

**INTERIM REPORT**  
**OF THE**  
**NATIONAL COMMISSION ON**  
**AGRICULTURE**  
  
**ON**  
**HOUSE—SITES**  
**FOR LANDLESS AGRICULTURAL LABOURERS**



**GOVERNMENT OF INDIA**  
**MINISTRY OF AGRICULTURE**  
**NEW DELHI**  
**(AUGUST 1972)**

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GOVERNMENT OF INDIA  
VIGYAN BHAVAN ANNEXE,  
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## SUMMARY OF RECOMMENDATIONS

### HOUSE SITES PROGRAMME—NEW DIMENSION

1. The twin problems of security of shelter and means of livelihood of the landless agricultural labour and artisans should be tackled simultaneously. The rural landless should be provided with supplementary means of income in subsidiary occupations wherever possible to enable them to improve their living standards and to bring them into the mainstream of the productive process. The house site should be sufficient to enable the labour family to follow a suitable subsidiary avocation.

(Paragraphs 4.4 and 4.5)

2. With a view to providing house sites adequate for taking up various subsidiary occupations, the Scheme of the Ministry of Works and Housing should be modified as under:

(a) In thickly populated semi-urban areas, the area of house site may range between 100 sq. yds. to 150 sq. yds.

(b) Where relatively more land is available and space can be provided for a cattleshed or poultry or piggery or village industry alongwith the site for a house, the area may range between 250 sq. yds. to 300 sq. yds.

(c) Where adequate land is available and water can be provided for vegetable growing, the area may be around 500 sq. yds.

(Paragraph 4.8)

3. Wherever the scheme is taken up for allocation of house sites, the development of land should form part of the scheme. Wherever vegetable growing could be taken up as a subsidiary occupation, the State must provide adequate means of irrigation e.g., community wells from the irrigation programmes, for the purpose. The development should also include provision of drinking water, drainage, roads and communications for the colony. This development should be viewed as a part of the larger programme of rural development.

(Paragraphs 4.9 and 4.10)

4. The planning of subsidiary occupation should be properly dovetailed with the provision of house sites, the type of occupation depending on the operation of the various programmes in the particular area. (Paragraph 4.11)

## ADMINISTRATION

5. An accelerated programme of providing house sites should be taken up. The house sites, the housing and the subsidiary occupation programmes should be planned and coordinated effectively for concerted development and sustained impact on the economy of the landless agricultural labourers and artisans. (Paragraph 5.1)

6. The planning authorities at State and district levels should be made responsible for interdepartmental coordination. (Paragraph 5.2)

7. It will be desirable to have a separate Rural Housing Board in each State to supervise the implementation of the programme and laying down general guiding principles. The Board should have special interests represented on it and have effective links with Zila Parishads, Panchayat Samitis and Village Panchayats. It is desirable that the existing Rural Housing Cell is merged with the proposed Board and acts as its secretariat. The Cell should be adequately strengthened to draw up individual projects under this programme and implement them. (Paragraph 5.3)

8. The entire programme of providing house sites should be time-bound and completed in a phased and planned manner. A programme for half a million households should be taken up annually for the next 10 years. (Paragraph 5.4)

9. The Department of Social Welfare should adopt the scheme of the Ministry of Works and Housing as modified in this Report and implement it as a Centrally sponsored programme. (Paragraph 5.5)

10. A programme for three million landless Scheduled Caste and Scheduled Tribe families should be taken up and completed in the next 10 years. Similarly, a programme for another two million landless agricultural labour families belonging to other sections of the landless should be taken up for implementation during the same period. (Paragraph 5.6)

11. In order to ensure adequate planning, the State Governments should, on a priority basis, collect data relevant to the implementation of the programmes, from the areas where these are to be launched. (Paragraph 5.7)

12. The programme should be linked with the programmes of SFDA/MFAL. In the MFAL areas particularly, the first priority must be given to this scheme to enable the labour family to derive the benefits of the MFAL Project. (Paragraph 5.8)

13. In every district where there are subsidiary occupation schemes, the house sites programme should be built-in to make the landless labourer eligible for and capable of utilising the assistance available from these schemes. (Paragraph 5.9)

14. Panchayat lands should be utilised for providing house sites under this programme. (Paragraph 5.10)

15. The house sites should be near the village and if necessary, lands adjacent to the village *abadi* belonging to private owners should be acquired through outright purchase or in exchange of Government or common lands. Appropriate rules should be framed for expeditious acquisition of land for house sites. (Paragraphs 5.11 and 5.12)

16. The provision in the Scheme of the Ministry of Works and Housing that the landless Scheduled Caste and Scheduled Tribe families should be interspersed along with other families being allotted house sites is reiterated. (Paragraph 5.13)

17. Alongwith the programme for provision of free house sites, facilities will have to be given to the landless labour families for house construction on the sites allotted to them. For this, suitable programmes of assistance will have to be drawn up. (Paragraph 5.14)

### FINANCING

18. An estimated investment of about Rs. 22.5 crores for three lakh landless Scheduled Caste and Scheduled Tribe families and about Rs. 15 crores for two lakh landless families belonging to other sections of the population may be required annually to meet the cost of acquisition of land and development of house sites. (Paragraphs 5.15 and 5.16)

19. For a programme of house construction, the feasibility of routing funds through the Rural Housing Boards may be explored.  
(Paragraph 5.17)

20. The financial assistance for construction can be given as loan to those landless families who are in a position to repay and those whose economic condition can be improved through the provision of subsidiary occupations. Where it is not possible to put the families on a subsidiary occupation programme, they may be given the benefit of construction subsidy. The subsidy programme for the Scheduled Castes and Scheduled Tribes has to be viewed as a special case and continued.

(Paragraph 5.20)

21. The beneficiaries of house sites may require long-term loans on easy terms of payment for house construction. The possibility of making available the facilities of differential interest rates for the weaker sections may be explored for this purpose.

(Paragraph 5.21)

## LEGISLATION

22. The provision in the Scheme of the Ministry of Works and Housing requiring the States to enact suitable legislation for conferring homestead rights on priority basis is reiterated. Conferment of these rights under the enactment should be speeded up. Wherever the site for the homestead is insufficient for a subsidiary occupation, the labour family should be made entitled to benefit from the scheme suggested in the Report.

(Paragraph 5.23)

23. All States should review the enactments and plug loopholes or remove such limitations in the prevailing laws which affect the programme of providing house sites to landless agricultural labour and rights of homestead on priority basis.

(Paragraph 5.24)

24. The rights conferred in homestead should be heritable.

(Paragraph 5.25)

25. The provision in the scheme of the Ministry of Works and Housing against alienation of the allotted house site to a third party is commended.

(Paragraph 5.26)

## SECTION I

### INTRODUCTION

1.1 The amelioration of the conditions of the agricultural labour has come urgent in the context of ensuring social justice to this section of the population which is considered to be at the lowest economic level in the country. The Terms of Reference given to the National Commission on Agriculture include a study of the problems of the agricultural labour in the context of social justice, equality of opportunity and participation in agricultural production. The Commission has been specially asked to submit its interim recommendations on the problems of small farmers, marginal farmers and agricultural labour. We have dealt with some aspects of the problems of this section of the population in our Interim Reports on Credit Services and Milk Production. This Interim Report deals with the provision of house sites to landless agricultural labourers and artisans which would enable them to participate in production and share in the benefits arising therefrom.

1.2 The problem of provision of homesteads to the agricultural labourers has hitherto been tackled as a simple problem of providing a roof over their head. When we look at the entire problem of the rural economy and the place that the agricultural labourer will occupy in it in the future we may have to adopt a much more comprehensive approach to this problem than merely providing a roof over the head of the family. In order to bring their economic position to a reasonable level, it is necessary to plan for various occupations for the landless agricultural labourers to enable them to supplement what they earn from labour. Milk production, poultry keeping, vegetable gardening are some activities which can be undertaken on limited amounts of land and which at the same time, give sufficient subsidiary income to the families. The landless artisans can also have better employment opportunities in the rural areas as carpenters, potters, tailors, blacksmiths, etc. But for all this, they should have not only a house to live in but also some additional space for pursuing their avocations. The provision of subsidiary occupation for the landless agricultural labourers brings this section into the mainstream of productive process. It increases



employment and adds to production, which are major objectives of our agricultural development. At the same time, the subsidiary occupation, which we are advocating will give him the much needed supplementary income and go towards improving his economic position. Further the possession of a homestead land and a house on it will facilitate the flow of various forms of assistance to this section of the population. A permanent right to a small piece of land where the agricultural labourer can build a shelter and follow an avocation will have an immediate impact on his social status and give him greater stability in life. We believe that all this will also improve his bargaining position *vis a vis* the landowner in the matter of wages.

1.3 An ambitious house sites programme is being launched in the country. The Commission feels that this very programme if suitably oriented, can be used to provide additional income and employment in the rural areas. We have, therefore, selected this subject for Interim Report. If at the time of allocating the house sites, the requirements of other occupations are not taken into account, there may be difficulty in obtaining additional space later.

1.4 The Commission issued a limited questionnaire to the States and Union Territories to elicit their views on this problem. The questionnaire is reproduced at Appendix I. The Commission also had detailed discussions with the representatives of the Ministry of Works and Housing, Department of Social Welfare and State Governments of Orissa, Mysore, Rajasthan and Uttar Pradesh. In analysing the problem and examining the possibilities we have taken into consideration these discussions and the replies to the questionnaire received from the State Governments and Union Territories. Our basic approach to the problem of providing house sites to the landless agricultural labourers and our recommendations are given in this Interim Report.

## SECTION II

### THE PROBLEM

2.1 According to the 1961 Population Census, nearly 70 per cent of the labour force was engaged in agriculture. There has been little change in this proportion during the decade 1961-71. In 1961, there were 31.5 million agricultural labourers forming 16.7 per cent of the total working force; in 1971 their number was 47.3 million, constituting 25.8 per cent of the total working force.\* This may be seen from the statement at Appendix. II.

2.2. Agricultural labour constitutes the poorest sections of the rural population. According to the All-India Rural Household Survey conducted by the National Council of Applied Economic Research (1963), agricultural labour households were at the lowest rung of the income ladder in rural areas. The enquiries conducted by the National Sample Survey during 1956-57 and again during 1963-64 into the employment, earnings and consumer expenditure of agricultural labour households have revealed that about 60 per cent of the labour households had no land and that they were depending almost entirely on wage paid manual labour for their living having no other means of livelihood. Even the remaining 40 per cent which cultivated small pieces of land depended mainly on wage employment in agriculture or outside agriculture. Nearly three-fourths of the labour households worked as casual labourers as and when work was available during the season and remained largely unemployed during the rest of the year. The remaining one-fourth were attached labourers working for a single employer under some kind of contract (extending to at least a period of one year) the nature of which varied from a proper agreement of an annual farm servant to the feudal tie of a bonded labourer.\*\*

2.3 Analysing the consumer expenditure of agricultural labour households in 1956-57, it has been estimated\*\*\* that

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\*The definitions adopted for working force in the two Censuses are not uniform; comparable figures are not yet available.

\*\*\*"Poverty in India" Prof. V.M. Dandekar and Nilakantha Rath (1971, p. 13)

\*\*\*Ibid (1971, p. 14).

about 57 per cent of the agricultural labour households lived below the consumption level of Rs. 15 per capita per month or Rs. 180 per capita per annum at 1960-61 prices. It has been observed that the incidence of poverty is much more common among the agricultural labour households than among all rural households. Among rural households living at less than Rs. 100 per capita per annum, which corresponds to the minimum desirable consumption, agricultural labour households constituted more than 40 per cent. In South India half of the rural households living at this level were agricultural labour households. Among rural households with annual per capita consumer expenditure between Rs. 101-150, agricultural labour households constituted nearly one-third. In South India, again, they constituted over 40 per cent of the rural households living at this level. During the decade 1961-71, the condition of the bottom 20 per cent rural poor has remained more or less stagnant with per capita private consumer expenditure having increased by less than half a per cent per annum for all sections of the rural population.\*

2.4 According to the 1971 population census, the country's rural population is estimated at 438.86 million. In the Eighteenth Round of the National Sample Survey covering 1963-64, the average size of the rural household has been estimated at 5.14 and on the assumption that the household size would not have changed significantly during the interregnum, the number of rural households in 1971 may be estimated at 85.38 million. Again, according to the Eighteenth Round of the National Sample Survey (1963-64), the percentage of agricultural labour households to the total rural households was 23.9. Applying this percentage to the number of rural households (*i.e.* 85.38 million), the number of agricultural labour households in 1971 may be estimated at 20.41 million or, say 20 million. According to the National Sample Survey enquiries conducted in 1956-57 and 1963-64, about 60 per cent of the labour households had no land. Accordingly, the number of landless labour households may be put down at 12 million. This would indicate the magnitude of the problem currently facing the country with regard to the immediate implementation, so far as agricultural labourers are concerned, of welfare measures. The provision of house sites is one of them. It is in view of the over-riding concern to the problems of agricultural labour that the Prime Minister had stated as early as in 1966 that—

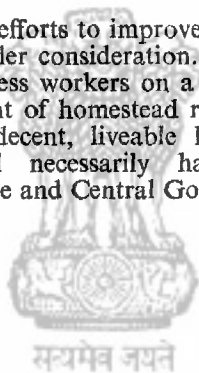
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\* Ibid (p. 32).

"I have stressed in the Planning Commission and elsewhere that we must give very special consideration to landless agricultural labour. Although, there has been tremendous progress in India since Independence, this is one section which has really had a very hard time and which is deserving of a very special consideration. Similarly, although many programmes have been initiated, the tribals, the Harijans and the backward classes are the sections which deserve and should get for greater attention than they have been getting. We want to make every effort to do so in our next Plan. We want to try to benefit all the under-privileged."\*

The problem was also highlighted by the President in his Address to Parliament on the 23rd March, 1971 in the following words:

"Simultaneously, efforts to improve rural housing conditions will be given fuller consideration. The aim is to allot building sites to landless workers on a larger scale, to legislate for the conferment of homestead rights and to assist in the construction of decent, liveable houses for the rural population. This will necessarily have to be a joint programme of the State and Central Government."




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\*Excerpts from Prime Minister's speech made in Lok Sabha on August 4, 1966.

## SECTION III

### HOUSE SITES PROGRAMME—HISTORICAL REVIEW

#### Village Housing Projects Scheme

3.1 The main objective of the Village Housing Projects Scheme which was introduced in 1957 as a Centrally sponsored scheme was provision of adequate housing and other amenities in selected villages. The Scheme as initially conceived was to be integrated into the general economic development programmes in the villages so that the projects might serve as a source of inspiration to adjoining areas by creating healthy environmental conditions for all sections of the village population. The Scheme was transferred to the State Sector from the beginning of the Third Five-Year Plan.

3.2 Subsequently, the Scheme was modified in September 1962 to give outright grants to State Governments for (i) provision of house sites to landless agricultural labourers free of cost (or at a nominal price) and (ii) provision of streets and drains in selected villages for the improvement of environmental hygiene. Further the Scheme laid down that it was the responsibility of each village community, through its Panchayat, to provide house sites for the weaker sections of the village population, especially the landless agricultural workers. With a view to supplementing the efforts of the rural community, it was agreed that the State Government could utilise about one-third of the funds allocated for this scheme for acquiring or enabling the Village Panchayats or the Panchayat Samitis to acquire additional land to be made available as house sites for landless agricultural workers. In implementing the programme, it was suggested to the State Governments that the following considerations should be kept in view:

- (i) Wherever possible, suitable waste lands and Bhoodan lands should be used to the maximum extent possible for this purpose.

(ii) Preference should be given to :

- (a) villages selected for development under the Village Housing Projects Scheme and having already a comprehensive housing programme in hand;
- (b) congested villages; and
- (c) villages in which landless agricultural workers form a fairly large part of the population.

(iii) Labour required for the development of land acquired should be provided by the beneficiaries themselves on a voluntary basis.

(iv) The area of the house sites should not ordinarily exceed 200 sq. yds.

(v) Only one house site should ordinarily be allotted per family.

The modified Scheme also laid down that in addition to the provision of house sites, the State Governments should, at least in needy cases, also give loans and other assistance for the construction of a house.

### Progress in allotment of House sites

3.3 The programme for provision of free house sites to landless agricultural labourers under this modified Scheme was taken up for implementation by only 6 States, viz., Andhra Pradesh, Bihar, Gujarat, Kerala, Mysore and West Bengal. The progress achieved in respect of this programme in these States between September 1962 and the end of May 1972 is indicated below:

State	Number of house sites	
	Sanctioned	allotted
1. Andhra Pradesh . . . . .	538	322
2. Bihar . . . . .	Land to the extent of 9.92 acres has been acquired. Details of progress regarding the carving of sites and their allotment are not available.	
3. Gujarat . . . . .	1,121	1,121
4. Kerala . . . . .	242	195
5. Mysore . . . . .	2,000	1,366
6. West Bengal . . . . .	68	68

3.4 The Government of Mysore has been implementing a scheme since 1963-64, under the Rural Housing Scheme, to acquire land, form sites and allot them to landless agricultural labourers. About 135 acres of land have been acquired, developed and carved into 2,000 house sites out of which 1,366 house sites have so far been allotted. Similarly, the scheme for providing house sites to landless agricultural labourers as a part of the Village Housing Projects Scheme is also being implemented in six selected districts in the State of Gujarat. Under the scheme, an agricultural labour is given a house site upto an area of 200 sq. yds. and in addition a subsidy upto Rs. 500. The State has so far acquired 49 acres of land, carved out 1,121 house sites and allotted all of them to the landless agricultural labourers in the selected districts.

3.5 The progress in the allotment of free house sites to landless agricultural labourers under the modified scheme has been very slow. This is traceable to the generally low priority assigned to rural housing scheme in the National and State Plans. Failure of the State Governments to select villages for implementation of the scheme and lack of administrative machinery to coordinate the activities of the different departments at the State and field levels have also been responsible for the tardy implementation of the Scheme as a whole including the conferment of free house sites to landless agricultural workers.

3.6 In addition to the Village Housing Projects Scheme, the Revenue Officers in Mysore, under the Mysore Land Grant Rules, 1969, have been empowered to grant building sites not exceeding 2 acres within the limits of any Village Panchayat and not exceeding one acre in a town Panchayat to poor residents within the Panchayat limits who do not own any house or a house site at an upset price or the market value of such site. The Deputy Commissioner of the district may also grant sites free of charge to persons belonging to Scheduled Castes and Scheduled Tribes and 18 per cent of the sites available in the village is reserved for the members of the Scheduled Castes/Tribes. It is one of the obligatory functions of the Village Panchayats under the Mysore Panchayat and Local Board Act, 1959, to form layouts and village extensions for all sections of the people residing in the village including the agricultural labour.

3.7 In Tamil Nadu, the standing orders of the Board of Revenue of the State provide for the assignment of a maximum of 10 cents per family towards house sites in rural areas. These orders also provide for the extension of village sites by the District

Collector wherever the existing village sites are not adequate to fulfil the need of the resident villagers. The district authorities have been asked to take action wherever necessary to extend village sites by transfer of unobjectionable *poramboke* lands adjoining or within a distance of about one furlong from the existing village site and assign them to the houseless poor after preparation of proper layouts.

### **House sites schemes for Scheduled Castes and Scheduled Tribes**

3.8 In addition to the general schemes providing for free house sites to all landless agricultural labourers including the backward classes, there are housing/house sites schemes of the Department of Social Welfare both under the Centrally Sponsored Programme and the State Sector Programme for the benefit of the Scheduled Castes and Scheduled Tribes. The housing/house site scheme for the Scheduled Castes under the Centrally sponsored programme comprise the following :

- (i) Subsidy for the construction of houses for sweepers and scavengers; and
- (ii) provision of house sites to the members of Scheduled Castes who are—
  - (a) engaged in unclean occupations, or
  - (b) landless labourers.

Hundred per cent Central assistance is given to the State Governments for the abovementioned schemes. Since 1967-68 the schemes for improvement in the working and living conditions of sweepers and scavengers and those engaged in unclean occupations have been running as a composite scheme. The scheme which has since been included in the Fourth Plan does not, however, cover the entire Scheduled Caste people but only those who are working in unclean occupations. No details are available as regards the number of house sites distributed under the scheme to the landless labourers among the Scheduled Castes.

3.9 Under the State Plan schemes for the welfare of backward classes, the State Governments/Union Territories Administrations execute housing/house site schemes both for Scheduled Castes and Scheduled Tribes. The expenditure on these schemes is shared by the Central and State Governments



in the ratio of 60:40. Details are not available in respect of house sites distributed under the State Sector programme to the landless labourers among the Scheduled Castes and Scheduled Tribes. It has been indicated in the Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes, 1969 (Elayaperumal Committee) that out of 3.4 million landless Scheduled Caste labour families, a little over 0.2 million (6.2 per cent) families have been provided with house sites/houses. The Report has further stated that according to the estimates of the Department of Social Welfare about 2.5 million house sites will be needed during the Fourth Plan.

3.10 The Government of Tamil Nadu has a scheme under which it has been acquiring land for provision of house sites to Harijans (including landless agricultural labourers) in rural areas. The scheme was introduced in June 1969 and 2,56,675 house sites had been assigned upto the end of September 1971. The Government of Maharashtra has indicated that the scheme which seems to be of interest to the agricultural labourers is the individual or group housing scheme which is being implemented in the rural areas by Zila Parishads. Under the Scheme, persons belonging to Scheduled Castes/Scheduled Tribes are given a subsidy of Rs. 750 to build a house worth Rs. 1,000, the balance being the contribution from their own sources in cash or in kind.

3.11 Besides the general scheme for allotment of house sites to landless labourers, the State Department for Social Welfare in Gujarat is implementing two schemes, namely, (i) Financial assistance to halpatis (belonging to the Scheduled Caste) and (ii) Financial assistance to landless agricultural labourers belonging to Scheduled Tribes for housing and house sites. Under these two schemes, an agricultural labourer is granted  $1\frac{1}{2}$  gunthas of land (i.e., 182 sq. yds.) as house site and Rs. 450 as subsidy for the purchase of the same. Besides these two schemes, there are Standing Orders of the Government that wherever Government land is available for housing in rural areas, house sites upto 2 gunthas (i.e., 242 sq. yds.) each may be given to needy agriculturists, agricultural labourers, backward class people and their cooperative societies at concessional occupancy price or even free of cost according to the capacity of the allottees to pay.

### **Legislative Measures**

3.12 Legislative measures to protect the agricultural labourers in respect of homestead lands exist in several States. Under the

provision of the West Bengal Acquisition and Settlement of Homestead Act, 1969, the State Government is taking action to regularise the homestead lands. In addition, homestead lands not exceeding 5 'cottahs' per family are being distributed out of khas or waste lands at the disposal of the Government to homeless families in the rural areas free of rent. A total area of about 5,000 acres of land has been distributed. Bihar has also enacted suitable legislation for conferring homestead rights on landless agricultural labourers who are in occupation of Government or other lands over a long period. In Uttar Pradesh, under the Zamindari Abolition Act of the State, landless agricultural labourers in possession of house sites have been granted ownership rights. The amendment of the Act in 1971 gave heritable and transferable rights to members of Scheduled Castes and Scheduled Tribes, village artisans and landless labourers in respect of the site of the house built by them on any land vested in Gaon Sabha before 24th May, 1971. In Haryana and Punjab, under the Punjab Village Common Lands Act, 1961, all lands under the houses owned by non-proprietors are vested in them. In Kerala, most of the landless agricultural labourers will derive homestead benefit under the amended Land Reforms Act of the State and the scheme for settlement of agricultural labourers on Government *poramboke* lands. The Mysore Land Reforms Act, 1961 and the Gujarat Tenancy Acts bar the eviction of a tenant from a dwelling house built on a site belonging to the landlord. If a landlord, to whom the site belongs intends to sell such site, both the Mysore and Gujarat Acts provide that the tenant should be given the first option to purchase the site at a reasonable price. In Mysore the price for the site which is to be determined by the Tribunal under certain conditions is not to exceed 20 times the annual rent. It is now proposed by the Government of Mysore to bring down the price from 20 times to 10 times, the annual rent through an Amendment Bill. These legislative safeguards have also been extended to the dwelling houses built and sites occupied by the agricultural labourers and artisans in any Village. In Gujarat also the value of the site offered for sale is to be determined by a Tribunal. In Tamil Nadu, the Tamil Nadu Occupants of *Kudiyiruppu* (Protection from Eviction) Act, 1961 as amended in 1971 gives protection to agriculturists and agricultural labourers from eviction from their *Kudiyiruppu* (i.e. site of any dwelling house or hut occupied) by the land owners. Moreover, the Tamil Nadu Occupants of *Kudiyiruppu* (Conferment of Ownership) Act 1971 has recently been passed by the State Legislature conferring ownership rights on agriculturists and agricultural labourers for *Kudiyiruppu*. A State-wise review of the provisions relating to homestead lands is given at Appendix III.

### **New Central Scheme for House Sites**

3.13 The provision of house sites and housing facilities to the landless agricultural labourer has been discussed several times in recent years at the Conferences of the State Ministers of Housing as well as at the Conferences of State Ministers in-charge of Backward Classes Welfare and Social Welfare. At the Conference of State Ministers of Housing and Urban Development held in January 1970, which was followed by a joint meeting of the Housing Ministers and Members of Parliament on the Consultative Committee attached to the Ministry of Works and Housing, the State Governments were asked to explore the possibility of enacting suitable legislation for conferring on landless workers rights in the land already in their possession as well as providing free house sites to them. The Housing Ministers' Conference held at Jaipur in July 1970 again considered this question and recommended that a new scheme should be introduced in the Central sector for grant of free house sites to the landless agricultural workers and also assistance in cash or kind for construction of their houses.

3.14 It has since been decided in the Ministry of Works and Housing that the provision of house sites to landless agricultural workers should be taken as a programme of high priority. Accordingly, a new scheme in the Central sector for hundred per cent grant assistance to the State Governments for provision of house sites to landless agricultural workers in rural areas has been drawn up and commended to the State Governments for formulating their projects. The essential features of this scheme are as follows:

- (a) The State Governments are to take urgent action to enact suitable legislation (where this has not already been done) conferring homestead rights on landless workers in respect of sites on which their huts/houses are situated.
- (b) The State Governments should utilise all available land owned by the State or Gaon Sabha in villages for providing house sites, free of cost, to families of landless workers in rural areas who are not covered by (a) above.
- (c) The States should acquire land for the expansion of the village *abadi* in cases where the situation cannot be met adequately by (a) and (b) above, to develop the land so acquired (including provision for drinking water, drainage, etc. ) and to carve out adequate number of house sites for families of landless workers.

- (d) The Central assistance to State Governments for acquisition and development of land is to be made available for providing house sites only to those landless people in rural areas, who are not benefited by the above legislation and the Government and Gaon Sabha lands.
- (e) The size of the house sites is not to exceed 100 sq. yds.
- (f) The cost of development should not exceed Rs. 150 on an average per house site. The term 'development' will cover acquiring and levelling of land and provision of paved streets and storm water drain on the land proposed to be utilised for giving house sites to eligible families. In cases where adequate potable drinking water is not available, a masonry well may also be provided to serve a cluster of 40-50 house sites.
- (g) The implementation of the scheme is to be taken up district by district and State Governments are to formulate specific projects, taking one district at a time, for approval by the Ministry of Works and Housing.
- (h) In view of the constraint on resources, the programme is to be confined to assistance towards provision of free house sites, health, drainage and communications so that a larger number of people could benefit. Hence, no provision for grant of subsidy for house construction has been made in this programme.

3.15 This scheme was considered at the Housing Ministers' Conference held in November 1971. While welcoming the scheme the Conference recommended that the unit for formulation of a project under the scheme should be a Community Development Block rather than a whole district and the problem should be tackled in totality in any development block where it was taken up. The Conference also felt that the development cost of Rs. 150 per plot might be inadequate in certain cases and should be increased suitably. It also recommended that the financial assistance envisaged in the new scheme of development of house sites should be available in case of those plots which would be carved out of Government or Panchyat land. Regarding the size of the plot, the Conference urged that wherever necessary the size should be increased upto 200 sq. yds. on the merits of each project.

3.16 Most of these recommendations have been accepted and suitable modifications have been made in the Ministry's Scheme. The Scheme, which has now been revised taking into consideration

these modifications provides, *inter-alia*, that the unit for the formulation of the project under the scheme will be the Community Development Block and not the entire district. While the ceiling cost of development of the plot will remain at Rs. 150 as provided in the Scheme, the Government will be prepared to consider proposals of the State Governments for an enhancement of this figure for individual projects where this can be justified on merits. The financial assistance for development will be admissible even in respect of house sites carved out of land belonging to State Government and Gaon Sabhas. With regard to the size of the plot, the revised scheme while reiterating that it will remain at 100 sq. yds. per family provides for consideration, in exceptional cases, of proposals of the State Governments for enhancing the size of the plot on the merits of each case. The scheme also provides that there should be no segregation of families belonging to Scheduled Castes and Scheduled Tribes and such families should be suitably interspersed alongwith other families being allotted house sites in or adjoining village. Moreover, the agreements/deeds transferring house sites to the allottees will, *inter-alia*, contain a specific clause precluding the allottee from selling or mortgaging or otherwise transferring his rights in the plot to a third party. The revised Scheme and explanatory letters are reproduced at Appendices IV-VI.

3.17 The Ministry of Works and Housing has provided Rs.5 crores in its budget for 1972-73 for the new scheme for provision of house sites to landless agricultural labourers. Upto July 1972, it is understood, projects in the States of Kerala, Mysore, Tamil Nadu and Uttar Pradesh have been sanctioned for a total amount of about Rs. 3.9 crores. The details of the number of sites to be distributed and the amount sanctioned for 1972-73 are given below :

State	No. of house sites to be provided during 1972-73	Assistance sanctioned during 1972-73 (Rs. in lakhs)
Kerala . . . . .	96,000	273.92
Mysore . . . . .	7,984	14.36
Tamil Nadu . . . . .	33,692	75.51
Uttar Pradesh . . . . .	15,628	25.41

Proposals from a few other States are also under examination.

3.18 The Kerala Government's Scheme proposes to give house sites to 100 landless workers in each of the 960 panchyats. This is expected to cover about a third of the needy population. In addition to the sanctioned amount, two-thirds of the cost of acquisition of land will be paid to the owners of the land in the form of negotiable bonds redeemable in two equal instalments in 1973-74 and 1974-75. While the bonds will be issued by the Government of Kerala, the Central Government will make funds available to the State Government for their redemption as and when the payments become due. The sanctioned amount provides for fifty per cent of the cost of development while the other fifty per cent will be met by the State Government in cash or by means of local voluntary labour and contributions. The State Government proposes to link the construction of houses with the provision of house sites under the scheme by providing funds from their own resources (material component to the extent of Rs. 500-600 per house) and/or with the help of the beneficiaries, voluntary organisations, panchayats, etc.

3.19 The Government of Mysore proposes to distribute 7,984 house sites in 47 Development Blocks in the State. In the case of Tamil Nadu, 33,692 house sites are proposed to be distributed in 36 Development Blocks.

3.20 While the sanction to Uttar Pradesh is for 6,628 house sites distributed in 22 Development Blocks, it is understood that the State Government has sent fresh proposals to the Ministry for an ambitious programme covering the entire State. This programme envisages the development of 18.84 lakh house sites in two phases.

## SECTION IV

### HOUSE SITES PROGRAMME—NEW DIMENSION

4.1 We have reviewed in the previous section the approach of the Government to the provision of house sites to landless agricultural labourers and indicated the latest scheme which the Ministry of Works and Housing has initiated to provide free house sites. Programmes are also in operation for providing house sites to the members of Scheduled Castes and Scheduled Tribes including landless agricultural labourers. We have noted further that at the meeting of the State Housing Ministers a very high priority to the solution of the problem has been urged. The National Commission on Labour in its Report (1969) had also pointed out that the main difficulty faced in housing landless agricultural workers, Scheduled Castes, Scheduled Tribes, Backward Classes and even the small peasants, who predominate among the rural workers, had been the non-availability of house sites. The Dhebar Commission in its Report on Scheduled Castes and Scheduled Tribes had drawn pointed attention to the conditions of the landless and observed that one need of these people was to have at least some small corner on the bosom of the earth for shelter under a roof. In the Paper "Towards an Approach to the Fifth Plan," the Planning Commission has also stressed that the house sites for landless rural labour also fall in the category of minimum needs and a substantially enlarged programme will have to be taken up in the Fifth Plan with a view to securing a substantial coverage of the landless labour in all the States. We also feel that this problem requires urgent attention and has to be tackled on a priority basis.

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4.2 The landless agricultural labour families are socially and economically at the lowest level in the society. Some of them are at such a low level of earning that they cannot take to any subsidiary occupation to diversify their economy. Moreover, they are at a particular disadvantage since they do not qualify for assistance under the Marginal Farmers and Agricultural Labourers scheme, as possession of a homestead is a pre-condition to any assistance. In effect, they do not come in the development process unless they have a homestead.

4.3 Although the States have given priority to landless agricultural labourers in the distribution of the surplus lands for agricultural purposes, per capital availability is quite low. There is not sufficient land to give the agricultural labourer an economy based on land. Bulk of the landless will, therefore, have to be provided with subsidiary means of income if their conditions are to be improved and since the subsidiary occupation will be on the basis of the homestead, appropriate measures are to be taken to give him a house site and a house.

4.4. Allocation of small pieces of land to the family of an agricultural labourer has been considered in the past as a wasteful approach. It is pointed out that his chances of earning anything useful from such small pieces is negligible and by the allocation of land, his mobility in going out for labour in other areas at remunerative wages is very much hampered. The criticism can hold good where marginal areas of cultivation are given to him for ordinary agriculture. On the other hand, if half-an-acre of land can be put on intensive vegetable growing with provision of a well for water, it has been found that a family can earn its entire livelihood, though very modest, from such a piece of land. What we are aiming at is a subsidiary occupation which will give the family of the agricultural labourer a reasonable supplementary income. From this aspect, 5 cents of land allotted to him for a kitchen garden can, with good husbandry and active labour of the entire family, produce an annual income of at least Rs.150. What is wanted is the facility to draw water from a well allocated for this purpose. An agricultural labourers' family can follow a milk production programme if he has a place for cattle shed on his house site. Our Report on Milk Production has drawn attention to this. Sheep rearing, piggery and poultry rearing can also give subsidiary occupation. This requires some additional space. If, therefore, a plot of 10 cents can be allocated to an agricultural labourer's family wherever land is available and he is helped in the various subsidiary enterprises, the family can earn a reasonable subsidiary income. By these methods, with small allocation of land, we will be providing for a minimum economy to a rural family.

4.5 Following our discussions with the State Governments and further examination in the Commission we have come to the conclusion that it is necessary to attempt a solution of the twin problems of security of shelter and means of livelihood for the landless agricultural labour and artisans simultaneously. In formulating a policy on house sites, it must be appreciated that the site for a house alone is not adequate for diversifying the economy of the labour family. It has to take into account the nature of



the subsidiary occupation that the family is to pursue. While one of the objectives of the policy will be to make the labour families eligible to receive assistance from various programmes by providing for a homestead, it has also to be ensured that there is adequate space for the family to ply his trade. Once this basic approach is accepted, we feel that the present scheme of the Ministry of Works and Housing will require certain modifications. The special schemes for the Scheduled Castes and Scheduled Tribes will also have to be modified in this light. We consider this to be the appropriate time to indicate these modifications when the States are about to embark on this programme as it will be difficult to bring about changes once house sites are distributed on the basis of the existing scheme. We are outlining the modifications in the following paragraphs as well as in the next section.

4.6 We are of the view that the present uniform provision of 100 sq. yds. for house site as envisaged in the scheme of the Ministry of Works and Housing will not be sufficient for meeting various requirements. We have noted earlier, that, in the Village Housing Projects scheme as amended in 1962, the stipulation was that the site should not exceed 200 sq. yds. The Conference of Ministers of Housing and Urban Development held in November 1971 also felt that a plot of the size of 100 sq. yds. might not be sufficient in all cases and urged that wherever necessary the size should be increased upto 200 sq. yds. We, moreover, find that following the Seminar\* on Agricultural Labour in 1965, a suggestion was mooted at inter-ministerial meetings that the house site should measure at least 500 sq. yds. Some of the State Governments have also indicated their thinking on the size of the plot. According to the replies received, the suggested size varies from 133 sq. yds. to about 1,000 sq. yds.

4.7 We have examined the question of the size of the plot keeping in view the approach which we have indicated as well as the thinking reflected at various forums. We feel that the size of a house site should be consistent with the nature of subsidiary occupation proposed to be provided to the landless labour family. In thickly populated semi-urban areas where land is scarce and the people have various subsidiary means of income, the minimum size of a house site should be 2 to 3 cents, *i.e.* about 100-150 sq yds. In areas where the beneficiary is to maintain cattle or poultry or run a cottage industry, the area of house site should be sufficient for having a cattle-shed or space for poultry or running the indus-

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\*Organised by the Ministry of Labour and Employment, Government of India.

try. The requirement in this case may be 5 to 6 cents, *i.e.* 250 to 300 sq. yds. Where land is available and water can also be provided, the labour family may have all the facilities including maintenance of a kitchen garden. In these cases, a total provision of 10 cents, *i.e.* about 500 sq. yds. will be called for.

4.8 Thus, the following scheme is suggested for adoption :

- (a) In thickly populated semi-urban areas, the area of a house site may range between 100 sq. yds. to 150 sq. yds.
- (b) Where relatively more land is available and space can be provided for cattle-shed or poultry or piggery or even a village industry along with the site for a house, the area may be between 250 sq. yds. and 300 sq. yds.
- (c) Where adequate land is available and water could be provided for vegetable growing, the area may be around 500 sq. yds.

4.9 Wherever the scheme for allocation of house sites is taken up, the development of land should form part of the scheme. It will also be necessary to carve out a suitable number of house sites, depending upon the type of subsidiary occupations that the labour families are going to take up. Wherever vegetable growing can be taken up as a subsidiary occupation, the State must provide adequate means of irrigation, *e. g.*, community wells from the irrigation programmes, for the purpose. The development should also include provision of drinking water, drainage, roads and communications for the colony.

4.10 This development should not, however, be viewed as an isolated objective but should be regarded as a part of the larger programme of rural development. The rehabilitation of the landless agricultural labourers and rural artisans has to be inter-woven with the general development of the area. They have to be offered a package so that the impact is immediate as well as sustained. Alongwith the programme of providing house sites, a programme for the construction of houses will have to be taken up.

4.11 Having been given the house site and the house, the labour family must be put in a position to repay his commitments. The planning of subsidiary occupation should, therefore, be properly dovetailed with the provision of house sites. The type of subsidiary occupation will depend on the operation of the various programmes in the particular area. This section of the population would also have to be provided with adequate facilities in the form of credit and marketing for their subsidiary

occupation. We have dealt with the question of credit to small farmers and agricultural labourers in our Interim Report on Credit Services to Small and Marginal Farmers and Agricultural Labourers. For village artisans also, a package programme of credit, technical guidance and marketing facilities will have to be undertaken. If an integrated approach of this kind is developed, we feel that it will go a long way to meet the urgent demands of the situation.



## SECTION V

### ADMINISTRATION, FINANCING AND LEGISLATION

#### Administration

5.1 In the previous section, we have outlined our approach to the provision of house sites for landless agricultural labourers and artisans and stressed that the problem requires urgent attention. The Consultative Committee of Parliament attached to the Ministry of Works and Housing at its meeting held in February 1972 felt that a special drive was necessary to make house sites available to the rural landless and recommended that the house sites scheme of the Ministry should be taken up in a big way. We also feel that it should be possible to take up an accelerated programme of providing house sites and recommend that the Central and State Governments should take up this programme as envisaged by us on a priority basis. This programme should be closely linked with the planning of subsidiary occupations. We feel that if the house sites, the housing and the subsidiary occupation programmes are planned and coordinated effectively for concerted development, there will be a positive impact on the economy of the landless agricultural labourers.

5.2 Several Departments of the State Governments will be involved in the implementation of the programme. Thus, the Department of Housing will be concerned with house sites and housing, Agricultural with land development and cultural practices, Irrigation with provision of water, Health for drainage and environmental hygiene, Industry for village industry and so on. The implementation of the entire programme calls for effective coordination among the agencies responsible for executing various programmes. The planning authorities at State and District levels should be made responsible for this coordination.

5.3 In view of the importance and urgency of the house sites programme, it will be desirable to have a separate Rural Housing Board in each State to supervise the implementation of the programme and lay down general guiding principles. The

Board should have special interests represented on it and have effective links with the Zila Parishads, Panchayat Samities and Village Panchayats. It will also be desirable that the existing Rural Housing Cell is merged with the proposed Rural Housing Board and acts as its secretariat. The Cell should be adequately strengthened to enable it to draw up individual projects under this programme and implement them. Technical experts from various disciplines as well as extension workers will have to be brought together in planning and implementing these projects.

5.4 The entire programme of providing house sites to landless agricultural labourers and artisans may be time-bound and completed in a phased and planned manner. It should be possible to take up a programme for half a million households annually for the next ten years which, we feel, will take care of the bulk of the problem. A part of the remaining households will, we believe, be covered by conferment of homestead rights, through suitable enactment, on the land on which their dwellings exist.

5.5 The Government has a special responsibility in respect of Scheduled Castes and Scheduled Tribes. While the Scheme of the Ministry of Works and Housing lays stress on the provision of house sites for this class of the population in those Development Blocks in the districts where landless agricultural labourers predominate, the scheme of the Department of Social Welfare for allotment of house sites is limited in scope as it covers only those sections of the Scheduled Castes population which are engaged in unclean occupations as we have noted in paragraph 3.8. The emphasis in the State Sector schemes is also not adequate. We, therefore, strongly recommend that the Department of Social Welfare should adopt the scheme of the Ministry of Works and Housing with the modifications proposed by us and implement it as a Centrally sponsored programme.

5.6 We recommend that a programme for three million landless Scheduled Castes and Scheduled Tribes families should be taken up and completed over the next 10 years. We also recommend that a programme for another two million landless agricultural labour families belonging to other sections of the landless should be taken up for implementation during the same period.

5.7 We have observed that the preparation of programmes in this field has been considerably hampered for want of adequate data from the States. In order to enable adequate planning being done, the State Governments may, on a priority basis, collect

the data needed for the implementation of the schemes from the the areas where these are to be launched. It is only then that it will be possible to prepare an appropriate programme and individual projects in detail for implementation.

5.8 This programme should be linked up with the programmes of SFDA and MFAL. In the MFAL areas particularly, first priority must be given to this scheme. This is necessary to enable the landless labour family to satisfy the condition of possessing a homestead and derive the benefits of the programmes under the MFAL Project.

5.9 Milk Programme and other programmes for provision of subsidiary occupation are being implemented in many districts. In every district where there are subsidiary occupation schemes, this programme should be built-in to provide a homestead and make the labourer eligible for and capable of utilising the assistance available from those schemes.

5.10 Panchayat lands should be utilised for providing house sites under this programme. In the replies to our questionnaire, most of the State Governments have indicated that they have no objection to the utilisation of the village common land for this purpose. This being an important social amenity for the poorer classes, utilisation of Panchayat lands will be justified. If there is any legal difficulty in making direct assignment of these lands to the Government, it should be possible to acquire such lands on a nominal compensation basis.

5.11 Some Government lands or common lands may be far from the village *abadi*. The provision of water may also be difficult in such areas. The cost of development of such lands may be high, people may not be go to those areas and it may be difficult to implement the programme. Land for house sites should, therefore, be near the village. If necessary lands adjacent to the village *abadi* belonging to private owners should be acquired for purposes of providing free house sites through outright purchase or in exchange of Government or village common lands, which are situated at a distance. It is also possible that this problem can be solved to a large extent where the programme for consolidation of holdings is undertaken. Punjab and Haryana are examples where provision has been made for distribution of free house sites to every eligible landless family household during the consolidation operations.

5.12 Acquisition proceedings are often slow and cumbersome. Appropriate rules should, therefore, be framed empowering the district authorities to acquire the land for this programme expeditiously.

5.13 As a result of allotment of house sites to the landless agricultural labour and artisans a new colony may come up. It will not only be necessary to properly plan this colony from the point of view of civic amenities but this colony should also be a happy blend of all communities, thus fostering emotional and social integration in the rural life and checkmating any attempt at segregating the Harijans from the rest of the communities. We commend the provision in the revised scheme of the Ministry of Works and Housing that the Scheduled Castes and Scheduled Tribe families should be suitably interspersed along with other families being allotted house sites.

5.14 Along with the programme for provision of free house sites, facilities will have to be given to the labour families for house construction on the sites allotted to them. It should be possible to draw up suitable programmes for giving assistance for house construction wherever necessary for this purpose.

### **Financing**

5.15 The present scheme of the Ministry of Works and Housing provides for 100 per cent assistance to the States for acquiring and developing house sites for free distribution to the landless agricultural labourers. We have indicated in paragraph 5.6 that a programme of house sites should be taken up for three million landless Scheduled Castes and Scheduled Tribe families and two million landless families belonging to other sections of the population during the next 10 years. Annually three lakh families belonging to Scheduled Castes and Scheduled Tribes and two lakh families belonging to other sections can be covered. Assuming that in 50 per cent cases land will have to be acquired for providing house sites, the cost of acquiring and developing the land will be about Rs. 13.5 crores annually for Scheduled Castes and Scheduled Tribes and about Rs. 9 crores annually for others. The State Governments in their replies have generally suggested that the cost of development may be taken at Rs. 200 per 100 sq. yds. and the allowance in the Ministry's scheme should be enhanced from Rs. 150. We think that Rs. 200 is a fair estimate.

5.16 In respect of the remaining 50 per cent cases, where the landless families will be settled on Government and village common lands, it will be necessary to help the States with funds amounting to Rs. 9 crores for Scheduled Castes and Scheduled Tribes and Rs. 6 crores for other sections. The total investment per year will, therefore, come to about Rs. 22.5 crores for three lakh families belonging to Scheduled Castes and Scheduled Tribes and Rs. 15 crores for two lakh families belonging to other sections of the population\*

5.17 For a programme of house construction, the feasibility of routing the funds for construction through the Rural Housing Board suggested by us may be explored. The Central financial support to the Board will enable it to plough in institutional finance for the scheme increasingly.

5.18 We note that under the scheme of the Department of Social Welfare, 75 per cent subsidy is being given to the Scheduled Castes families for a house costing upto Rs. 1200. Most of the of the State Governments have indicated Rs. 3000 as the cost of construction and have suggested the payment of subsidy on this enhanced cost for the entire programme. We feel that it will be difficult to prove subsidy of this magnitude. In our opinion, the subsidy element should be minimum, if it cannot be eliminated altogether immediately.

5.19 For purposes of giving assistance for housing, we may adopt the estimate and specifications worked out by the National Buildings Organisation keeping in view the present position of this section of the population as well as the constraint on resources. According to the estimate of the National Buildings Organisation, a house utilising locally available materials and thatch roofing may cost about Rs. 800. The life of this type of house has been assumed at 10 to 12 years with proper maintenance such as plastering of the walls with cow-dung and changing the thatch once in 2 or 3 years. This could easily be done by the beneficiary himself from time to time with his own labour.

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\*In arriving at these estimates, the following assumptions have been made:

- (1) A plot of 300 sq. yds. per family on the average.
- (2) Cost of acquisition in 50 per cent cases at the rate of Rs. 100 per 100 sq. yds.
- (3) Cost of development at the rate of Rs. 200 per 100 sq. yds.



We may also assume that another Rs. 200 will be required to put up a shed, etc. for his subsidiary occupation. On this basis, we reckon that the total cost per house may be around Rs. 1000. We feel that this should be the upper limit for working out programmes of assistance. For any house costing more, the additional amount could be entirely on loan basis and no subsidy need be given.

5.20 Even for houses to be constructed within this amount of Rs. 1000, we visualise three classes of applicants for assistance. Firstly, those landless labourers who are in a position to be put on a loan scheme. In their case, the entire assistance should be in the form of loans. There may be another category of landless persons who could be put on the loan scheme for housing purposes provided they are helped with subsidiary occupation programmes to supplement their income and re-pay out of the same. Where subsidiary occupation cannot be provided, the landless labour families belonging to such areas can be put in the third category and made entitled for subsidy for house construction. The subsidy programme for the Scheduled Castes and Scheduled Tribes has, however, to be viewed as a special case and continued.

5.21 We feel that it should be possible to work out a reasonable scheme of assistance for house construction by the beneficiaries of house sites. If the labour families who are put on the loan scheme are provided with long-term loans, say upto 20 years, with easy terms of repayment, they may not find it difficult to repay. The possibility of providing facilities of differential interest rates for the weaker sections may be explored for this programme.

5.22 Funds for provision of subsidiary occupations may come from subsidiary occupation programmes, Backward Classes Programmes, SFDA/MFAL Schemes, other State sector Programmes as well as Special Programmes.

### **Legislation**

5.23 According to the present scheme of the Ministry of Works and Housing, the States are expected, wherever necessary, to enact suitable legislation conferring homestead rights on landless workers in the rural areas in respect of sites on which their houses/huts stand at present. We have already reviewed the legislative enactments for conferring rights in homestead land which exist in different States. However, to the extent these enactments do not specially relate to landless agricultural

labourers, suitable enactments should be made on a priority basis. We, therefore, reiterate the provision in the Ministry's scheme. We also stress the need for speeding up conferment of these rights under the enactment wherever these still remain to be done.

5.24 During the Commission's discussions in Mysore, we have found that a provision has been incorporated in the Mysore Land Reforms Act which will enable the agricultural labourers to get the house sites or the dwelling houses occupied by them on payment of twenty times the annual rent. The Act also provides that if a tenant intends to purchase the land on which the dwelling house is built, he shall give notice to the landlord and if the landlord fails to accept the offer, he shall apply to the Tribunal for determining reasonable and proper annual rent. In our view, to ask an agricultural labourer to go to a tribunal for this purpose amounts to a denial of the benefit that he should get, when he is not in a position to engage a lawyer and follow the elaborate procedures of law. We have also been told that when a tenant has made part payment for the dwelling and then changes his employer, his dwelling is razed to the ground. Thereby he loses his money and the material. There are also cases when landlords have pushed out the agricultural labourers from their homesteads. This only under-scores the need for plugging all loopholes in the existing legislation so that the rightful benefits to the agricultural labourer cannot be denied by interested persons. It also amply makes clear that the laws and procedures must be such as will enable their application possible. The price to be paid by the labourer for the homestead should be clearly indicated. His right should be automatic without depending on a tribunal. We, therefore, recommend that all States should review their enactments and plug any loopholes or remove any limitations in the prevailing laws which affect the programme of providing house sites to landless agricultural labourers and rights to homestead on priority basis so that the achievement of the desired goal is not unnecessarily delayed. We also feel that wherever the site for the homestead is not sufficient for the labour family to follow a subsidiary occupation, the family should be entitled to benefit from the scheme suggested by us.

5.25 The rights conferred in homestead lands should be heritable. This will enable the landless to build their houses on their lands without any fear of being pushed out at a subsequent date.

5.26 It is also seen that even when plots have been allotted for house and cattle-shed under the consolidation of holdings operations, the beneficiaries have alienated their lands after a lapse of time and migrated. This commercialisation in house sites has to be prevented. The revised scheme of the Ministry provides that the agreements/deeds transferring house sites to allottees should, *inter-alia*, contain a specific clause precluding the allottees from selling, mortgaging or otherwise transferring his rights in the plot to a third party. We commend this provision.



## SECTION VI

### ACKNOWLEDGEMENTS

6.1 The Commission takes this opportunity of thanking the officers of the Central and State Governments for their valuable suggestions either in reply to our questionnaire or during personal discussions.

6.2 The Commission also wishes to place on record its appreciation of the valuable work done by Shri S.K. Mitra, Joint Director, in analysing the problem and preparing the report. Shri S.M. Krishnamachar, Deputy Director, and Shri Chaman Lal, Research Investigator, assisted in analysing the relevant material and drafting the report. Shri P.S. Sangwan, Specialist (Agriculture) and Shri V.D. Seth, Senior Technical Assistant, also helped in the preparation of the report.

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J.S. SARMA—MEMBER-SECRETARY

NEW DELHI,  
11th August, 1972.

## APPENDIX I

### *Questionnaire on House sites for Agriculture Labour*

1. Have the State Government formulated any plan for provision of house sites to agricultural labour ? If yes, please indicate the targets.
2. What is the latest progress in the matter of :
  - (a) area acquired for purposes of distribution of house sites to agricultural labour ;
  - (b) number of house sites sanctioned and total area thus covered :
  - (c) number of house sites allotted and total area thus covered ?
3. Are there any problems in the implementation of this programme? If yes, please specify the nature of those problems which are hindering the implementation.
4. (a) What are the existing laws in your State which purport to grant protection to the agricultural labour in respect of their homestead land ? Please list them and send extracts of the exact law on the subject;
  - (b) What, in your opinion, are the limitations of these laws in the matter of protecting the agricultural labour ? What measures are being taken to overcome these limitations ?
  - (c) Have landlords discovered any loopholes in the law to deny the agricultural labour their homestead land ? If so, please identify and explain. Also please explain the steps the State may be contemplating to plug these loopholes.
5. In areas where agricultural labour predominate and where there is pressure for land for housing, what arrangements have the State or the Panchayats made for providing them with house sites? Please indicate the areas and measures taken.
6. In the light of our present approach to give subsidiary occupation to the family of agricultural labour, we will have to think of providing each family with a house site adequate for a dwelling house, a small kitchen garden and space for maintaining a cow or two or poultry rearing. Space for agricultural labour family and plan for a suitable tenement may have to be worked out on this basis. Keeping this in view :
  - (a) What should be the minimum area of a house site per agricultural labour family ? What will be the total requirement of area for this purpose in your State?
  - (b) What are the implications of such a programme in terms of cost? Have the State Government any suggestion for financing the cost?





10. Maharashtra	50.34	39.55	18.73	18.95	12.00	13.25	5.43	4.51	29.0	23.8	45.3	34.0
11. Mysore	29.26	23.59	10.29	10.73	6.74	7.57	2.65	1.76	25.7	16.4	39.3	23.3
12. Nagaland	0.52	0.37	0.27	0.22	0.21				Negligible			
13. Orissa	21.93	17.55	6.94	7.66	5.29	5.66	1.93	1.30	27.8	17.0	36.5	23.0
14. Punjab	13.47	20.31**	3.88	7.10**	2.44	4.54**	0.78	0.54**	20.0	7.7**	32.0	12.0**
15. Rajasthan	25.72	20.16	8.29	9.58	6.02	7.45	0.76	0.39	9.1	4.1	12.6	5.3
16. Tamil Nadu	41.10	33.69	15.07	15.35	9.06	9.29	4.39	2.83	29.1	18.4	48.5	30.5
17. Uttar Pradesh	88.36	73.75	28.42	28.85	21.41	21.69	5.50	3.26	19.4	11.3	25.7	15.0
18. West Bengal	44.44	34.93	12.61	11.58	7.25	6.23	3.25	1.77	25.8	15.3	44.8	28.4
ALL INDIA(R)	547.37	439.23	183.61	188.68	126.01	131.14	47.30	31.52	25.8	16.7	37.5	24.0

@ Included in Punjab.

@ Included in the All India figures for 1961.

\*\* Includes Haryana.

(R) Revised.

SOURCE: —1. Census of India, 1971 (Provisional.)

2. Census of India, Vol. I, Part II—A(ii)—Union Primary Census Abstracts.

NOTE:— Due to rounding of the figures, the total may not necessarily tally.

All India figures are inclusive of those for other areas.

Total of cultivators and agricultural labourers.



### APPENDIX III

#### *Legislative provisions relating to Homestead Lands in Various States\**

##### *Andhra Pradesh*

In the Telengana area, law provides for protection from eviction to tenants, landless agricultural workers and village artisans from dwelling houses built on sites belonging to landholders. If the landholder wants to sell such lands, the occupiers have the first option to purchase the same. In Andhra region no specific legislation has been enacted. However, Harijans, landless peasants, agricultural labourers, etc. who occupy government wastelands and construct houses are assigned house sites free of cost or on collection of market value depending upon the economic status of the individual concerned. For Harijans who are poor, house sites are also acquired at Government cost and assigned to them free of cost.

##### *Assam*

No specific legislation enacted. However, on abolition of intermediaries the occupiers of homesteads have come in direct contact with the State.

##### *Bihar*

The Bihar Privileged Persons Homestead Tenancy Act 1947 seeks to give security to landless persons who besides their homestead hold no other lands, or hold land not exceeding one acre, by conferring permanent tenancy in the homestead held by them at any time continuously for period of one year. With a view to speedy implementation of the said legislation, the State Government have launched several drives as a result of which rights of about 8,00,000 persons have been recorded. The State Government have recently enacted legislation to bring tenants of homestead lands into direct contact with the State. It is also proposed to empower Collectors to take preventive measures in case of threatened ejectment and also to make it a panel offence.

##### *Gujarat*

The Tenancy Act bars evictions from dwelling houses and confers right of purchase of the house-site on agricultural labourers and artisans. Occupancy rights have been conferred on all holders of house sites belonging to State or vesting in the under intermediary abolition laws, without charging any price. Implementation of law has been completed except in religious

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\*SOURCE : Planning Commission.

*inams* in which case the law for abolition of such *inams* was challenged in the Hight Court.

### *Haryana*

All lands under the houses owned by non-proprietors were vested in them under Section 4 of the Punjab, Village Common Lands Act 1961.

### *Himachal Pradesh*

No specific legislation has been enacted for Himachal Pradesh except the former Punjab areas. Landless persons are however, preferred to others for the grant of land for the purpose of residential houses under the Himachal Pradesh Nautor Land Rules 1968. Such grantees are conferred proprietorship rights in the land. In the Punjab areas now forming part of Himachal Pradesh all lands under the houses owned by non-proprietors were settled with them under Section 4 of the Punjab Village Common Lands Act. State Government is formulating a scheme to grant land to agricultural landless labourers for house sites free of cost by amending Nautor Rules and Village Common Lands Act.

### *Jammu & Kashmir*

Proprietary rights were conferred on all landless people under Jammu & Kashmir Common Lands Regulation Act who were in possession of homestead lands in the year 1956. A Bill is before State Legislature prohibiting eviction of any tenant or a member of a Scheduled Caste or landless agricultural labourers from a dwelling house built by him or his predecessor on a site belonging to any other person. Provision is also being made permitting him to purchase the site and land immediately appurtenant thereto.

### *Kerala*

Land Reforms Act 1963, as amended in 1969, provides that a person who has neither a homestead nor any land exceeding in extent 3 to 10 cents either as a owner or as a tenant in possession, on which he could erect a homestead, or who has been permitted by a person in lawful possession of any land to occupy with or without payment of rent any hutment located in that land, will have fixity of tenure with heritable right. He is also entitled to purchase the dwelling house and the land appurtenant thereto. The purchase price is 12½ per cent of the market value if the land held by the owner is in excess of the ceiling limit. Fifty per cent of the purchase price is payable by the hut dweller in 12 equal annual instalments. The remaining fifty per cent is payable by Government. So the occupier in such a case pays only 6½ % of the market value. In case the owner is a small landowner the purchase price is 25 per cent of the market value out of which the occupier pays 12½ % and the balance is payable by Government. According to State Government estimate, there are 400,000 *Kudikidappukars* in the State. Out of these 2,72,000 persons had filed applications upto 31-3-1972 for purchase of *kudikidappu*. The number of applications granted so far comes to 129,000. At present, there are 191 Land Tribunals dealing with purchase applications. More Tribunals are proposed to be set up to expedite the work.

*Madhya Pradesh*

Unoccupied lands in a village on which inhabitants have erected a building for residence have been settled with such inhabitants in Bhumiswami rights.

*Maharashtra*

Occupancy rights have been conferred on all holders of house sites belonging to State or vesting in it under intermediary abolition laws, without charging any price. In respect of Government land unauthorisedly occupied by Harijans for residential purposes such encroached land in rural areas upto two Gunthas is granted free of cost and assement. If private land is encroached by them same is acquired at Government cost and granted free to above extent. Other landless persons do not get this concession.

*Mysore*

The Mysore Land Reforms Act bars eviction from dwelling houses and sites thereof and confers a right of purchase on the tenant at a reasonable price not exceeding twenty times the annual rent.

*Manipur*

No specific legislation enacted. However, allotments of land for homestead purpose are made under the Manipur Land Revenue and Land Reform Act 1960. Preference is given in the matter of allotment to landless agricultural workers and artisans having no house or a homestead. The allotted land cannot be transferred within 10 years without permission of Deputy Commissioner.

*Nagaland*

No specific legislation enacted.

*Orissa*

Provision has been made under Section 9 of the Orissa Land Reforms Act 1960, for conferment of permanent and heritable rights on a raiyat or a tenant in respect of any site on which his dwelling house or farm house stands to the extent of whole of such site or a portion thereof not exceeding one-fifth of an acre whichever is less subject to the condition that he or his predecessor in interest has (i) obtained permission, express or implied, from the person having permanent and heritable rights in the site and having right to accord permission for the construction of such house; and (ii) built such house at his own expense.

The above provision also applies to the dwelling houses constructed by the agricultural labourers and village artisans and also the sites on which such houses stand.

*Punjab*

All lands under the houses owned by non-proprietors were vested in them under the Punjab Village Common Lands Act 1961. Further, all the needy landless agricultural labourers have either been provided or are being provided lands for homesteads free of cost during consolidation of holdings. At

least 150340 plots have thus been allotted to landless labourers including Harijan families; the total area of these plots is about 1760 hectares.

### *Rajasthan*

As a part of intermediary abolition laws, provision was made for vesting of a building held by a person, in that person. Under the Rajasthan Tenancy Act, an agricultural worker or an artisan who may have been permanently residing in the *abadi* of village for ten years or more has the right, free of charge, to possess a site for a residential house. Instructions have been issued to all panchayats to ensure provision of free house sites to such eligible agricultural workers in the *abadi* area. Instructions have also been issued to Collectors to set apart land for development of *abadi* and to transfer the same to panchayats for allotment of house sites to eligible agricultural workers.

### *Tamil Nadu*

The Tamil Nadu Occupants of *Kudiyiruppu* (conferment of ownership) Act, 1971 provides for conferment of ownership rights on occupiers of house sites along with the superstructure, if any. The owner is to be paid by the Government 100 times the assessment of the land plus market value of the superstructure, if any, either in cash or in bonds with such rates of interest as may be prescribed. The occupiers of the house site is to re-imburse the Government in such number of instalments as may be prescribed. The Act has been enforced in Thanjavur district where nearly one lakh agriculturists and agricultural labourers will be conferred ownership. Pattas have been issued to six thousand persons so far. The Act will be extended to other districts in due course.

### *Tripura*

On abolition of Zamindari, the occupiers of homesteads have come in direct contract with the State. The State Government is examining the question of conferring occupancy rights to homesteads in case of agricultural labourers. Landless agricultural labourers are allotted land for homestead purposes under Tripura Land Revenue and Land Reforms (Allotment of Land) Rules 1962.

### *Uttar Pradesh*

Under the U. P. Zamindari Abolition and Land Reforms Act, 1950, all buildings situated within the limits of an estate held by a tenant or any person shall continue to be held by such tenant or person and the site of the building together with area appurtenant there to shall deemed to be settled with him by the State with permanent, heritable and transferrable rights. The Act was amended in 1971 to provide that where any person belonging to a Scheduled Caste or Scheduled Tribe or a village artisan or any other landless agricultural labourer has built a house on any land vested in Gaon Sabha before 24th May, 1971, the site of the house shall be held by that person with heritable and transferrable rights.

### *West Bengal*

About 2000 hectares of land has been distributed to homeless families in rural areas including landless agricultural labourers at the rate of 0.0334

hectare per family for construction of homesteads. Necessary action is also being taken under the West Bengal Acquisition and Settlement of Homestead Land Act 1969 to regularise the occupation of small homesteads plots in rural areas by landless agricultural labourers and barga-dars. That Act provides that a person who holds no land or less than two acres of land and who has constructed a homestead on a land in the rural area in which he has no valid title will not be dispossessed if he has been residing continuously for a period not less than three years before 11th August, 1969. The Act also provides for acquisition and for settlement of such land not exceeding 0.0334 hectare with the person in possession thereof free of rent. The occupier of such land will be given the status of a Raiyat or a non-agricultural tenant as the case may be.

#### *Andaman & Nicobar Islands*

The Andaman & Nicobar Islands Land Revenue and Land Reform Regulation, 1966 authorises the Chief Commissioner to make a grant of Government land for the construction of building for a period of 30 years with an option for renewal for a like period.

#### *Chandigarh*

All lands under the houses owned by non-proprietors were settled with them under Section 4 of the Punjab Village Common Lands, Act, 1961.

#### *Delhi*

Under the Delhi Land Reforms Act 1954 all buildings within the limits of an estate held by the tenant or any person shall continue to be held by such tenant or person.

#### *Goa , Daman & Diu*

The Goa, Daman & Diu (Protection from eviction of Mundcars, agricultural labourers and village artisans) Act, 1971 provides protection from eviction of Mundcars, agricultural labourers and village artisans from dwelling houses occupied by them.

#### *Laccadive, Minicoy & Amindivi Islands*

Protection has been guaranteed to the *Kudiyan* against eviction from his *Kudi* (homestead on another man's land) except under conditions that he may have alienated his rights in the homestead to any other person or has ceased to reside therein. The rent payable shall be customary or six rupees per year whichever is less.

#### *Pondicherry*

Fixity of tenure has been granted to occupiers of house sites. Proposals are under consideration to confer ownership rights on them.

## APPENDIX IV

### *Scheme for the provision of house site to landless workers in the rural areas\**

#### *Introduction*

(a) The Scheme aims at assisting the State Governments and Administrations of Union Territories to provide house sites free of cost to families of landless workers in the rural areas who do not already own a house site or a built up house or a hut on land of their own. With the house sites so provided the workers will have to build houses/huts thereon with their own resources, and live in peace without being constantly threatened with eviction by the owner of the land on which they have built their houses/huts.

(b) The Scheme is being introduced as a Central Sector Scheme. It will, however, be implemented through respective State Governments and Administrations of Union Territories.

#### *2. Scope of the Scheme*

(a) The State Governments and Administrations of Union Territories are expected to take urgent action to :

- (i) Enact suitable legislation (where this has not already been done) conferring homestead rights on landless workers in rural areas in respect of sites on which their houses/huts stand at present;
- (ii) Utilise available land owned by the State Government or the Gaon Sabha in villages for providing house sites, free of cost, to families of landless workers in rural areas who are not covered by action under (i) above.

(b) The benefits of this Scheme will be admissible only to such families of landless workers in rural areas as cannot be given house sites in terms of the preceding sub-paras, provided that :

- (i) neither the head of the family, or any of its other members own any land whatsoever (agricultural or otherwise) in the village/rural areas;
- (ii) the family depends for its livelihood mainly on the unskilled labour of its members (e. g., landless agricultural workers); and
- (iii) the members of the family reside in the village/rural area for the major part of the year.

For the purpose of this Scheme, the term 'family' will be deemed to consist of the worker, his wife and dependent parents/children.

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\* Revised Scheme of the Ministry of Works and Housing (1st June 1972).

### 3. Financial Assistance

(a) The entire cost of acquiring and developing land for providing house sites to families of landless workers covered by para 2(b) above along with the cost of development of the land mentioned in para 2(a) (ii) above, in accordance with the approved programme, will be met by the Government of India as 100% grant assistance which will be made available to States and Union Territories out side their Plan ceilings. Any expenditure incurred by the States/Union Territories on appointment of staff, etc., necessary for implementing the scheme will, however, have to be met by them from their own resources.

(b) Financial assistance will be released to States/Union Territories in quarterly instalments against each specific project, depending upon the progress of work and expenditure in the preceding quarter, and work to be undertaken in the next one.

### 4. Utilisation of Financial Assistance

(a) Financial assistance provided by the Government of India under this scheme can be utilised by the States and Union Territories for acquisition of land in rural areas, and its development for being carved into house sites for allotment, free of cost, to families of landless workers residing in rural areas as are covered by para 2(b) above ;

(b) No family will be allotted more than one house site; the size of a house site shall not exceed 100 sq. yds.;

(c) The cost of development should not exceed Rs. 150 per site on an average (over a Block);

(d) The term "development" will cover clearing and levelling of land and provision of paved streets and storm water drains on the land proposed to be utilised for giving house sites to eligible families;

(e) In cases where an adequate supply of potable drinking water is not already available, a covered masonry well may also be provided to serve a cluster of, say, 40-50 house sites;

(f) In allotting the house sites, there should be no segregation of families belonging to Scheduled Castes and Scheduled Tribes. Such families should be suitably interspersed along with the other families being allotted house sites in or adjoining village;

(g) The agreements/deeds transferring house sites to the allottees should, *inter alia*, contain a specific clause precluding the allottee from selling, mortgaging or otherwise transferring his rights in the plot to a third party.

### 5. Formulation, Scrutiny and Approval of Programmes

The States should formulate specific projects, taking one Community Development Block at a time, and sent them to the Ministry of Works and Housing, along with an explanatory note and relevant details as in the attached proforma (not attached) for prior scrutiny and approval. (Provision of house sites to all eligible families in a Block is to be treated as one project). Priority should be given only to those Blocks in the district which have a sizeable concentration of landless rural labourers, particularly of those belonging to the Scheduled Castes and Scheduled Tribes.

#### 6. *Progress Reports*

The States/Union Territories shall compile quarterly progress reports in the prescribed proforma and send them to the Ministry of Works and Housing by the 15th of the month following the quarter to which it relates. Officers of the Ministry of Works and Housing may also visit the various projects to assess the progress and evaluate the programme from time to time.





## APPENDIX V

*Copy of letter dated 16th November 1971 issued by Ministry of Works and Housing to All state Governments*

**SUBJECT:—** *Provision of house sites to families of landless workers in rural areas.*

I am directed to invite a reference to this Ministry's letter No. 22(1)/71-H.II dated the 6th October, 1971, enclosing a copy of the Scheme for the provision of house sites to landless workers in the rural areas. It is requested that the following two sub-para's may please be added at the end of para 4 of the Scheme regarding "utilisation of financial assistance";

- (f) In allotting the house sites, there should be no segregation of families belonging to Scheduled Castes and Scheduled Tribes. Such families should be suitably interspersed along with the other families being allotted house sites in or adjoining village.
- (g) The agreements/deeds transferring house sites to the allottees should, *inter alia*, contain a specific clause precluding the allottee from selling, mortgaging or otherwise transferring his rights in the plot to a third party.

2. It is presumed that such of the State Governments as have not already enacted any legislation conferring homestead rights on landless workers in rural areas in respect of sites on which their houses/huts stand at present, have already initiated necessary action in this. States which have already passed such legislation may kindly send copies of the same to this Ministry.

- 3. The receipt of this letter may please be acknowledged.

## APPENDIX VI

*Copy of letter dated 29th January 1972 issued by Ministry of Works and Housing to all States Governments*

**SUBJECT:—** *Recommendations of the Housing, etc. Ministers' Conference, New Delhi—November 5 and 6, 1971—Recommendation No. 2—Scheme for provision of house sites for landless workers in rural areas.*

In continuation of this Ministry's letter No. 20(40)/71-H.II dated the 18th November, 1971, I am directed to say that Recommendation No. 2 of the Housing, etc. Ministers' Conference mentioned above has since been considered by the Government of India and the following decisions have been taken :

- (i) *Recommendation No. 2 (a)—(Unit for formulation of projects)—*This has been accepted. Consequently, the unit for the formulation of a project under the "Scheme for the provision of house sites to landless workers in rural areas" will be the Community Development Block and not the entire district.
- (ii) *Recommendation No. 2 (b)—(Development cost per plot)—*The ceiling cost of development per plot would remain at Rs. 150 as provided in the scheme. The Government of India, will, however, be prepared to consider the proposals of the State Governments for enhancement of this figure for the individual projects where this can be justified on merits. Consequently, where the State Government find that the development of house sites cannot be managed within the prescribed ceiling of Rs. 150 per plot in the case of any particular project, they should furnish full justification in support of their proposal when forwarding that project to the Ministry for approval.
- (iii) *Recommendation No. 2 (c)—(Application to land already available with the State Governments., etc.)—*This has been accepted. Cost of development will accordingly be admissible even in respect of house sites carved out of land belonging to State Governments/Gaon Sabha.
- (iv) *Recommendation No. 2 (d)—(Maximum size of plot )—*The maximum size of the plot to be allotted under the Scheme to each family will remain at 100 sq. yds. In exceptional cases, proposals of the State Governments for enhancement of the size of the plot can, however, be considered on the merits of each case. Full justification in support of the proposal should be furnished by the State Government when forwarding each such project to this Ministry for approval.

2. Necessary amendments to the Scheme will be issued separately.

3. Receipt of this letter may please be acknowledged.

MGIPRRND—7 NCA/72—III N.S.—10-1-73—3,000.