

Government of Orissa
Revenue & Excise Department

No. Re-I-80/87-48425/R.,
Dated, Bhubaneswar, the 19th August, 1987.

From

SHRI B. C. PATNAIK, I. A. S.,
COMMISSIONER-CUM-SECRETARY TO GOVERNMENT.

To

THE LAND REFORMS COMMISSIONER, ORISSA,
CUTTACK AND OTHERS.

Subject : Issue of pattas in the joint name of husband and wife.

Sir,

I am directed to say that one of the policy directives of the sixth plan was to give joint titles to husband and wife in programmes like distribution of Land and house-sites and beneficiary oriented economic units. But in fact this policy directive has not yet been implemented. In the seventh Five Year Plan, programme Government of India have emphasised the need for in providing equal rights and privileges to women of the society, particularly those in the rural sector through various welfare and developmental schemes to improve their status and living conditions. This important policy directive was also considered in the conference of Revenue Ministers and Revenue Secretaries of all States and Union Territories held on 17th and 18th May, 1985 and the conference recommended that legal provision be made for giving joint pattas in the name of the head of the family and the spouse whenever land is allotted by Government.

2. Settlement of ceiling surplus land as well as Government waste land including house-sites are made under the provisions of the Orissa Land Reforms Act, 1960 and the Orissa Government Land Settlement Act, 1962 respectively. While both these Acts provide for settlement of land, neither of these two Acts stipulates whether the settlement would be made in the name of the head of the male member of the family or his wife or with both. The law only provides that the land would be settled among others in favour of landless-agricultural labourers. In both the above Acts, for the purpose of settlement, the family is taken as the unit and normally such settlement is made in favour of the eligible applicant whether male or female. (Assignment of land in the name of female members is made only in exceptional cases when a lady is a widow.)

3. Government after careful consideration of the suggestion made in the conference of Revenue Ministers have decided that in absence of any specific provision in the laws relating to the sex for the purpose of settlement of land, such settlement in respect of ceiling surplus land as well as Government waste land including house-sites, should be made jointly in the name of husband and wife in all the cases where the spouse is alive. The beneficiaries are, however, required to file an application for joint settlement.

4. Suitable instructions may please be issued to all concerned for information and immediate necessary action under intimation to this Department.

Your's faithfully,

B. C. Patnaik

Commissioner-cum-Secretary to Government