** directed the applicability of sec-8A of OLR act 1960 in urban areas after coming in to force of the Odisha development authorities' amendment act 2015. The Govt. after careful consideration enumerated the following points for evolving a smooth practice and procedure in implementation of the aforesaid acts:

- i. In view of the provision under sec-119(3) of Odisha development authorities' act 1982, the conversion fees at the rate provided in sec-8A of the OLR act 1960 shall be collected
- ii. The development authorities shall intimate the layout plan, the final town planning scheme duly sanctioned by government and notified under sec-48 of ODA Act, development scheme or land Pooling scheme, duly approved by the competent authority to the concerned Tahasildar for effecting correction of kism from agriculture to non-agriculture.
- iii. The concerned development authorities shall also intimate if the conversion of fees at the rate specified U/S 8A has been collected or not U/S 119(3) of ODA Act the copies of the fee collection receipts may be furnished to the concerned Tahasildar.
- iv. On receipt of such intimation the Tahasildar shall initiate the OLR cases and after ensuring collection of conversion fees, if not collected, shall effect correction of ROR.
- v. The kism of land in case of private holdings shall be recorded as Gharabari after conversion in the ROR. If the lands are proposed to be used for any other infrastructure development as per the scheme the same may be recorded as such in the ROR like road, park etc and kept in the Govt. khata.

4. The notification **dtd.9781 dtd.23.03.17** ,in pursuance to Clause 3-a of Sec-2 of OLR Act,1960 appointed all Sub-Collectors as Authorised Officers u/s-8A of the said Act in their

respective Sub-division Headquarter tahasils for conversion of land measuring one-fourth of an acre or more than that. In these cases, the Tahasildar concerned shall initiate the OLR case for the purpose and allow conversion with due approval of the Sub-collector. For the area measuring less than one-fourth of an acre in the Sub-division Headquarter Tahasils, the respective Tahasildar will continue as the Authorised Officer for conversion under the OLR Act except where the local Development Authority has given permission for conversion with reference to Section-119(3) of ODA Act as amended in the year 2015.

5. The Government of Odisha in the Revenue and Disaster Management Department vide Letter **No.44549 dtd.22.12.2017** constituted a committee under the Chairmanship of the RDC(of the concerned division) in pursuance to the judgement of the Hon'ble High Court in W.P m© **no-8797 of 2004 and O.J.C No 6721 of 1999** for the protection, preservation and conservation of water bodies (jalasayakisam) in urban areas of the State.

Conclusion:

Land being a limited resource should be preserved and used in a view to achieve sustainable development. Generally when such lands are acquired and used for industrial purposes, a proper balance between land use for agricultural and industrial purposes has to be worked out. The optimisation of the conversion of agricultural land to industrial land in rural areas forms the bases for the sustainable development of rural areas. Moreover, the importance of the restructuring of rural areas also plays a significant role in agriculture and development of the nation.