

Most Urgent/

Personal Attention

**K. Ashok Vardhan Shetty, IAS
Principal Secretary to Government**



Rural Development &
Panchayat Raj Department,
Secretariat, Chennai - 9.
Tel: 044-25670769
Fax: 044-25675849
Website: www.tnrd.gov.in

D.O.Lr.No.1719/SGS-1/2010 dated 08. 03.2010

Dear

Sub: **KVVT** – Main Survey to be conducted – Instructions – issued – regarding.

Ref: 1. CRD&PR D.O.Lr.No.3/2010/IAY-1 dt.05.02.2010.

2. CRD&PR D.O.Lr.No. 10826/2010/IAY-2 dt. 23.2.2010.

.....

Kind attention is sought to reference 1st cited wherein you had been asked to conduct a Pilot Survey in select Village Panchayats at the rate of one Village Panchayat per Block. The Pilot Survey has been completed in all the Districts.

Based on the feedback received from the Collectors after the conduct of the Pilot Survey, certain modifications have now been done in the Enumeration Format. Using this revised format, the Enumeration has to be taken up in **all** the Village Panchayats in your District. **The changes made in the Enumeration Format for the Main Survey** based on the feedback from the Collectors are listed below:

I. New Door number as per House Tax Assessment Register – not required:

In the Pilot Survey, the New Door number as per House Tax Assessment Register of the Village Panchayat was collected. However it was observed in the Pilot Survey that, in many Village Panchayats, either the Door number itself was not written in the House Tax Assessment Register, or it was wrongly written over there. Hence it was decided not to rely on the House Tax Assessment Register for ascertaining the New Door number of the house. However, as mentioned in the "Instructions to Enumerators for Pilot Survey", the Electoral Rolls are 99.9 per cent accurate with respect to houses, and shall be used as a benchmark for KVVV Scheme.

Hence, in the Enumeration Format to be used for the Main Survey, the Column pertaining to New Door number as per House Tax Assessment Register has been done away with. (i.e Column 3 of the Pilot Survey Enumeration Format has been deleted.) The identifying factor for the huts to be enumerated shall be the New Door number as per the May 2009 Electoral Roll only.

II. Grazing Grounds porambokes taken out of the category of Objectionable Porambokes:

It has been represented that the District Collectors have already been authorised by the Revenue Department to regularise the encroachments of over 3 years upon Grazing Ground Porambokes. Hence, Grazing Ground have been deleted from the category of Objectionable porambokes for the purpose of Kalaigarnar Veettu Vasathi Thittam.

III. 'Hazy Title' category deleted & 'Clear Title' re-defined:

In land matters, cases of 'Clear Title' may not be easy to come by. It is therefore necessary to be as liberal as possible while defining 'Clear Title' without at the same time making way for litigation. The category - 'Hazy Title' of

land ownership - as used in the Pilot Survey is done away with. With this deletion, the cases of Clear Title are re-defined as follows:

Cases of Clear Title are of **three types**:

(i) Cases where the Patta/Title deed for the plot on which the hut is constructed is in the name of the Head or any other member of the household **actually residing in the hut**. Even if the Patta/Title deed is jointly in the name of the Head/member of the household residing in the hut and someone else, such cases should also be treated as 'Clear Title'.

Illustration 1: 'A' is residing in a hut along with his family. The Patta for the plot is in his name. This is a case of 'Clear Title'.

Illustration 2: 'A' is residing in a hut along with his wife 'B' and children. The Patta for the plot is the name of the wife 'B'. This is also a case of 'Clear Title'.

Illustration 3: 'A', 'B', and 'C' are joint pattadars for a plot. 'A' is residing along with his family in a hut on the plot while 'B' and 'C' are residing elsewhere. Even though 'A' is only a joint pattadar here, this should be treated as a case of 'Clear Title'.

(ii) Cases where the Patta/Title deed is NOT in the name of any of the residents of the hut, but is in the name of a **blood relative** (grandparent/parent/sibling/child) with whose express/implicit consent and without legal dispute of any kind, the occupants are residing in the hut are also deemed to be cases of 'Clear Title'.

Illustration 1: The Patta for the plot is in the name of the father but the hut is occupied by the son's family with the father's express/implied consent and local enquiry reveals that there is no legal dispute of any kind. This should be treated as a case of 'Clear Title'.

Illustration 2: The Patta for the plot is in the name of the deceased grandfather of the occupant of the hut. Local enquiry reveals that there is no objection to, or any kind of legal dispute about the grandson residing in the hut in the concerned plot. This should be treated as a case of 'Clear Title'.

Illustration 3: *The Patta for the plot is in the name of the son but the hut is occupied by the son's parents with the son's express/implied consent and local enquiry reveals that there is no legal dispute of any kind. This should be treated as a case of 'Clear Title'.*

(iii) Cases where the title to the plot has already been transferred to any resident member by a **registered transfer deed** - but the Revenue records still show the name of the previous owner due to delays in carrying out changes - are also deemed to be cases of 'Clear Title'.

Illustration: *'A' has sold his plot to 'B' who, in turn, has sold it to 'C'. The Revenue records may still show 'A' as the owner of the plot due to delays in carrying out changes. If 'C' produces the registered sale deeds to show that he bought the plot from 'B' and that 'B' had bought it from 'A', then, after verification of these records, it can be treated as a case of 'Clear Title'.*

IV. A new category of land ownership called 'Questionable Title' introduced.

All cases of ownership other than the cases of 'Clear Title' as defined in III. above shall be considered cases of 'Questionable Title'. These may include, among others:

(i) cases where the Patta/Title Deed of the plot is in the name of a **blood relative** but there is a **legal dispute** regarding the occupants residing in the hut; and

(ii) cases where the Patta/Title Deed of the plot is **NOT** in the name of any of the residents of the hut or any of their blood relatives but is in the name of some third party with or without whose consent, the occupants have put up the hut on the plot.

Illustration 1: *'A' is residing in a hut, but the Patta for the plot is in the name of his brother 'B'. There is a legal dispute between the two brothers*

regarding A's occupation of the hut on B's plot. This must be treated as a case of 'Questionable Title'.

Illustration 2: 'A' is an agricultural labourer residing in a hut put up on land belonging to the landowner 'B' **without B's consent**. This should be treated as a case of 'Questionable Title' as far as 'A' is concerned.

N.B. Even if 'A' had put up the hut on land belonging to 'B' **with B's consent**, it would still be a case of 'Questionable Title' as far as 'A' is concerned.

Illustration 3: 'A' is a brick-kiln worker residing in a hut put up on land belonging to the brick-kiln owner 'B' with B's consent. This should be treated as a case of 'Questionable Title' as far as 'A' is concerned.

Illustration 4: 'A' is a labourer working under a contractor 'B' who is putting up a factory on C's land. 'A' has put up a temporary hut on C's land, with C's consent, for the duration of the construction. This should be treated as a case of 'Questionable Title' as far as 'A' is concerned.

In a few rare instances cases of 'Questionable Title' may become eligible if they are converted into cases of 'Clear Title' in one of the following 3 ways:

(i) By execution of a **registered transfer deed** in favour of a resident of the hut by the actual owner of the plot.

(ii) By an **order or decree of the competent Civil Court** declaring the resident to have become the owner of the plot by adverse possession for more than 12 years.

(iii) In the case of a legal dispute between blood relatives, by the production of a copy of the Court order whose authenticity should be duly verified or by a letter from the actual owner of the plot **duly attested by a notary public** that the dispute between him and the actual occupant of the hut has been fully and satisfactorily resolved. [N. B. A self-serving letter from the occupant of the hut to the effect that the dispute has been resolved should not be accepted. Similarly, a letter purportedly from the owner of the land unattested by a notary public should also not be accepted as there is the risk of forgery].

V. A resident member owning a Pucca house elsewhere - slightly modified :

In the Pilot Survey Enumeration Format, details were collected in Column 24 as to whether any **RESIDENT member of the OCCUPYING HOUSEHOLD** owns a Pucca house elsewhere constructed elsewhere with own funds or constructed under any Government Scheme. This Column was found confusing by some.

Since **KVVT aims at replacing a hut with a permanent** house – and NOT at providing one house for each household - the reference to 'household' is unnecessary. In order to make matters clearer, the information to be collected in the Main survey Enumeration Format in Column 22 is re-worded is: *'Whether any RESIDENT of the Hut owns a Pucca house elsewhere constructed elsewhere with own funds or constructed under any Government Scheme'*.

VI. Government Servants and MPs, MLAs and Local Body functionaries or their spouses ineligible - particulars to be furnished in the Remarks Column:

A fact which **must** necessarily be recorded by the Enumeration Team in the 'Remarks' Column is whether the owner of the hut is:

- i. A retired or serving Government servant (full-time, part-time, contract appointment, daily wage appointment) including an employee of Local Bodies, PSUs, Government Aided Institutions, Boards and any other quasi-Government undertakings, or his/her spouse, OR
- ii. An MP, MLA or Local Body functionary or his/her spouse.

VII. The conditions leading to Eligibility /Conditional Eligibility/ Ineligibility redefined:

In view of the modification made in the Enumeration Format, as listed above, the conditions for listing a hut as Eligible/Conditionally-Eligible and Ineligible are redefined as under:

I. A hut is ELIGIBLE for conversion into a Permanent house under KVVV provided ALL of the following conditions are satisfied:

1. The hut should have a thatched roof. *(i.e. the reply to Column 8 is 'Yes')*.
2. The hut should not have been let out to a tenant. *(i.e. the reply to Column 10 is 'No')*.
3. It should be a case of 'Clear Title'. *(i.e. reply to Column 20 is 'Yes')*.
4. No resident of the hut should own a Pucca house elsewhere, constructed with own funds or under a Government scheme. *(i.e. reply to Column 22 is 'No')*.
5. Information pertaining to **at least TWO of the following four items** is made available after the enumeration:

- i. Part no. and Serial no. of the Head or any member of the household as per the May 2009 Electoral Rolls.
- ii. Ration Card No.
- iii. House-Tax Assessment No., and
- iv. TNEB Service Connection No. (or 'Hut Light Scheme').

(i.e. The particulars should have been furnished for at least two of the four Columns 7, 11, 12 and 13).

II. A hut is CONDITIONALLY ELIGIBLE for conversion into a Permanent house under KVVV if the following conditions are fulfilled:

1. The hut has a thatched roof. *(i.e. the reply to Column 8 is 'Yes')*,
AND
2. The hut has not been let out to a tenant. *(i.e. the reply to Column 10 is 'No')*, **AND**
3. No resident of the hut owns a Pucca house elsewhere, constructed with own funds or under a Government scheme. *(i.e. reply to Column 22 is 'No')*,

AND EITHER

4. It is a case of 'Clear Title' (*i.e. reply to Column 20 is 'Yes'*) AND information pertaining to **only ONE of the following 4 items** is made available at the time of enumeration:

- i. Part no. and Serial no. of the Head or any member of the household as per the May 2009 Electoral Rolls.
- ii. Ration Card No.
- iii. House-Tax Assessment No., and
- iv. TNEB Service Connection No. (or 'Hut Light Scheme').

(i.e. The particulars should have been furnished for only one Column among Columns 7, 11, 12 and 13)

OR

5. It is a case of 'Questionable Title' (*i.e. reply to Column 21 is 'Yes'*) / 'Unobjectionable Poramboke' (*i.e. reply to Column 17 is '2'*) / 'Institutional land' (*i.e. reply to Column 18 is '1' or '2'.... or '6'*) AND information pertaining to **at least ONE of the following 4 items** is made available at the time of enumeration:

- j. Part no. and Serial no. of the Head or any member of the household as per the May 2009 Electoral Rolls.
- ii. Ration Card No.
- iii. House-Tax Assessment No., and
- iv. TNEB Service Connection No. (or 'Hut Light Scheme').

(i.e. The particulars should have been furnished for at least one Column among Columns 7, 11, 12 and 13)

III. A hut is INELIGIBLE for conversion into a Permanent house under KVVV if ONE or MORE of the scenarios mentioned underneath are prevailing based on the Survey format:

1. The hut does NOT have a thatched roof (*i.e. the reply to Column 8 is 'No'*).

2. The hut is let out to a tenant (*i.e. the reply to Column 10 is 'Yes'*).
3. The hut is built on an Objectionable Poramboke land (*i.e. reply to Column 17 is '1'*).
4. A resident of the house owns a Pucca house elsewhere constructed with own funds or constructed under a Government Scheme (*i.e. reply to Column 22 is 'Yes'*).
5. Information pertaining to **not even 1 of the following 4 items** is made available after the enumeration:
 - i. Part no. and Serial no. of the Head or any member of the household as per the May 2009 Electoral Rolls.
 - ii. Ration Card No.
 - iii. House-Tax Assessment No., and
 - iv. TNEB Service Connection No. (or 'Hut Light Scheme').

(i.e. No information is furnished in Columns 7, 11, 12 and 13)
6. The hut is owned by a retired or serving Government servant (full-time, part-time, contract appointment, daily wage appointment) including an employee of Local Bodies, PSUs, Government Aided Institutions, Boards and any other quasi-Government undertakings, or his/her spouse, or by an MP, MLA or Local Body functionary or his/her spouse. (*An entry to this effect is found in Column 24*).

IX. A new category of cases - 'Requiring Clarification'- introduced:

Besides the Eligible/Conditionally-Eligible and Ineligible Categories, another Category of cases - '**Requiring Clarification**' has been added for both Enumeration Teams as well as the Super-checking Officials. **There may be cases that, in the opinion of the Enumeration Team, are NOT covered in Eligible/Conditionally-Eligible and Ineligible Categories. The Enumeration Team may, then, mark such cases as the ones that 'Require Clarification'. It is specified that this** should be done only in those rare cases not contemplated by the present instructions.

Similarly, if the Super-checking Official is also unable to decide whether the hut is Eligible/ Conditionally Eligible/ Ineligible, he/she should mark it as a case that 'Requires Clarification' and pose it to the BDO(Block Panchayat)/PD,DRDA.

Ultimately, after all the doubts have been clarified, there should be no entry marked '4' in Column 27; i.e. all the entries should be only 1 or 2 or 3.

X. Introduction of a new Column to monitor the painting of New Door numbers:

The New Door number as per the May 2009 Electoral Roll is the key identifying factor of a hut under Kalaignar Veettu Vasathi Thittam. By the end of the Enumeration, **all the huts in a Village Panchayat should have the New Door numbers, as existing in the Electoral Rolls, painted on them.** A new Column has been introduced for the Super-checking official to specify whether the Enumeration Team has got the New Door number painted on all the huts as per the instructions, irrespective of whether they are Eligible, Conditionally Eligible, or Ineligible. [In cases where some New Door numbers as per the Electoral rolls are missing or are patently wrong (e.g. due to printing error in the Electoral rolls), the Village Panchayat may decide upon the appropriate New Door numbers to be allotted and have the same painted on the doors.]

XI. Mode of dealing with cases of belated production of documents, door locked cases, migrants, etc clarified:

At times, the resident of the hut may not immediately be able to furnish the Patta or its photocopy and/or other documents such as Ration Card No., TNEB Service Connection No. etc., at the time of the enumeration. In such cases, **even if he/ she produces the documents before the completion of the enumeration in the Village Panchayat, these should be accepted** and the particulars incorporated in the Enumeration format by the Enumeration Team. **The Superchecking Official is at liberty to entertain the documents even at the time of the super-check and make the necessary corrections -**

under proper attestation - to the entries made by the Enumerating Team.

Similarly, **if a hut is found locked because the residents are temporarily out of station or if they are seasonal migrants who are out of station for several months in a year**, the Enumerating Team must record an entry 'Door found locked' in the Remarks Column of the Enumeration Format (i.e. Column 24). **However, if the absentee resident of the hut returns and produces the documents before the completion of the enumeration in the Village Panchayat, these should be accepted** and the particulars incorporated in the Enumeration Format by the Enumeration Team.

Even if the absentee resident returns before the super-check is completed, the Super-checking Official should still accept the documents and make the necessary corrections - under proper attestation - to the entries made by the Enumerating Team.

However, if the absentee resident returns to the Village Panchayat AFTER even the Super-check is over, then he/she should apply separately to the BDO(Block Panchayat) who should inquire into such cases individually and who alone shall be competent to decide about the Eligibility as per norms.

XII. Changes in the Abstracts-

Consequent upon the changes made in the Enumeration Format, changes have been made in the Abstracts also. **Abstract 4** has been completely changed, since the door numbers as per House Tax Assessment register are no longer used for Enumeration.

In conclusion, in view of the substantial changes in the Eligibility/Conditional Eligibility/Ineligibility conditions, the list of huts coming under each category in the Pilot Village Panchayats will change. **It is therefore imperative that the Enumeration Registers for these Village Panchayats should be re-written in the revised Format. This can be done mostly as a 'table exercise' itself; in rare cases, field visit may be necessary.** It is not necessary to get the signatures of the hutdwellers once again.

- The erstwhile 'Ineligible' cases will remain the same except for the huts on Grazing Ground porambokes which will now become 'Conditionally Eligible' subject to fulfilling the remaining conditions specified.
- The erstwhile 'Eligible' cases will remain the same except for the huts belonging to Government servants, MPs, MLAs, Local Body functionaries which will now become 'Ineligible'.
- The erstwhile 'Conditionally Eligible' cases will change considerably. Most of the erstwhile 'Hazy Title' cases (i.e. the ones without any legal dispute) will now become 'Clear Title' cases and possibly 'Eligible'. Similarly, the changeover to "at least TWO" of the 4 identifiers (Part no. & Serial No., Ration Card no., House Tax Assessment No., and TNEB Service Connection No.) will also make many erstwhile 'Conditionally Eligible' cases into 'Eligible' cases.

This exercise must be completed **before 22.3.2010** positively. [Most of the Village Panchayats taken up for Pilot Survey were smaller villages with a small number of huts.] The Collector should ensure that there are no mistakes in copying and that the original Registers for the Pilot Village Panchayats are tagged along with the revised Registers for future reference.

Yours sincerely,

To
All Collectors

Copy to:
Thiru Gagandeep Singh Bedi, IAS.,
Commissioner of RD & PR,
Chennai-15.