

By e-Mail/FAX

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LRGEA-POLICY-0015-2018- 28658 /R&DM 2 AUG 2018

From

Dr. C.S. Kumar, I.A.S,
Principal Secretary to Government

To

All Collectors
All Sub- Collectors
All Tahasildars

Sub: Reservation for 'Persons with Disabilities' in settlement of land

Madam/ Sir,

I am directed to say that in order to carry out the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the erstwhile Revenue Department in G.O No. 52082/R dated 11/10/1999 had directed that while making allotment of government land under the OGLS Act & Rules and distributing ceiling surplus lands under the provisions of the OLR Act and Rules, preference should be given to disabled persons within the respective priority categories prescribed under the aforesaid statutes.

2. Similarly, the erstwhile Revenue Department in G.O No. 21097/R dated 03/06/2006 has directed that while making allotment of government land under the OGLS Act and Rules for homestead purpose, preference should be given to orphans and physically challenged individuals who leave the Government supported orphanages and special schools and to consider their cases for allotment of house sites under the project "Vasundhara". However, while disposing of such cases, the competent authorities should not allot house site to any of them if found otherwise ineligible.

3. It may be noted that the above said preferential allotment of house-sites/ agricultural land/ ceiling surplus lands to persons with disabilities within the respective priority categories was specified by Government since there is no provision of reservation for such persons in the relevant Statutes.

4. Recently, the Rights of Persons with Disabilities (RoPWD) Act, 2016 has been enacted by Parliament and notified in the Gazette of India on 28/12/2016. With enactment of this legislation, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has been repealed.

5. Section 37 of the RoPWD Act, 2016 provides as follows;-

“The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(a) five per cent reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.”

6. The “person with benchmark disability” has been defined under section 2 (r) of the said Act as follows:-

“person with benchmark disability” means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;”

7. Further, as per section 2 (zc) of the Act, “specified disability” means the disabilities as specified in the Schedule appended to the Act.

8. The State Government is fully committed to the welfare of the Persons with Disabilities and promotion of equality of opportunity to such persons. Thus, keeping the aforesaid provisions of the RoPWD Act, 2016 in view, the State Government, after careful consideration, have been pleased to decide

that in the settlement of land in the following cases, five per centum thereof shall be settled with persons with benchmark disabilities as defined under the said Act with priority to women with benchmark disabilities, if they are otherwise eligible:-

- (i) settlement of government land with homesteadless persons for homestead purpose under the provisions of the Odisha Government Land Settlement Act, 1962 and rules made thereunder;
- (ii) settlement of government land with landless agricultural labourers for agricultural purpose under the provisions of the aforesaid Act and rules made thereunder;
- (iii) settlement of ceiling surplus land under section 51 of the Odisha Land Reforms Act, 1960 and rules made thereunder.

9. Government have further been pleased to direct that if sufficient number of persons belonging to the aforesaid category are not available in the village in which the lands are available, or being available, are not willing to accept the settlement of land, so much of the land reserved for the said persons as cannot be settled with them may be settled with other persons.

Yours faithfully,

Principal Secretary to Government

28659 /RDM dated 2 AUG 2018
Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

Joint Secretary to Government

28660 /RDM Dated 2 AUG 2018
Copy forwarded to Addl. Chief Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister, R&DM respectively.

Joint Secretary to Government

Memo No. 28661 /RDM Dated 2 AUG 2018
Copy forwarded to Chief Secretary, Odisha/ Development
Commissioner-cum- Addl. Chief Secretary for kind information.

[Handwritten signature]
2/8/18

Memo No. 28662 /RDM Dated 2 AUG 2018
Copy forwarded to Department of Social Security & Empowerment of
Persons with Disabilities, Govt. of Odisha for information and necessary
action.

[Handwritten signature]
2/8/18

Memo No. 28663 /RDM Dated 2 AUG 2018
Copy forwarded to Addl. Secretary in charge of LR (A) Branch/ Joint
Secretary in charge of IMU Cell/ LR (A) Branch/ all seats of LR&GE (A)/ (B)/
(C) Branch of Revenue & DM Department for information and necessary
action.

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2/8/18
Joint Secretary to Government