

PROJECT REPORT

on

**“Settlement of Land for Homesteadless family and
landless family under Revenue Laws in Odisha”**

Submitted by

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INTROUCTION

The substantive provision for the settlement of land for Homesteadless family and landless family is Odisha Govt Land Settlement Act, 1962 and procedural provisions given in Odisha Govt Land Settlement Rules, 1962. Lands can also be settled through Odisha Prevention of Land Encroachment Act and Rules, 1962 subject to fulfilment of certain conditions. Operational guidelines have been given by Executive instructions issued by Government from time to time.

Eligibility of Applicant for Settlement:

1	Homestead less person	<ol style="list-style-type: none">1. Annual income of the family members of the applicant shall not exceed Rs. 40,000/-.2. The family members of the applicants shall not have any homestead land in the State.3. The family members own less than one standard acre of agricultural land.
2	Landless person	<ol style="list-style-type: none">1. Annual income of the family members of the applicant shall not exceed Rs. 40,000/-.2. Applicant or any member of the family owns no agricultural land excluding homestead through out the State

LEASABILITY CITERIA OF THE LAND TO BE SETTLED:

1. The land applied for lease shall be free from encroachment.
2. There shall not be any sairat source over the land.
3. The suit land shall be connected with road.
4. The suit land shall not be a forest land. Before submission of the proposal, the DLC report shall be verified. Forest land can not be leased out without the prior approval of Ministry of Environment and Forest in view of the provisions of Forest (Conservation) Act, 1980 read with the order dated 12.12.1996 passed by the Hon'ble Supreme Court of India in W.P. (C) No. 202/95.
5. The suit land shall not be leased out to any individuals/ organization earlier. Lease register shall also be verified regarding pendency of any application pertaining to the suit plot.
6. There shall not be any communal right of the public over the suit land.
7. The guidelines contained in R & DM Department letter No. 25616 dt. 27.08.2014 shall be followed regarding change of classification of land classified as communal in the Record of rights. The earlier instruction issued by the erstwhile revenue and Excise Department letter No. 44485/R DT. 05.10.1991 was withdrawn.

STAGES OF LEASE CASE:

1. Filing of application in Form-I(application by individuals) / Form II (application by other than individuals).
2. On receipt of applications, they shall be forthwith entered chronologically in the ¹lease register maintained in Form No. II.
3. There shall be two registers one for the urban area and another for the rural area.
4. Verification of records by the R.K.
5. Field verification report from the R.I.
6. The Tahasildar shall issue proclamation in Form No. III inviting public objection If he is satisfied that the suit land is leasable and the applicant is eligible.
7. General proclamation shall be published in the locality in the manner as prescribed in Rule 5(5).
8. On expiry of thirty days from the days of publication of the proclamation, the Tahasildar shall hear and disposed of objection petition received during the proclamation period.
- 9 There after the case record will be submitted to the Sub-Collector.
10. While submitting the case record, the Tahasildar shall pass orders carefully. The order of the Tahasildar shall contain
 - a) The provisions of law on which the case is initiated.
 - b) Name and detail address of the applicant.
 - c) Detail land schedule.
 - d) Eligibility of the applicant.
 - e) Leasability of the suit land.

¹) U/R 5(5) of the OGLS Rule, 1983 2) General notice shall be issued in the prescribed Form No. III. 3) Notice shall be signed with date by the Tahasildar. 4) Court seal and seal of the Tahasildar shall be affixed. 5) P.R No. and date shall be indicated. 6) Name of the applicant, address, purpose of lease and detail land schedule shall be indicated. 7) Beat of drums. 8) By affixing a copy at a conspicuous place in the village in presence of at least two nos of independent witness. 9) If the village is uninhabited, the notice shall be published in the nearest village. 10) Notice shall be published by affixing in the notice board of the Tahasil Office, GP Office, NAC and Municipality Office.

f) Regarding de-reservation (for Gochar land) and change of classification u/r 34

(e) of the OSS Rules, 1962 if required.

g) The Tahasildar shall indicate as to whether the applicant is a Department of the Govt. In such case, alienation shall be made free of all charges in view of the provisions of Rule 283(1) of Orissa General Financial Rule, Vol-I communicated by the Finance Department vide office memorandum No. 26279/F.D dated 09/06/1999. The relevant paragraph is quoted below. “283(1)- When any land or building is transferred from one Department to another of the State Government, the transfer shall be free of all charges”.

h) Calculation of premium, rent, cess and incidental charges payable by the applicant other than a Department of the Govt.

i) Competency of the Officer to sanction the lease shall be reflected as indicated in schedule-II.

Power to Sanction Settlement of Govt Land (Schedule II):

Sl no	In Whose Favour	Officer exercising power	In Rural area	In urban area excluding Bhubaneswar, Rourkela, Sunabeda
1	Landless persons	Tahasildar subject to confirmation by Sub-Divisional Officer	Up to 1 standard acre	Nil

2	Homestead less person	Tahasildar subject to confirmation by Sub-Divisional Officer	Up to 0.10 dec	Nil
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The Secretary to RDC, C.D Cuttack in letter No. 710/Rev.1 dated 02.03.1996 has communicated a check list to all the Collectors to process the lease/ alienation applications before submission of proposal to higher quarters. The Joint Secy. , Board of Revenue , Odisha in his letter No. 2288/Rev-1 dated 22.12.2011 has circulated a check list for scrutiny of proposals for lease/ alienation of Govt. land. The Tahasildars while submitting the lease applications shall fill up the check list and submit the case record along with the check list to the Sub-Collector.

VASUNDHARA SCHEME

Vasundhara is a Government of Odisha scheme(launched in 2005-06) that set out to provide homesteads of up to 10 decimals of land to homesteadless families. To be eligible for a homestead under the scheme one cannot own any other homestead plot, should earn less than 15,000 rupees per annum, and should not possess more than one standard acre of agricultural land.

In 2008, the government reported allocation of 90 percent of land through the scheme, reaching a total of 2.32 lakh households. Following the release of the report, the Rural Development Institute (RDI), a non-profit organisation working since 2008 on land issues in three other states of India at the time, performed an assessment of

Odisha's homesteadless population. The results were alarming as they indicated a huge gap between those eligible under the Vasundhara scheme, and those who had become beneficiaries. In response to their findings, RDI launched a pilot intervention, with government support, in 36 villages of Ganjam, Gajapati and Jagatsinghpur districts to understand the feasibility of obtaining homestead pattas for those families entitled to them under the scheme. The intervention aimed to develop and test an allocation model which could be subsequently scaled up by government and support institutions. The first village to receive homestead pattas for 11 families under the new model was Kharibhanda, Ganjam. The 11 households had without pattas for four decades. With the Revenue Department's support, enhanced local capacity through community resource persons (CRPs), and stakeholder interest, the pilot succeeded. To date, 48 families across 7 villages have received pattas for homestead plots under Vasundhara as facilitated by RDI. The change is sustainable because RDI has helped to build capacity on the ground and enhance farming practices through collaborative efforts. Moreover, plans for the scaling up of homestead allocation through different actors are complete, and RDI's strategies have been adopted to take the process forward.

Objective of the Scheme

- To reduce poverty through land allocation and homestead development.
- To leverage the Vasundhara scheme, implemented by the Government of Odisha, to the benefit of those eligible for homestead plots. Specifically, to enable women, agricultural labourers, and families to obtain access to secure rights to homestead plots

- To ensure that homestead plots are productively utilised to improve food and nutritional security, income, wealth, family status and women's status
- To carefully measure benefits, costs and risks of allocating micro plots to women, agricultural laborers and their families.

The management of land and its distribution to the needy persons are the foremost responsibilities of the Revenue & Disaster Management Department. Government land upto the extent of four decimals was being provided free of premium to each homesteadless family for house site purpose since 1974-75. The maximum extent of land to be distributed has been enhanced to Ac. 0.10 decimals vide Revenue & D.M. Department letter No. 28733 dated 3.7.2008. Vigorous attempts are being made from the highest level of Government down to the field level to expedite the implementation of this important work. This system is being governed under the provisions of Odisha Government Land Settlement Act, 1962 and the Rules, 1983.

All Collectors were requested to take up survey of homesteadless families vide Letter No. 2277/R dtd. 15.01.2004. According to the enumeration conducted in the year 2004-05, as many as 2,49,334 homesteadless families were there in the State. Out of these 2,29,885 number of homesteadless families have been provided with homestead land during three years i.e. 2005-08.

The ceiling of annual income for homesteadless and landless persons has been enhanced from Rs 15,000 to Rs 24,000 vide notification no. 12940, 12944, 12948, 12952 and 12956 dtd. 22.03.2011 of Government in Revenue and DM Department. All Collectors were again impressed upon to take up a fresh survey on a campaign mode to enumerate homesteadless families of the State vide

Letter No. 18923/R&DM dtd. 03.05.2011. It is revealed from Survey Report that there were 1,49,266 number of homesteadless families in the State as on 31.03.2012 out of which 1,15,827 number of homesteadless families have been distributed with homestead land as on 30.04.2013.

Procedure for Settlement of Land under OPLE Act and Rules

Under OPLE Act and Rules the following provisions are made for settlement of land for homesteadless and landless person.

Homesteadless Person

- A person who, together with all members of his family does not have any homestead land anywhere in the State and
- Owns less than one standard acre of land other than homestead and
- Whose total family income does not exceed Rs.40000/-

Landless person

- U/S 3(a-1) Means a person total extent of whose land excluding homestead land together with lands owned by all members of his family who are living with him in common mess is;
- Less than one standard acre and
- Whose total annual income of all members of his family does not exceed 40000/-

As per Sec 4, Levy of Assessment of land unauthorisedly occupied to be done and for For landless persons maximum 5 times the assessment U/S 7 (Eviction, forfeiture and fine)

If the occupier is a landless person, the Tahsildar may instead of eviction, settle the same; provided that

- The land so settled with him together with the land excluding homestead if any owned by him and the lands owned by all members of his family does not exceed one standard acre and
- Shall not include more than 1/10th of an acre as homestead land

Where the land is occupied by a **homesteadles person** and utilized for homestead purposes, tahasildar shall settle the same maxm 1/10th of an acre

- No land will be settled if the land is gochar, rakhit or sarbasadharan
 - If set apart for the common use of the village
 - Used as house site, backyard of temple site
 - Likely to be required for any development purpose
 - Land belonging to any undertaking owned and controlled by Govt
 - Land of other Department
- If the land is in urban area, the settlement will be done by Sub-collector on reference of Tahasildar
- Not more than 1/10th of an acre be settled and only if the person or any member of his family does not have homestead land anywhere in the state or
- The land so occupied is adjacent to his holding and beneficial for use
- The settlement shall not take effect until;
 - The order of settlement made by sub-collector is confirmed by Collect and
 - The person pays the market value of the land assessed by sub-collector
 - Provided that on failure of payment of the market value within the timeline, the person shall be summarily evicted.

- If any land is leasable and in possession of any homesteadless person who is using it as such and residing therein before 10th March 1985, the tahasildar shall settle the land to the extent of 1/25th of an acre with him.

Conclusion:

The successful implementation of various acts, rules and schemes for Settlement of Land for Homesteadless family and landless family in Odisha will lead to good land governance and upliftment of downtrodden and the Revenue and Disaster Management Department is playing the substantial role in it.

References:

1. Odisha Government Land Settlement Act, 1962
2. Odisha Government Land Settlement Rules, 1983
3. Odisha Prevention of Land Encroachment Act, 1972
4. Odisha Prevention of Land Encroachment Rules, 1985
5. www.revenueodisha.gov.in