

PROJECT ON

“ONLINE MUTATION IS DIFFERENT FROM OFFLINE MUTATION. THE IMPACT OF ONLINE MUTATION TO BRING ACCOUNTABILITY IN THE SYSTEM AND ABOLITION OF VESTED INTEREST IS PRAISE-WORTHY. JUSTIFY IT & WRITE THE WEB-BASED WORK FLOW FOR THE SYSTEM”

SUBMITTED BY:

SATYASAMPARNA RAUT

**TRAINEE ODISHA REVENUE SERVICE OFFICER,
17th BATCH**

**ASSISTANT COLLECTOR, COLLECTORATE,
GAJAPATI**

REVENUE OFFICERS' TRAINING INSTITUTE, GOTHAPATNA, BHUBANESWAR

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Historical Background

The Orissa Survey & Settlement Act, 1958 is expedited to consolidate and amend issues relating to Survey, Record-of-Rights (RoRs) and Settlement operations. After preparation of Maps & RoRs those need to be published and maintained for various reasons. The corrections made in due course of time due to change of ownership in the land. Hence Mutation came into force, cited as change of entries in the RoR as well as maps but neither created nor extinguished the Right, Title and Interest. The concept of mutation is derived from Section 16 of OSSA, 1958 and executive instructions in Chapter IV under OSS Rules, 1962.

Why Mutation is necessary ?

- ✓ Update the records so that Land Revenue is collected from the rightful owner/user.
- ✓ Collect right type of land revenue (Rent, Cess, Water rate etc.) from the rightful owner in time by identifying the land use pattern and change in nature/ characteristics of land reflected in the correct ROR.
- ✓ Correction of Map to reduce legal issues and grievance redressal.

The land transaction cases where Mutation is carried out :

1. Alienation
2. Orissa Estate Abolition
3. Orissa Government Land Settlement
4. Orissa Prevention of Land Encroachment
5. OLR 19 (1)-C
6. OLR -8 (A)
7. Partition
8. Relinquishment
9. LA- Abatement
10. Sale-Purchase
11. Inheritance
12. De-reservation
13. Willnama
14. Gift

Grounds on which correction of the RoR and Map to be made

(Rule 34 of the Orissa & Survey Settlement Rules, 1962)

- a) All persons interested in any entry in the Record –of-rights wish to have it changed;
- b) By decree in a civil suit, any entry therein has been declared to be erroneous;
- c) Being founded on a decree or order of a Civil Court or on the order of any competent authority, the entry therein is not accordance with such decree or order;

- d) Such decree or order has subsequently been varied on appeal, revision or review;
- e) Any entry therein has no relationship with the existing facts;
- f) By preparation of survey record any change is necessitated in the Record-of-Rights.

What are the points to be noted before effecting Mutation?

The prima facie valid title coupled with possession along with mentioned points has to be seen before mutation is effected.

- (a) Whether there is valid permission of Revenue Officer if case land of SC/ST communities have been transferred to non-SC/ non-ST communities.
- (b) Whether land transferred is a ceiling surplus land.
- (c) Whether valid permission is there in case of Chaka holding which is going to be fragmented.
- (d) Whether land in question is of pre-settlement transaction. Mutation proceedings be dropped if it is a Pre-Settlement transaction.
- (e) If land in question is governed by Odisha Hindu Religious Endowment Act, 1951, then whether valid permission from Endowment Commissioner is there.
- (f) If land is of pattadar status/ Lease hold land, whether valid permission of competent Authority is there and terms and condition of lease deed permits to do so.
- (g) If land belongs to Wakf, Board, then whether valid permission of Wakf Board is there.

Documents required for mutation:

- i. Copy of Sale Deed
- ii. Application for mutation with court fee stamp affixed on it
- iii. Indemnity bond on stamp paper of requisite value
- iv. Affidavit on stamp paper of requisite value
- v. Receipt of up-to-date property tax payment

Documents required for mutation in case of inheritance or Will :

- i. Death Certificate
- ii. Copy of Will or Succession Certificate
- iii. Indemnity bond on stamp paper of requisite value
- iv. Affidavit on stamp paper of requisite value attested by a Notary
- v. Receipt of up-to-date property tax payment in case of Power of Attorney
- vi. Copy of Power of Attorney.
- vii. Copy of Will
- viii. Receipt for payment registered with a sub-registrar

- ix. Application for mutation with court fee stamp affixed on it.

Procedure for mutation

- On receipt of application a case record has to be opened and entered in to mutation Register.
- Then the case record be sent to Record Room for verification of land status, recorded tenant etc.
- On return from record room if there is insufficiency of information, the applicant may be intimated to rectify defects within a reasonable time.
- After that the applicant may be asked to deposit process fees.
- Thereafter the notice inviting objection from general public having interest in the land shall be invited. The notice period shall be 15 days. The general proclamation has to be made by beat of drum and a copy be given to office Notice Board of Tehasildar/Revenue Inspector and G.P Office Notice Board.
- Then a date be fixed for hearing and applicant along with individual whose interest likely to be affected may be noticed fixing date, time & place to show his documents and claims, if any. Regarding possession enquiry report from sub-ordinates can be obtained.
- If there is no objection from any quarters and Tehasildar/ Revenue Inspector is satisfied about documents and possession then mutation may be allowed. If there is objection then Tehasildar may cause further enquiry and dispose the matter on its own merit. The enquiry by Tehasildar on objection is to be summary in nature. That means elaborate and detail recording of evidence and statement is not necessary.

Concept of online mutation:

In the era of Digital India and e-Governance, to ensure the Government services are made accessible to citizens electronically by improved online infrastructure and enabling services to be transparent for the public, concept of Online Mutation or e-Mutation was taken up by the Department of Revenue & Disaster Management, Government of Odisha since 2013.

Advantages of Online mutation Over Offline Mutation:

1. Weeding out of vested interests & exploitative middleman from RI, Tahasil & Registration offices.
2. Public can avail various services easily and conveniently without running to the offices.
3. Automation will enhance quick and timely disposal of mutation cases.
4. Transparency in transaction with leaving tracks of last whereabouts.
5. Monitoring of cases will be easy on real time basis.
6. Tracking of Digitized Case Records will be easy as can be retrieved anytime.

7. Safe keeping of Records along with Map plotting and correction can be done simultaneously using Bhulekh, BhuNaksha etc.
8. Will expedite the time bound service delivery and transparency as well as good governance in the system.

Brief description about ONLINE MUTATION:

The Project e-Mutation so called Land Records Management System (LRMS), is an online mutation system implemented in Odisha since 2013. It is an online based work flow system for correction of Record of Rights & Maps.

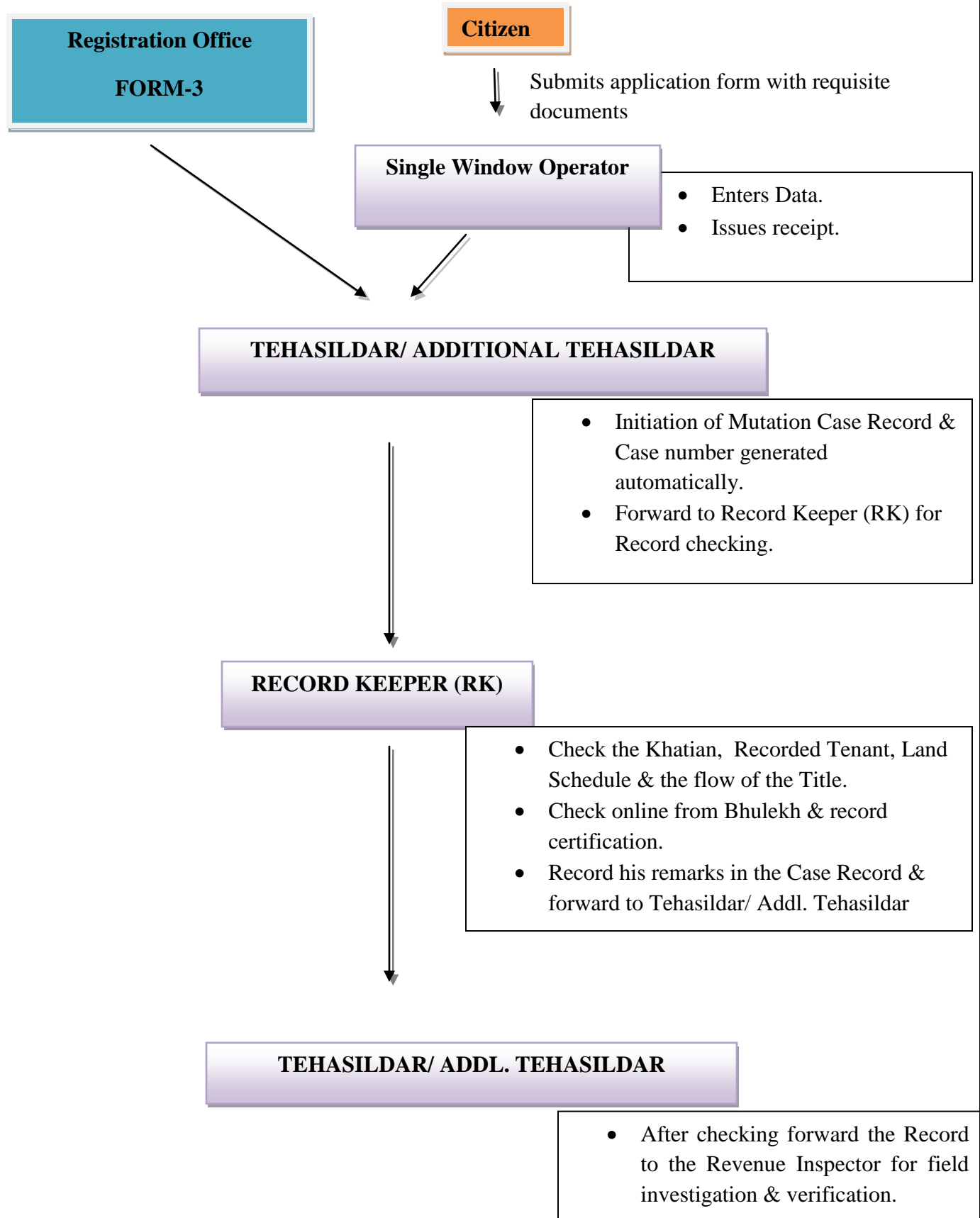
Objectives of Online-mutation:

- The main objective of LRMS is to bring faster, accuracy, transparency and correctness in updating the Record of Rights.
- The transaction of land related property taking place in Sub-Registrar office must automatically be reflected at the Tahasil end for necessary updation of the RoR.
- The public must know his/her entitlement of land related property and do fair transactions on those lands.
- The citizen can know the status of his land and mutation case at anytime from anywhere in the world.

Features Online-mutation :

- Role based access of the system for Single Window Operator (SWO), Tahasildar/Additional Tahasildars, Record Keeper (RK), Revenue Inspector (RI), OIC-Record Room etc.
- Secured data transmission and record updation using private network structure.
- Biometric devices are used for record updation.
- OTP based user activation.
- SMS alert to tenants and other stakeholders.
- Knowing status of the case by the public at any stage.
- Availability of land records data for usage.
- Helps Authority to know the status of mutation cases.

Process Flow Of Online Mutation



- In case of Part Plot transaction Amin to be directed for field verification & trace map preparation.

REVENUE INSPECTOR (R.I)

- Issues General as well as Individual Notice to the parties concerned.
- Conducts hearing.
- Makes field verification
- Allows mutation and sends back report to the Tehasildar for confirmation within 7 working days.

TEHASILDAR/ ADDL. TEHASILDAR

- Check the Status report of the case
- Uncontested Cases – Direct R.I to dispose the Case.
- Contested Case – Keep for hearing by issuing fresh Notice
- Forward to RK for Final Order entry after appeal period of 30days over.

RECORD KEEPER

- Final Order entry
- Forward to Officer-In-Charge of Record Room

OFFICER-IN-CHARGE OF RECORD ROOM

- Updation of Records

RECORD KEEPER

- Correction of Map in Bhulekh.
- Sends message to the applicant to collect the Record-of-Rights copy within 7 days.
- Intimation slip in duplicate alongwith trace map to R.I for necessary correction in the Records in R.I office.

REVENUE INSPECTOR

- Return a copy of intimation slip to Tahasil as token of proof of correction of records in his office.

TEHASILDAR / ADDL. TEHASILDAR

- Report of closure of the mutation case.
- Final Patta handed over to the citizen.

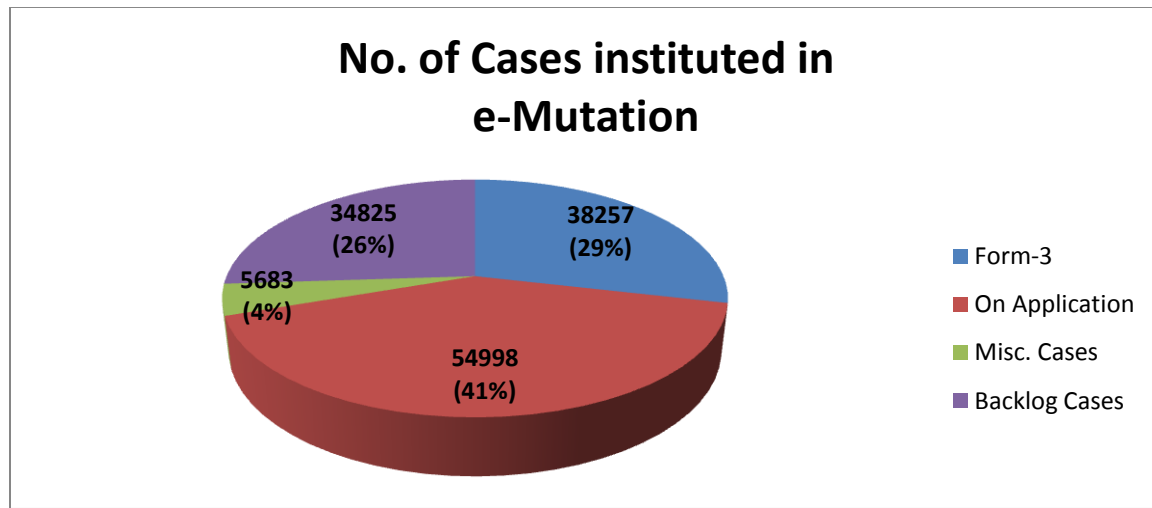
Final Patta/ RoR

Citizen

As per the ORTPS Act, the whole process of Mutation shall be completed within 90 days from the date of institution.

Case Institution status

The online-mutation started back in 2013 was running in pilot mode in 7 Tahasils. Now most of the Tahasils (out of total 317) are connected with e-Mutation through 2mbps MPLS internet connectivity. The case institution status of e-Mutation as on 31/01/2018 (Courtesy : e-Governance Initiatives by Revenue and DM Department) is shown in the pie-chart below.



Some suggestions or precautions for effective and hasslefree implementation of online-mutation :

1. Spreading of awareness among citizens regarding Digital Literacy.
2. The acquaintedness of the officials & personnel with the system by updated training programmes.
3. The High speed, uninterrupted internet connectivity in Rural & Remote Tahasil.

Conclusion

The e-Governance initiatives taken up by the Revenue & Disaster Management, Government of Odisha are one of goal oriented welcome step for the sole purpose of transparency in land transaction. The online-mutation is one of the best e-Governance initiatives that ensure a little involvement of third party, leaving the traces of last transaction & flow of title of land. There is need of wider awareness among citizens regarding this. They need to be convinced regarding availability of services online and can be availed without running from office to office but just one click using e-services. The data transmission & record updation is secure one & data can be stored for indefinite period. The activities can be monitored from top level, helps in transparency in numbers of cases disposed. The Government of Odisha in R&DM Department has made remarkable evolution in land related events through this e-Governance

initiative. Odisha has been a forerunner in modernization of land records, policy making, monitoring & service delivery in land related issues in one platform using internet-based software.

References:

1. The Orissa Survey & Settlement Act, 1958
2. The Orissa Survey & Settlement Rules, 1962
3. Letter No. 20771 dated 28.06.2017 of the Principal Secretary to Govt., Revenue & Disaster Management Department, Govt. of Odisha
4. E-Governance Initiatives by Revenue and Disaster Management Department Book.