

PM-KISAN SCHEME - CLARIFICATION RELATING TO CLAUSES 3.3 AND 3.4 OF THE OPERATIONAL GUIDELINES

The States have sent queries regarding interpretation of clauses 3.3 and 3.4 of the Operational Guidelines pertaining to cut off date to determine the eligibility under the Scheme, i.e. 01.02.2019. This date is not applicable when transfer of ownership of cultivable land takes place on account of succession due to death.

2. Clause 3.4 of the Operational Guidelines deals with transfer of ownership due to any reasons between 01.12.2018 to 31.01.2019.

3. Further, clarification regarding the operation of the aforementioned clauses is as follows:-

- i) In cases where the land records have not been updated for rights accruing due to succession on account of the death of land owners before 01.12.2018, such updation of land records may be done by the States in a time bound manner. The successors whose names are entered in land records for rights accrued as aforementioned shall be eligible subject to fulfilment of other conditions of the Scheme and the exclusion clauses.
- ii) Clause 3.4 of the Operational Guidelines, which provides for proportionate amount of financial benefit under the scheme to be transferred in the bank accounts of the beneficiaries in cases involving transfer of ownership between 01.12.18 to 31.01.2019, shall remain applicable to the cases of succession as well which is clear from the wording of the said clause.

4. Subsequent to 01.02.2019, there could be change in ownership due to the following reasons:-

- i) Transfer of ownership due to inheritance resulting out of death of the land owner. In such cases the family of the successors would be entitled to the benefits, if otherwise eligible as per scheme guidelines.
- ii) In cases of cultivable land transferred to other persons through Sale Deed, Partition Deed, Gift Deed, etc., the transferee will not be eligible under the Scheme as he/she was not the land owner as on 01.02.2019. However, in such cases even the transferor of the land will become ineligible if the family of the transferor does not have any cultivable land subsequent to such a transfer.

5. The State Governments have to put in place the administrative mechanism based on their existing land revenue administrative regime to take care of formulations. There should be clear cut responsibility entrusted to the officials responsible for undertaking mutation of land records.

- i) In case of correction of land record for recording land ownership accrued due to inheritance before 01.12.2018 then the eligibility of the family under the scheme shall be properly determined as per the conditions of the scheme. The procedure for determining the eligibility as per the exclusion clauses shall remain as prescribed.
- ii) In case of transfer of land ownership due to inheritance, reassessing the eligibility of the family under PM KISAN - If the family is no longer eligible, then the same have to be updated in the PM KISAN portal so that the benefits can be discontinued subsequently. In case of family of the deceased land owner is still eligible (where spouse or the minor children are having cultivable land and eligible as per guidelines), the details of the new beneficiary alongwith other details with the fresh self-declarations have to be provided to the concerned authorities for inclusion/modifications so that the benefit to the survivors of the family can continue.
- iii) Subsequent to inheritance if the families of the inheritors also become freshly eligible under PM Kisan then all the details of the freshly eligible families have to be incorporated in the database so that benefits start accruing to such families from the date when inheritance became operational.
- iv) In case of transfer of cultivable land for reasons other than death after 01.02.2019, the officials have to reassess the eligibility of the transferor and decide whether the benefits have to be stopped or not and intimate the authorities so that the PM KISAN portal can be updated. Transferees are not entitled for any benefits under PM KISAN in such cases.

6. Accordingly, the State Governments should put in place such a mechanism before 31st March and intimate the Central Government. The PM KISAN portal will have a system wherein editing facility will be allowed to modify the database through valid user name and passwords. However, such transaction and editing will have to be archived and transaction history will have to be maintained to ensure data security and scrutiny/enquiry in future. NIC may, therefore, ensure such a facility on the web portal.