

SIKKIM

GOVERNMENT



GAZETTE

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GOVERNMENT OF SIKKIM
LAND REVENUE & DISASTER MANAGEMENT DEPARTMENT

No.: 20/LR&DMD/2001-02/Part II/24/(R)

Dated: 03/09/2011.

NOTIFICATION

Whereas the State Government has deemed it necessary to provide land to the local Sukumbasis (land less) in the rural areas by allotting 0.25 acre of land to each of the Sukumbasis for construction of dwelling house, cultivation and other allied activities with a view to raise the income of such Sukumbasis and bring them above poverty line;

And whereas it has been felt necessary to formulate a Scheme prescribing the method and manner of its implementation:-

Now, therefore, the State Government is hereby pleased to formulate the following Scheme with a view to provide land to the Sukumbasis as under, namely: -

Short title and commencement 1. (1) This Scheme may be called the Sikkim Sukumbasi (Landless) Welfare Scheme, 2011

(2) It shall come into force at once.

Definitions

2. In this Scheme, unless the context otherwise require: -

(a) "beneficiaries" means the identified Sukumbasis who are entitled to receive land under this Scheme;

(b) "Department" means the Land Revenue and Disaster Management Department, Government of Sikkim;

(c) "District Collector" means the District Collector of a particular District;

(d) "Form" means the Form appended to the Scheme;

(e) "Sukumbasi" means a person who fulfils all the eligibility condition prescribed under paragraph 3 of the Scheme;

- (f) “Lessee “means the beneficiary;
- (g) “Lessor” means the Government of Sikkim;
- (h) “Government” means the State Government of Sikkim in the Land Revenue and Disaster Management Department.

Eligibility Condition

3. A Sukumbasi claiming the land under the Scheme shall fulfill the following eligibility conditions, namely:-
 - (i) he/she must be a head of the family of a Below Poverty Line household;
 - (ii) he/she shall hold a Sikkim Subject Certificate or Certificate of Identification;
 - (iii) he/she must not own any landed property registered in his/her name; the above condition shall however be relaxed in the case of a person declared by the Government as displaced by disaster and has no land to build his/her dwelling house;
 - (iv) there should not be any inheritable landed property in his/her father’s name.

Mode of application

4. Any Sukumbasi desirous of applying for the allotment of land fulfilling the above Eligibility Criteria may apply for allotment of land under the Scheme in the prescribed form to the District Collector concerned. The applicant shall briefly state in the application the reason of having become a Sukumbasi.

Scrutiny and finalization of list

5. (1) On receipt of the application in the prescribed form, the District Collector concerned shall cause the scrutiny of the applications.

(2) The accepted applications shall then be segregated Gram Panchayat Unit wise and sent to the President of the Gram Panchayat Unit concerned in the last week of every month for verification and authentication.

(3) The President and the members of the Gram Panchayat Unit shall place the applications before the especially convened Gram Sabha for the purpose for scrutiny and authentication. The reason for rejection of any application shall clearly be recorded in the minutes of the Gram Sabha and the President or the Ward Panchayat will endorse in the application that the application has been rejected by the Gram Sabha on valid grounds. The President will place the list of selected persons before the Purchase Committee.

Purchase Committee

6. (1) There shall be constituted a Purchase Committee (hereinafter referred to as the Committee) at each of the Gram Panchayat Unit level consisting of the following members, namely:-

(a) President of the Gram Panchayat Unit	President
(b) All members of the Gram Panchayat Unit	Members
(c) President of the village Vigilance Committee	Member
(d) Rural Development Assistant of the Gram Panchayat Unit	Member
(e) Revenue Supervisor of the Gram Panchayat Unit	Member

Selection of land

7. (1) The beneficiary shall be allowed to select a suitable land for purchase and allotment to him/her within the Gram Panchayat Unit or elsewhere at his/her

choice. After finding the suitable land of his/her choice, the beneficiary shall obtain the willingness of the seller to sell the land at the Government notified rate.

(2) Whenever the beneficiary is not able to find out a suitable land within one month from the date of approval by the Gram Sabha, the Committee will assist him in finding out a suitable land within the Gram Panchayat Unit.

(3) Whenever a piece of suitable land is available for purchase, the same shall be purchased for allotment to the beneficiaries. Whenever the piece of land is to be allotted to more than one beneficiary then distribution of the same would be done on the basis of 'draw out of lot'

(4) While making purchase of the land the Committee shall ensure that the land is suitable for construction of house for residential purpose, and agricultural and allied activities.

(5) The Committee shall also obtain the consent of the seller in writing to sell his land at the Government notified rate and make sure that the land is free from all encumbrances.

Approval for purchase of land

8. (1) The Committee will forward the applications to the concerned Block Development Officer, who shall along with the Revenue Officer inspect the land and assess the suitability of the land after which they shall submit a joint inspection report to the District Collector concerned along with the No Objection Certificate from the land owner if they found that the land is suitable for the Scheme.

(2) The District Collector concerned, on receipt of the inspection report, may accord approval for purchase of the land at the Government notified rate.

Transfer of fund

9. The District Collector concerned, will submit to the Head Office, a list of the beneficiaries and the quantum of land to be purchased for them for immediate transfer of the required fund. On receipt of the fund the District Collector concerned in turn will release the compensation to the land owners. The details of fund utilized in a financial year shall be submitted to the Head Office by the District Collector concerned, within the same year without which the next instalment would not be released by the Head Office.

Lease agreement

10. A lease agreement shall be executed between the Government of Sikkim through the Department of Land Revenue and Disaster Management and the beneficiary for leasing out the land to the beneficiary for a period of 99 (ninety-nine) years subject to the terms and conditions specified in the lease agreement.

Mutation of land

11. The purchased land shall be mutated in the name of the Department along with the words "Sikkim Sukumbasi Welfare Scheme" under the primary ownership column of the Land Records. The name of the beneficiary and his/her spouse shall be recorded in the remarks column of the land records as a secondary holder.

- General issues** 12 (1) The department shall forward the list of the beneficiary to the Rural Management and Development Department for implementation of livelihood Scheme and programmes to the beneficiaries on priority.
- (2) Any fees / charges for the registration of the land under this Scheme will be borne by the Government.
- (3) Upon any breach of the terms and conditions of the lease agreement by the lessee, the lessor shall have the right to terminate the lease agreement based on the verification and adverse report of the District Collector concerned, and the land shall be reverted to the Government free from any encumbrances.
- (4) On the death of the lessee the legal heirs to the lessee may apply to the District Collector concerned for transfer of the lease in their name for the remaining part of the lease period which will be executed immediately if there are no adverse reports against the claimant.
- (5) The claim for Sukumbasi Scheme is to be preferred as a privilege and not as a matter of right.
- Rate of land** 13 The rate of land to be purchased under the scheme would be ₹. 6,91,000/- (Rupees six lakhs ninety one thousand only) per acre.
- Repeal & Saving** 14 This Notification shall supersede all previous notifications on the matter including any amendments to such notifications. However, for purchase of land other than the purpose covered under Sukumbasi Welfare Scheme, the provision of existing notification may be followed.
- Interpretation** 15 If any question arises to the interpretation of the provisions of this Notification, the decision of the Government shall be final and binding.

**Commissioner Cum Secretary
Land Revenue & Disaster Management Department.
File No. 20/LR/2000-01/Part-II**