

# Tea Garden Ceiling Surplus Land Rules

## Under the Assam Fixation of Ceiling on Land Holdings Act, 1956

- 1) Under Section 3(c) of the Ceiling Act, Deputy Commissioner is empowered as the Collector for acquiring Ceiling Surplus Land.
- 2) Under Section 4(2) and 4(5) of the Ceiling Act, the Govt. has fixed the limit for land holdings of individuals and tea cultivation; and empowers the Deputy Commissioner/Collector to take possession over the excess land.
- 3) Under Section 5 of the Ceiling Act, the person (Owner/Tenant), holding land that is in excess of the limit fixed under Section 4 of this Act, should submit a Return giving the particulars of all his lands in the prescribed Form to the Deputy Commissioner/Collector.
- 4) Under Section 7(2) of the Ceiling Act, a Draft Statement has to be prepared and published by the Collector with intimation to the person concerned regarding the excess land to be acquired. A period of 15 days is given to the person's concerned for any objections and any hearing order thereof.
- 5) Under Section 7 (4) of the Ceiling Act, Once the Final Statement is signed by the Deputy Commissioner/Collector, all the right and interest in the acquired land vest in the State Govt. free from all encumbrances created by such persons and no persons shall then be entitled to question it in any Court.

But most of the excess lands are likely to be under cultivation of some tenants. The purpose of the Act would be defeated if the cultivating tenants are ejected from Ceiling Surplus Land and then it is settled with outsiders.

Hence, it has been laid down in Section 16 of the Ceiling Act, where is a cultivating tenants in the excess land, it should be settled with him subject to the General Ceiling of 50 Bigha.

- 6) Under Section 13(a) of the Ceiling Act, the Compensation may be paid in cash in one or more equal Annual instalments within 5 years from the date of Acquisition.

Delay in payment of Compensation within 6 months of the date of Acquisition entails accrual of penal interest upon the unpaid amount at the rate of  $2\frac{1}{2}$  % per annum under Section 13(a) of the Ceiling Act.

**Contd.....**

7) Once the excess land is acquired and declared as Ceiling Surplus Land, it should be treated as ordinary Sarkari land Under Section 12 of the Assam Land and Revenue Regulation Act, 1886. Under Section 17(3) of the Assam Fixation of Land Holdings, 1956 ( As Amended), the preference of the settlement of the acquired Ceiling Surplus Land shall be given to the following categories of person in following order:-

a) Landless cultivator who has been rendered homeless due to flood, erosion or earthquake.

b) Landless cultivator.

c) Agricultural Farming Corporation as defined in the Assam Agricultural Farming Corporation Act,1973 ( Assam Act viii of 1973).