



GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

From No. RDM-LRGEA-CASEHC-0032-2019- 20489 /R&DM dated 05 JUN 2023
Shri Satyabrata Sahu, IAS
Additional Chief Secretary to Government
To
All Collectors

Sub: Guidelines for settlement of land allotted in favour of the ERRP beneficiaries

Ref: This Department G.O No.37565 dated 20.07.1981

Madam/Sir,

I am directed to say that the State Government in the 1980s had launched a massive programme for economic rehabilitation for five lakh poorest families in the State i.e. on an average 10 poorest families per village over a period of five years. The objective of the scheme was to ensure an annual income of not less than Rs.1500/- to each of the identified beneficiaries by providing some steady income generating assets depending on their aptitude and back ground level skill etc. Accordingly, the Government in erstwhile Agriculture & Cooperation Department had issued detailed guidelines in connection with implementation of "Economic Rehabilitation of Rural Poor (ERRP)" scheme vide letter No.33093/CAD dated 21.08.1980. Similarly, erstwhile Revenue Department had also issued detailed guidelines for implementation of the scheme vide letter No. 37565/R dated 20.07.1981.

2. As per the guidelines issued by Government in erstwhile Agriculture & Cooperation Department for implementation of ERRP scheme, Government land up to 2 acres were allotted to the eligible beneficiaries in the State. The target of the programme was to cover all the villages in all the Blocks of the State within a period of five years i.e. 1980- 85. However, after completion of the five year period, encroachment cases were booked against the beneficiaries at some places. Being aggrieved on such action in Balikuda Tahasil of Jagatsinghpur District, a Writ Petition bearing W.P. (C) No. 2102 of 2002 was filed before the Hon'ble High Court by Brundaban Jena & others -vrs- Union of India & others. While disposing of the writ petition, the Hon'ble High Court vide Order No. 34 dated 23.06.2022 directed that "the

Government should take a policy decision on the issue in light of the orders passed by this Court on 3rd March, 2022 and today, the Court further directs that till such time the policy decision is taken, the status quo as ordered by the Court earlier vis-à-vis the Petitioners will continue. The policy decision should be taken within a period of six months from today and in any event, not later than 1st February, 2023."

3. As per Para 3 (d) of the ERRP Guidelines issued by the Revenue Department vide letter No. 37565/R dated 20.07.1981, *"the lands recorded in Abad Jogya Anabadi Khata, when selected for the purpose (ERRP), will be used for annual cropping and should not be used for plantation purposes. Raiyati rights will be conferred on the beneficiaries in respect of these lands in due course."* In para 5 of the said circular, it is mentioned that *"Under the scheme of annual cropping, each beneficiary will be given one and half acres to two acres of Government land to facilitate his economic rehabilitation."*

4. Thus, as per the above guidelines, the lands to be settled with beneficiaries should have been in Abad Jogya Anabadi Khata and the land must have been used for annual cropping by such beneficiary and not to be used for plantation purposes.

5. Similarly, in Para 3 (b) of the above guidelines, it is mentioned that *"for the plantation programme, lands not recorded in the Abad Jogya Anabadi khata should be selected since this will ensure vegetative cover for lands like hill faces, canal banks, road side lands etc. which will otherwise remain barren."* In para 3 (c), it was instructed that *"full raiyati rights will not be given in respect of the lands mentioned in (b) above. Instead, only dafayati right will be conferred on the beneficiaries at the appropriate time."*

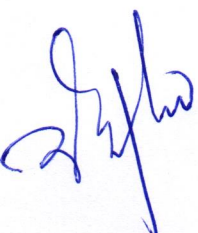
6. Again in Para-8, it is indicated that dafayati rights can be conferred on the following conditions;

- a) *The beneficiary will not have any right over the land.*
- b) *The land will be used only for implementation of the scheme and not otherwise.*
- c) *The beneficiary will have no right to cut any tree in the plantation area but will be entitled to take the timber of any dead tree therefrom.*
- d) *The benefits conferred under these orders are heritable. The plantations are also transferable only in favour of similar beneficiaries (and not outsiders) with approval of the Tahasildar.*
- e) *The beneficiary shall not transfer, sub-let or otherwise dispose of the land in any other manner.*

- f) *He shall not in any way substantially reduce or destroy the productive capacity of the land or make it unfit for productive use.*
- g) *He shall not raise any permanent structure over the land but may put up temporary hut or shed for his stay and to provide protection to his animal and plantations.*
- h) *He should maintain the plantation and provide necessary protection to the area as may be instructed by the officers and staff of the concerned Directorate.*
- i) *On conferment of dafayati right, an annual fee of one rupee per tree will be levied on each beneficiary by the Tahasildar.*
- j) *So long as the plantation remains the property of the beneficiary, Government may, after duly notifying him, use the land for any public purpose which is not inconsistent with this scheme and which does not create any difficulty for the beneficiary in enjoying full benefits from the plantation.*
- k) *So long as the above and other terms and conditions as may be determined by the Agriculture and Co-operation Department for facilitating or expediting implementation of the scheme are satisfied, the plantation will remain the property of the beneficiary. If they are not strictly followed, the benefits conferred under these orders will be withdrawn by the Collector. In such an event, no compensation will be payable to the beneficiary and he will be liable for eviction from the plantation area.*
- l) *The plantation may be resumed by the Government at any time if the land on which it is raised or plantation itself is required for a public purpose. In such an event, compensation for the plantation will be payable by the Government in accordance with the principles laid down in the Land Acquisition Act, 1894."*

4. Keeping the above facts in view and in obedience to the order dated 23.06.2022 of the Hon'ble High Court passed in W.P. (C) No. 2102 of 2002, the Government, after careful consideration, have been pleased to lay down the following guidelines relating to conferment of Dafayati Rights and settlement of land in favour of the ERRP beneficiaries;

(a) The land which was recorded in Abad Jogya Anabadi khata at the time of allotment and continuing as such **in the same khata** and presently being used for annual cropping purpose may be settled, if not settled yet, in favour of the original beneficiary or his successor- in- interest up to the extent allotted under the ERRP scheme.



(b) If the land was recorded in Abad Jogya Anabadi khata at the time of allotment but is presently recorded in some other Khata, **the kism being un-objectionable** and presently being used for annual cropping purpose, in that case, the competent revenue authority may bring back the land to Abad Jogya Anabadi khata by following due procedure and settle the same with the original beneficiary or his successor- in- interest up to the extent allotted under the scheme.

(c) If the land was recorded in Abad Jogya Anabadi khata at the time of allotment but is presently recorded in some other Khata, the **kism being objectionable** in nature, **except forest kism** and presently being used for annual cropping purpose, in that case, the Tahasildar shall verify as to how the kism was changed in RoR, whether due to settlement proceedings under OS&S Act, 1958 or due to consolidation proceedings under OCH&PFL Act, 1972, then steps may be taken to file Revision Case before the appropriate authority under the respective Acts to bring back the land to Abad Jogya Anabadi Khata after which the land may be settled with the original beneficiary or his successor- in- interest up to the extent allotted under the scheme.

(d) All the settlement of un-objectionable government land as aforesaid shall be made under the provisions of the OGLS Act, 1962 and Rules made thereunder. While settling government land with the beneficiaries or with their successors- in- interest, the eligibility of the persons like income criteria, extent of land held by them shall be taken into consideration.

(e) The land **which was not recorded in Abad Jogya Anabadi khata** at the time of allotment, but allotted for plantation purpose and presently being used as such, shall not be settled in favour of the beneficiary. Instead, only dafayati right, which was earlier conferred, will be continued in favour of the original beneficiary or his successor- in- interest up to the extent allotted under the ERRP scheme.

(f) The land which was recorded **as Forest** at the time of allotment or recorded as forest at present, shall not be settled with the beneficiaries. However, the plantations if raised any and the dafayati rights conferred thereon may be continued as such. The beneficiaries may be allowed to enjoy the benefits of the dafayati rights.

(g) However, if the original beneficiary or his successor-in-interest is eligible for conferment of individual forest rights under the ST&OTFD (RFR) Act, 2006, then steps may be taken to settle the same land under FRA Act by following the procedure of the said Act.

(h) In case the allotted land is remaining vacant or having very less number of surviving trees, then Agriculture & FE Department in consultation with Forest,

Environment & CC Department, in case of forest land, may provide necessary support/ assistance to the beneficiaries or their successors-in-interest to re-generate the plantations.

(i) If the plants are old and senile and cannot produce economically, then suitable plantation can be regenerated in the field on the guidance of the technical officers of the Agriculture & FE Department and Forest, Environment & CC Department, in case of forest land.

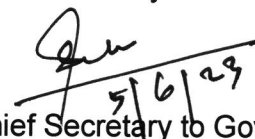
(j) In case the land allotted under ERRP scheme is being used for any purpose other than the purpose for which it was given except the uses **permissible under the scheme** like putting up temporary hut or shed for his stay and to provide protection to his animal and plantations, the occupation shall be treated as unauthorized occupation of government land and steps shall be taken under the provisions of the OPLE Act, 1972 and Rules made thereunder to evict the person in occupation.

(k) If the land is under occupation of any person other than the person in whose favour the land was allotted, then also the occupation shall be treated as unauthorized occupation of government land and steps shall be taken under the provisions of the OPLE Act, 1972 and Rules made thereunder to evict the person in occupation. However, if the person under occupation of land is a similar beneficiary in whose favour the land/ plantation was subsequently transferred by the original beneficiary after obtaining permission of the Tahasildar as per the guidelines, such person shall not be evicted.

(l) The plantation land may be resumed by the Government at any time if the land on which it is raised or plantation itself is required for a public purpose. In such an event, compensation for the plantation will be payable by the Govt. in accordance with the provisions of the RFCTLAR&R Act, 2013 and rules made thereunder.

Appropriate instruction may be given to the field level officials to implement the above guidelines in letter and spirit.

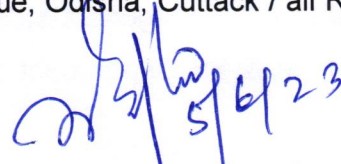
Yours faithfully

A handwritten signature in black ink, followed by a horizontal line and the date '5/6/23' written below it.

Additional Chief Secretary to Government

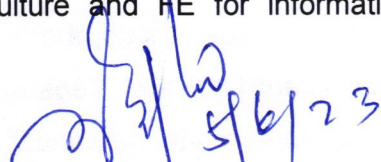
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Special Secretary to Government

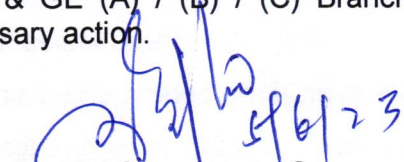
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Copy forwarded to Department of Agriculture and FE for information and necessary action.


Special Secretary to Government

Memo. No. 20492 /R&DM, Dated 05 JUN 2023

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Special Secretary to Government

