

LAND ALLOTMENT POLICY - 2013

*A Framework for Judicial Land Utilization in
Andaman and Nicobar Islands*



**Department of Revenue
Andaman and Nicobar Administration
October 2013**

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The Background

A. The Background

There is no comprehensive land allotment policy for the ANI administration and the approach so far has been based on case by case basis based on the individual proposals for allotment of land by the user agencies. This approach has often resulted in allotment of land in excess than what is required in a place where land is one of the scarcest resource vested with the administration. Also, it needs to be mentioned that many user agencies which have got the land allotted in their name could not maintain it properly and with due diligence resulting in a creeping encroachment which has alienated the land from the agency to which it was originally allotted for a definitive public purpose.

In order to regulate the allotment process and to establish a systematic approach towards land allotment, the following issues that prompted the Department of Revenue in framing this policy are brought out below:

1. Multiple department and agencies are requisitioning for the allotment of land, for developmental purposes (Industries, Energy, IT, Tourism, Education, Housing etc.), Defense and for social purposes (Welfare Departments, NGOs, Political parties etc.)
2. There are no uniform guidelines on fixation of premium/license fee to the allotted land.
3. There is no established mechanism to effectively monitor whether the land is utilized within the prescribed time, for the purpose it was allotted.
4. In many cases, the allotted land is either lying unused or under encroachment in violation of the purpose for which land is allotted.
5. The existing land use pattern of Port Blair town is a mix of residential, industrial, agricultural, defense, commercial, institutional, common utility and open space.

6. The above pattern has developed naturally and the residential, industrial, agricultural, defense, commercial, institutional and also the green area have practically defined themselves.
7. Infrastructure (road, electricity, water supply etc.) has followed rather than preceded these developments.
8. Settlement pattern of these islands are quite different from elsewhere.
9. Population is not concentrated in a particular abadi area encircled by lal dora but it is dispersed throughout the area of the village.
10. Home stead pattern of settlement has emerged whereby the houses of the farmers are situated on their agricultural lands.
11. The Home stead pattern of development has resulted in concomitant and defused spread of infrastructure ie. Roads, electricity lines and water supply.
12. It has been experienced based on past precedences that a chicken-egg causation develops while processing any proposal for allotment of land which is : The requisitioning Govt. agency/department has shown their inabilities to get the grant/fund for future developmental projects until and unless the required land is allotted to them at the first hand whereas there are precedences in the past where the land is allotted to a user department but could not be utilized for the intended purpose till date which leads to encroachment of land.

Existing Mechanism

B. Existing Mechanism

Request by concerned Department /Organizations/Institution.



Proposal from concerned Tehsildar.



Recommendation of Assistant Commissioner.



Case processed by Deputy Commissioner.



Sent to Revenue Section of Secretariat.



Submitted to Lieutenant Governor for approval through
Commissioner-cum-Secretary (Revenue) and Chief Secretary.

After Lieutenant's Governor's assent, licence/order is issued under
Section 146 of the A & N Islands Land Revenue and Land
Reforms Regulation, 1966 read with Rule 164 of A & N Islands
Land Revenue and Land Reforms Rules, 1968.

Goals and Objectives

Goals

The Goal of the Land Allotment Policy is to ensure judicious land allotment to the user agencies based on a well reasoned consideration on the wholesome future developmental prospects of the Island.

Objectives

1. To ensure optimal and judicious utilization of the scarce land resource in Andaman and Nicobar Islands UT by satisfying the developmental needs of the various user agencies namely Departments under Andaman & Nicobar Administration, Defence, Societies, Charitable trusts etc.
2. To ensure that the land allotted for a public purpose or for National security purpose is in tandem with the land utilization pattern on ground in order to resolve the present inconsistencies in the land allotment.
3. To take into consideration the local sentiments, cultural heritage, tourism potential etc in the process of land allotment. In other words, a collective and well reasoned decision after taking opinion from multiple stake holders.
4. To promote a well coordinated approach in land allotment in order to maximize the developmental benefits arising out of the developmental departments in the vicinity of the allotted area.
5. To take into consideration the Andaman & Nicobar Islands UT specific factors in the decision making process on land allotment viz. CRZ, Forest and Ecosystem preservation Defence considerations, Flight Safety etc.
6. Last but not the least, to inculcate a sense of responsibility on the user agencies and make them accountable for the maintenance of the land allotted to them and prevent it from encroachment and misuse.

Guiding Principles for the Land Allotment Policy 2013

D. Guiding Principles for the Land Allotment Policy 2013

The Administration feels that there is a need to revisit the existing system and guidelines in regard to allotment of land to various departments/organizations/institutions/individuals etc. adopting the fundamental principles of judicious allotment of land and effective monitoring of its utilization.

The guiding principles for the allotment of land under the new policy are as under:

I. Scientific and Judicious Allotment of Land

(i) The Government land shall be allotted only for public purposes. For this purpose, the term 'public purpose' means

- A. Strategic purposes e.g. armed forces, national security
- B. Infrastructure and industry: where benefits largely accrue to the general public
- C. Land required for a Relief and Rehabilitation purposes after any Calamity R&R
- D. Village or urban sites : planned development – residential purpose for the poor and educational and health schemes
- E. Land for private companies for public purpose
- F. Infrastructural Needs arising from any developmental projects, rural development, tourism development projects, disaster/natural calamities viz., Electricity, Communications, Water Supply, Roads, Bus Stands, Education, Health and such other categories as may be notified by the Government from time to time.

(ii) Land Utilization Pattern of the already land to the user agency to be taken into account for further land allotment.

(iii) No land allotment to any user agency if their Land Utilization is less than 50% of the land allotted to them.

II. Land Allotment for Government Agencies and Eligible Societies

The following agencies can be allotted land upon satisfying the other norms and conditions laid down in this policy :

1. Department of UT Administration
2. Central Govt. Departments
3. Defence/MOD
4. PRI Municipalities
5. UT Administration undertaking/Corporations/ Companies
6. Societies funded, managed and controlled by the UT Administration/
Central Govt.
7. Undertaking/Corporation/Companies controlled and managed by
Central Govt

III. Collective Decision on Land Allotment through Andaman and Nicobar Land Allotment Committee (ANLAC)

As land allotment is a demand driven process involving multiple factors for consideration namely Town Planning, Sanitation, Environmental and Forest Law considerations, Public Opinion, etc a committee is constituted with the following composition vide Administrative Order No. _____?

Sl.No	Official	Designation
1	Commissioner cum Secretary, Revenue	Chairman
2	Secretary, Agriculture	Member
3	Secretary, Town and Country Planning	Member
4	Principal Chief Conservator of Forest	Member
5	Adhyaksha of the Concerned Zilla Parishad	Member
6	Deputy Commissioner of the Concerned District	Member Secretary

1. The Committee shall be vested with the powers to recommend land allotment for Public Purpose, with the task of monitoring the utilization of land for the intended purpose and resumption of land in case of violation of conditions. The PCCF or his nominee will be a permanent member of the A&N Land Allotment Committee (ANLAC) to advise on the likely environmental hazards and the impact assessment.
2. The Chairman, ANLAC is authorized to invite any Officer/Expert as a special invitee for the meeting of the Committee depending upon the nature and circumstances of any proposal.
3. The ANLAC may also engage a Third Party Agency for appraising large and complex projects from the point of justification of the extent of land sought and of the environmental and zonal regulations.
4. The ANLAC shall establish an online Land Bank, where the comprehensive information on Government land, allotted land and land available for allotment shall be hosted along with accurate survey maps.
5. Protection of Government lands : An appropriate budget shall be provided to the ANLAC every year, for protecting the Government Revenue Lands either by fencing or compound wall and for ensuring legal protection of all Government Lands under litigation.
6. The committee shall meet on a bimonthly basis and decide on the various proposals for land allotment with the concerned DC's.

IV. Rational Norms on the premium or license fee of the allotted land

The following user agency could be allotted land free of premium

1. Department of UT Administration
2. Central Govt. Departments
3. Defence/MOD
4. PRI's/PBMC

5. Societies funded, managed and controlled by the UT Administration/Central Govt. and UT Administration undertaking/ co-operative companies could be allotted land at the prevailing market rates.

V. Consideration of various Environmental Regulations, Zonal Regulations and Judicial Orders

As the environmental and zonal regulations in regard to land use are matters governed by a statute or delegated legislation/regulations, they ought to be taken into consideration before allotment of land for a specific purpose. The administrative department and the ANLAC shall therefore invariably ensure that the statutory regulations are strictly complied with in this regard.

VI. Regular and Effective Monitoring

1. The primary responsibility of monitoring the utilization of Government Revenue lands allotted to the various agencies rest with the concerned Deputy Commissioners. They may get physical verification reports for every quarter of the year regularly from their district/sub-divisional/Taluk level officials and initiate appropriate action against deviations.
2. The DC's shall also maintain a Register of the lands allotted to various organizations (Private/ Public) and send regular periodical reports on the utilization of the lands allotted for the intended purpose.
3. The ANLAC will periodically review the over all allotment and utilization of the land and may seek for a quarterly report on the utilization of the land allotted to various user agencies.
4. The land allotments already made shall be reviewed by the respective DC's regarding compliance of the conditions of the

allotment. The DC concerned shall submit the result of such review to the ANLAC for appropriate action.

VII. Norms on the nature of ownership.

1. **Allotment of Government Lands** will be initially made on certain Terms and Conditions which if violated will lead to resumption of land back to the Government.

VIII. Resumption of land :

Whenever it comes to the notice of the administrative department, the Deputy Commissioner or the Revenue staff, that the allottee has violated any condition of alienation or conditions specified in the Memorandum of Understandings, proceedings of resumption of land shall be initiated after giving reasonable opportunity to the allottee to explain the alleged violation/deviation under the relevant provisions of ANI LR&LRR, 1966.

Procedure to be Adopted for Allotment of Land

E. Procedure to be adopted for allotment of land

The following basic principles shall be observed with regard to application for allotment of land and its processing.

1. Applications for allotment of land shall be made in the format prescribed by the office of the revenue department and shall be submitted to the Deputy Commissioner. The format is Annexed. See Annex A.

2. The office of the DC shall scrutinize the application following the norms prescribed and forward with their recommendations to the DC of the District within 15 days.

1. The DC shall arrange for inspection of the land and for enquiry and forward the application with specific recommendations to the ANLAC within 30 days along with its market value.

2. The ANLAC shall scrutinize the application/proposal and make their recommendation to the Administration/ Government within 30 days.

1. The Administration/Government shall issue final orders on the application, as far as practicable within a period of 60 days .

2. The following conditions have to be fulfilled by the Allottee to continuously enjoys the benefits of the land allotted to the allotted department/agency/organization:

i. Land use shall not be changed for any purpose other than the purpose for which it has been allotted.

ii. Interest over the land shall not be transferred unless permission of competent authority is sought.

iii. Land allotted shall be put into use for which it was allotted within two years failing which such an allotment shall be cancelled.

1	Name of the Requisitioning Department	
2	Extent of Area Sought for Allotment	
3	District, Sub-Division, Tehsil and Revenue Village in which the proposed revenue land is located	
4	Survey Number of the Proposed Revenue Land	
5	Whether Administrative Approval is taken? If so, attach the documents showing the Administrative Approval of the Competent Authority. (For agencies not under ANI Admin - attach relevant orders that Confers the powers of the authority issuing Admin Approval)	
6	Minimum Requirement Certificate issued by the official holding Estate Officer Powers in the concerned department	
7	Report of the Joint Inspection Team (constituted by the HoD certifying the land suitability)	
8	Have you attached the Colored Washed Sketch of the duly certified demarcated map provided by the Tehsildar concerned	
9	Attach the Brief Project Report of the purpose for which land allotment is sought for	



Signature
Head of the Department