



GOVERNMENT OF ASSAM

LAND POLICY - 2019

**REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR**

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Since independence, the Government of Assam adopted four land policies in 1958, 1968, 1972 and 1989 to meet requirement of the prevailing situation at the relevant period. Though more than 30 years have elapsed since adoption of the Land Policy of 1989, the disposal of large number of petitions pending for settlement of land in the State and also regularization of the long occupations of Government land with the landless indigenous persons could not be done effectively and satisfactorily. Similarly, removal of illegal encroachment from different types of Government land, VGRs, PGRs, other reserved land, Satra land etc. over the years has still been a challenging task for the Government to deal with. Adoption of a new policy has therefore become an utmost necessity to address these issues and to guide the Revenue Officials in their endeavour to achieve the desired goals.

With the growth of population and increase in the industrial and other developmental activities in the State, the agricultural land for rural landless peasantry and the land for residential and industrial/commercial purposes both in rural and urban areas have become scarce and limited. The problem has become all the more acute due to the following factors :-

- (i) Occurrence of flood in almost every year rendering land unfit due to siltation and erosion resulting in loss of alarming quantum of homestead and agricultural land across the State.
- (ii) Rapid growing urbanization and industrialization causing decrease in agricultural land.
- (iii) Unauthorized encroachment over Government land resulting in decrease in readily available land for allotment/settlement.
- (iv) Temptation to sell roadside agricultural land by poor, ignorant and unorganized agriculturists to non- agriculturists due to variety of reasons has also resulted in loss of agricultural land in the State to a great extent.
- (v) Degradation of land for a variety of man-made factors causing stress on agricultural land.

The population of Assam was only 3.29 million in 1901 which has increased to 31.2 million as per 2011 census, which means an increase of eight hundred and forty two percent population during the period under comparison. With an area of 78,438 Sq. Km, the density of population as per Census,2011 in the state is 398 per Sq. Km. The area of two hill districts of Assam is approximately 15322 Sq. Km with a population of 11.70 lakh only. Therefore the density of population in the plains districts of Assam is 496 per Sq. Km which is quite high compared to the national density of population of 382.

As per the Economic Survey Report of the State, 2016-17, out of the total geographical area, 26,832 Sq.Km. is under forest cover and 3,905 Sq.Km. is water spread area. The study reveals that an area of about 7000 Sq. Km. of land of the State has been eroded by different rivers since 1950. The average annual rate of erosion is 8000 hectare. Further, aggravating the situation, thousands of bighas of agricultural land have become un-cultivable due to deposition of sand/silt resulting due to flood over the years.

The land as a resource is finite and suitable land available in the State for agricultural and homestead purposes is very limited. The demand for land on the other hand is increasing day by day. Moreover, there is an urgent need to protect the land rights of indigenous people of the State. Further, there are cases of old occupations by indigenous persons both in urban and rural areas of the State for which there are demands from such people for regularization of such old occupations. There is also a need to revisit the existing land policy and also the land Laws of the State and make suitable changes to bring them in harmony with present day realities.

Realizing the gravity of the situation, the Government constituted a committee under the chairmanship of Shri Hari Sankar Brahma, IAS (Retd.), former Chief Election Commissioner of India and Dr. Rohini Kr. Barua,IAS(retd), Sri Anil Kr. Bhattacharryya, Senior Advocate of Gauhati High Court, Sri Ajay Kr. Dutta, Social Activist, Dr.Romesh Barpatragohain,Dean, Faculty of Law, Gauhati University, Sri Kumar Dahutia, noted Historian and Sri Santanu Bharali, Legal Advisor to Hon'ble Chief Minister, Assam as members for suggesting measures including modifications in the Assam Land and Revenue Regulation,1886, other land laws, Government Circular and Land Policy for ensuring protection of land rights of indigenous people in the State of Assam.

Having considered the factors outlined above, the Government have adopted the Land Policy, 2019 as stated here-under :

1. ALLOTMENT AND SETTLEMENT OF GOVERNMENT LAND FOR ORDINARY CULTIVATION IN RURAL AREA :

1.1. Land at the disposal of the Government for ordinary cultivation may initially be given by way of allotment to indigenous landless cultivators. After 3 years of continuous physical possession by cultivating the same, the land may be settled with the allottees, provided the land is found to have been used for the purpose for which it was allotted.

Such settlement shall be subject to realization of premium as fixed by Government from time to time.

1.2. Land already allotted may be settled with the indigenous allottee on periodic lease provided the allottee is in continuous possession for a period of 3 years or more by cultivating the same or has used it for the purpose for which it was allotted on realization of premium at rate as may be notified by the Government from time to time.

1.3. The maximum limit of land for allotment to an individual is fixed at 3(three) Bighas for agricultural and $\frac{1}{2}$ half a bigha for homestead purpose.

1.4. It is made clear, however, that provision for allotment of land to the indigenous landless persons to the tune of 3(three) and $\frac{1}{2}$ (half) a Bigha does not give them any entitlement to get the land. It is for the government to decide how much land can be given to a person or whether it can be given at all depending on the local circumstances and other pressing needs for the land.

1.5. The maximum limit of land for allotment to a registered Co-Operative Society formed by the local indigenous landless cultivators in rural areas will be the aggregate of the land entitled for allotment to each individual member of the society or 30 Bighas, whichever is less. For economic upliftment, the registered society formed by indigenous women shall be given preference for allotment of land to the extent of aggregate of land entitled for allotment to each individual member of the society or 35 Bigha whichever is less.

However, depending upon the scope for success and feasibility of the targeted utility of land by such Co-Operative societies, Government can take a flexible view as regards quantum of land to be allotted subject to specific recommendations from the Deputy Commissioner and the Land Advisory Committee.

1.6. Land shall ordinarily be allotted to such registered societies and in the event of non utilization of the land for the purpose for which it was allotted within 3 years of allotment or in the event of dissolution of such Societies, the land so allotted shall be automatically reverted back to the Government.

1.7. As far as practicable, preference shall be given in the matter of allotment of Government land for ordinary cultivation in the rural areas as follows:-

(a). Those indigenous land owner cultivators who have been rendered landless due to flood, erosion, earthquake and other natural calamities.

(b). Indigenous landless cultivators. Preference will be given to the landless indigenous cultivators belonging to Scheduled Tribes, Scheduled Castes and OBC/MOBC communities.

(c). Indigenous Widow having no earning sons or daughters (excluding married daughter) provided such widow intends to take up cultivation as the source of livelihood.

(d). Indigenous Single woman, disabled person and ex-serviceman desirous and capable of taking up agriculture as a means of livelihood.

Explanation 1 : *Rural area shall mean the area beyond 15 km from the periphery of Guwahati Municipality Corporation, 5 (five) km from periphery of other Municipal town and 3 km from the periphery of revenue town.*

Agriculture includes horticulture, arboriculture, pisciculture, piggery, animal husbandry and other ancillary purposes.

Explanation 2 : *A person, who has agricultural land to the extent of one bigha or less in his name or in the name of his family either as tenant or as an owner anywhere in the State of Assam and has no means of livelihood other than cultivation, will be regarded as a landless person for the purpose of entitlement for getting settlement of land for agricultural purposes.*

Preference shall be given to the person who does not have any land in his name or in the name of his family either as tenant or as an owner anywhere in the State of Assam and has no means of livelihood other than cultivation.

However, anybody having more than three and half bighas of land taking into account both agricultural and homestead, shall not be eligible for further settlement of government land.

1.8. Settlement of land for ordinary cultivation in rural area may be given on the basis of a family and all settlement of land both in rural and town areas will be made conferring joint title to the husband and wife if the applicant is married.

Explanation: *Family means a family consisting of one or more of the following namely: 1) husband, 2) wife, 3) minor children and also includes a joint family. Joint family means family of which the members are descendants from a common ancestor and have a common mess, and shall include wife or husband, as the case may be, but shall excluded married daughters, married sons and their children : provided that a family consisting of father, and/or mother, sons and/or unmarried daughters holding lands jointly shall be presumed to be joint in spite of having a separate mess.*

1.9. All settlement of land for ordinary cultivation will be made with the indigenous landless cultivator i.e. the persons who actually cultivate the land by themselves and whose livelihood is mainly cultivation.

1.10. After settlement of land to the landless indigenous persons mentioned above the settlement holders shall have no right to transfer any part of the land for a period of 15

years from the date of settlement. Such conditions shall be incorporated in the patta as well as Record of Right.

Further, the Deputy Commissioners shall ensure that landless indigenous person with whom land is settled does not become landless again by transferring any part of his settled land. However, in case of acute emergency only, as decided by the Deputy Commissioner, transfer within 15 years of settlement may be allowed involving agricultural land not more than one bigha by the Deputy Commissioner with the approval of Government.

1.11. In permanent char areas settlement of land shall be made with the deserving landless indigenous person as per Land Policy. For this purpose, cadastral survey in char areas would be made on priority basis in a phased manner before such settlement in char area.

1.12. In case of temporary or semi permanent chars, the area fit for cultivation shall be determined and it will be considered for temporary use for the indigenous cultivators for agricultural purpose only for a particular agricultural cycle.

1.13. The allotment/settlement of land to eligible landless indigenous person residing in Inter-State Border Areas shall be made expeditiously in surveyed areas and in non surveyed areas, similar steps shall be taken after carrying out survey in those areas.

1.14. Mere possession by way of encroachment shall not be a criteria for entitlement to get allotment/ settlement of Government land.

Since encroachment has to be removed forthwith, the system of collecting Encroachment Penalty (*Bedakhali Jarimona*) shall be discontinued. The system of collecting Touzi Bahira revenue against allotted land only however shall continue. The Revenue Officials shall be duty bound to evict the encroachers at the earliest.

1.15. Further, allotment and settlement of land shall not be considered for such lands which is reserved for any Government or public purposes or declared wet lands, hills, ecological sites, forest land and land vulnerable to land slide or erosion.

1.16. If the land allotted is not utilized within 3 (three) years from the date of allotment for the purpose it was allotted, the land will stand reverted back to the Government automatically and the Deputy Commissioner concerned will take over possession of the land on behalf of the Government after due service of notice.

1.17. Further, allotment/settlement of land will be cancelled if it is established at any later stage that such beneficiaries resorted to submission of fraudulent supporting documents including affidavits and in case of settlement of land on realization of premium, amount of premium shall be forfeited in addition to any other legal action for submission of fraudulent documents, false affidavits etc.

1.18. Henceforth, no land, falling within the area from the waterline to a line parallel to the waterline and perpendicularly away to the country side for the distances as stated below for each of the categories of water masses, may be allotted to or settled with any individual person or body of persons.

- | | | |
|--|---|--------------------------------|
| River Streams etc. | - | Reservation of waterside area. |
| i. The Brahmaputra river and the Barak river | - | 50 meters |
| ii. Other rivers and big Government fisheries | - | 25 meters |
| iii. Rivulets, Streams, canals and small fisheries | - | 20 meters |

Explanation: *Waterline is the line up to which the water usually covers the bank during rainy seasons and stands for the longer time of the season. In deciding the water line, the high flood waterline is not to be considered.*

2. DISPOSAL OF LAND ACQUIRED UNDER THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956 (AS AMENDED) AND UNDER THE ASSAM STATE ACQUISITION OF LAND BELONGING TO RELIGIOUS OR CHARITABLE INSTITUTIONS OF PUBLIC NATURE ACT, 1959 (AS AMENDED) :

2.1. The tenanted land acquired under the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended), which is under occupation of tenants or their legal heirs, shall be settled by the Deputy Commissioners as per provision of the Act and the Deputy Commissioners shall submit timely report to the Government on action taken.

2.2. The untenanted land acquired under the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended) and already allotted to landless persons by issuing allotment certificates may be settled with the indigenous allottee occupants or their legal heirs, if they are found in physical possession of the land so allotted, subject to the limit of 3(three) and a 1/2(half) Bighas per family for agricultural and homestead purposes respectively with realization of premium as fixed by the Government from time to time.

Explanation: *Family means a family consisting of one or more of the following namely:1) husband,2) wife,3) minor children and also includes a joint family. Joint family means family of which the members are descendants from a common ancestor and have a common mess, and shall include wife or husband, as the case may be, but shall excluded married daughters, married sons and their children : provided that a family consisting of father, and/or mother, sons and/or unmarried daughters holding lands jointly shall be presumed to be joint in spite of having a separate mess.*

2.3. The allotment of untenanted land, already allotted, but not found in occupation of the actual allottees or their legal heirs even after 3 years of allotment, shall be cancelled and

reverted to Government and such land may be allotted/settled with deserving indigenous landless cultivators as per this Land Policy of the Government.

2.4. The untenanted ceiling acquired land not yet allotted/settled may be allotted expeditiously to the deserving indigenous landless persons as per provisions of the Act and in pursuance to the Land Policy of Government.

2.5. Persons belonging to Tea and Ex-Tea garden community will be given preference in allotment of land acquired from tea estates under the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended).

2.6. The Deputy Commissioners shall regularly monitor the present status of the land acquired under various Land Reforms Acts to ascertain whether the purposes of land reforms measures are attained.

3. ALLOTMENT/SETTLEMENT OF LAND FOR HOMESTEAD PURPOSE IN RURAL AREAS:

3.1. An indigenous family of the State who does not have homestead land in the name of any member of their families anywhere in the entire State may be allotted with suitable homestead land not exceeding half a bigha ($\frac{1}{2}$) per family. The land so allotted shall be settled on periodic basis with the allottee provided the land is utilized for the purpose for which it is allotted within 3 years of allotment. Land thus settled shall be non-transferable for 15 years from the date of settlement. Further, the Deputy Commissioners shall ensure that landless indigenous person with whom land is settled does not become landless again by transferring any part of his settled land.

3.2. The land previously allotted under Rural House Site Scheme (MNP Scheme), may be expeditiously settled with the allottees or their legal heirs as the case may be, provided the land so allotted has been properly utilized as homestead.

3.3. Deputy Commissioners shall expedite the process of settlement of land to Tea and Ex-Tea labourers as per the policy of the Government.

3.4. For allotment/settlement of land to landless indigenous persons under this policy, detail method and manner of submission of applications and other aspects, will be issued separately.

4. ALLOTMENT OF LAND FOR ALLIED AGRICULTURAL PURPOSES IN RURAL AREAS:

Land in rural areas may be allotted for Pisciculture, Dairy, Poultry, Piggery, Sericulture, Plantation of Herbs & Medicinal plants etc. on the basis of schemes or projects duly approved by the departments concerned, to indigenous land less families who have taken Pisciculture or Dairy or Poultry or Piggery or Sericulture or Plantation of Herbs & Medicinal Plants etc. as means of livelihood subject to a maximum limit of 2

(two) bighas per family, and 30 (thirty) bighas for registered Co-operative Society/Farm/group of pisciculturists which is registered under the appropriate law/Government Department. Such allotment will stand cancelled if the land is not utilized for the specific purposes within 3 years of allotment.

5. ALLOTMENT/SETTLEMENT OF LAND FOR SPECIAL CULTIVATION :

5.1. Government high land and ceiling surplus land suitable for special cultivation should be identified and suitability report for special cultivation of tea, coffee, rubber etc., on such land will be obtained by the Government from the State and the Central Government agencies concerned for the purpose of allotment/settlement of the same to small growers for special cultivation. Government high land and ceiling surplus land suitable for special cultivation of tea, coffee, rubber etc. may be identified and allotted to the indigenous small growers who have already been registered with state/central Government agencies concerned .

5.2. While giving allotment of land to small indigenous growers for special cultivation, preference shall be given to:-

1. indigenous youths coming from the families below poverty line.
2. other indigenous educated unemployed youths.
3. co-operatives of indigenous unemployed youth.

Provided that, such indigenous youth have taken special cultivation as a means of livelihood.

Provided further that, such small growers of special cultivation shall have to be registered under the Tea/Rubber Board of India or the respective Directorates of the State Government.

5.3. The land allotted must be utilized within 3(three) years of allotment for the special cultivation, failing which, the allotment shall stand cancelled automatically.

5.4. All such allotted land may be settled with the allottees on realization of premium at rate notified by the Government provided the land is utilized for the purpose for which it was allotted.

Except as stated above, no other category of persons or organization shall be allotted / settled land for special cultivation. Moreover, multiple members of a same family shall not be entitled to such benefit if any member of the family has already availed the benefit.

5.5. Small growers of special cultivation may be provided with 30 (thirty) bighas of land, as per norms, and additional land for settlement, and which should not exceed 75 (seventy five) bighas in aggregate. Premium for settlement up to 30 (thirty) bighas will be at incentive rate fixed by the Government and premium for land in excess of 30 bighas would be assessed as per zonal valuation. Maximum limit for allotment of land for special cultivation to registered co-operative society shall be fixed at 150 bighas.

5.6. Special periodic leases may be issued for such lands settled for special cultivation in conformity with the provisions of the Assam Land and Revenue Regulation, 1886.

5.7. No part of land under special cultivation shall be transferred/alienated without the prior approval of the Government.

6. VILLAGE GRAZING RESERVE (V.G.R.) AND PROFESSIONAL GRAZING RESERVE (P.G.R.) AND OTHER RESERVED LAND :

6.1. Deputy Commissioners shall make necessary endeavour to preserve the existing V.G.Rs and P.G.Rs. for use by the members of the public for the purpose for which those were constituted and encroachment on V.G.Rs and P.G.Rs. if any, will be removed. Henceforth, the land under V.G.Rs and P.G.Rs will not be further decreased by way of de-reservation and allotment etc. except for public purposes under special circumstances as defined by Judicial pronouncements.

6.2. A block of Government land ranging from 5 (five) Bigha to 15 (fifteen) Bighas, subject to availability in each village should be reserved as an open space for environmental/ ecological purposes and be kept free from encroachment/allotment/settlement or any form of transfer.

6.3. Play ground, and other open place suitable for play ground and Park in rural areas will be preserved for maintenance of ecological balance/environment as well as other public purposes. Appropriate measures for maintenance/upkeep of such gardens and open places shall also be provided for deriving the optimal utility/benefits from such public facilities.

6.4. Deputy Commissioners shall ensure creation of a data base in the form of Village Land Bank for all such reserved land and keep strict vigilance towards its protection and preservation.

6.5. Deputy Commissioners shall ensure that the wet lands remain free from encroachment and that the natural water channels which function as natural drainage are marked by the Land Record Staff in the village map and note to that effect shall be recorded in the remark column of field index register (chitha).

Further, Deputy Commissioners shall not change the class of wet land in the land records without prior approval from the Government.

7. ALLOTMENT/SETTLEMENT OF LAND FOR OTHER NON-AGRICULTURAL PURPOSES LIKE INDUSTRIES, PUBLIC INSTITUTIONS, HOSPITALS/DISPENSARIES ETC.:

7.1. No agricultural land will ordinarily be allotted or settled for establishment of industry, construction of public institution/offices, hospital, dispensary etc. The Land Advisory Committee may examine the land unsuitable for agricultural purposes identified by district/sub-division authority placed before it and may recommend to Government for establishment of public institution, industry, hospital etc. Considering the scarcity of land, minimum requirement may be allotted/settled on rational basis.

Endeavour shall be made to have a survey and mapping of land in the Districts not suitable for agricultural purpose in order to prepare *special zone for industrial and other institutional infrastructure development* in the State.

7.2. Deputy Commissioners of respective Districts shall be competent to allot land to State Government Departments to establish special project etc. which are being executed by the State Government Departments in rural area to the extent of 8 (eight) bighas after approval from the Sub Divisional Land Advisory Committee. Prior approval of Revenue & Disaster Management Department will be required if the area exceeds 8 (eight) bighas. In case of project under PPP mode or any other such mode, prior approval of the Department shall be necessary irrespective of the quantum of land.

7.3. Endeavour shall be made to allot land for establishment of required infrastructures/projects in order to preserve the identity, culture, heritage etc. of the ethnic communities/groups residing in the State.

8. PERMISSION FOR MANUFACTURING OF BRICKS, TILES ETC.:

8.1. Temporary permission for brick,tiles industry in certain Government land only may be given on realization of premium under certain conditions as may be defined by the Government.

9. RESTRICTION ON TRANSFER OF AGRICULTURAL LAND :

9.1. In order to maintain the basic permanent crop land in the State, the Deputy Commissioners with the assistance of the Agricultural Department shall carry out survey to identify the *prime agricultural land* parcels of the districts depending upon the fertility of the land, irrigation facility, cropping intensity and annual yield records of such land. Such prime agricultural land of the districts shall be digitally mapped and recorded distinctly in the land records. Deputy Commissioners shall not accord approval for transfer of such land without prior approval from the Government.

9.2. Further,the Deputy Commissioners shall not accord permission for transfer of land under periodic lease belonging to an agriculturist land holder to a person who is not an

agriculturist in contravention of provisions of Executive Instruction-6 under the Assam Land and Revenue Regulation,1886 and other land laws. Endeavour shall be made to bring suitable amendments in existing Laws if necessary to further strengthen the measures to check transfer of agricultural land belonging to the agriculturists to the non-agriculturists and also for protecting land belonging to indigenous communities of the State.

Explanation: “*Agriculturist*” means a person who cultivates the land personally.

10. PRESERVATION OF SATRAS, PLACES OF HISTORICAL IMPORTANCE AND ANCIENT MONUMENTS , TANKS ETC.:

10.1. The places of ancient monuments,heritage sites, historical tanks, etc. and the sites considered to be of historical and archaeological importance shall be preserved and shall not be allotted / settled to any individual or any organization.

10.2. The Deputy Commissioners shall put fullest effort to preserve and protect the land belonging to the Satras and other such Religious & Charitable Institutions and remove all unauthorized encroachment from such land forthwith.

10.3. A database for such lands shall be prepared based on survey and steps shall be taken to notify such lands as protected lands and necessary entry to that effect shall be made in the land records by the Land Record Staff.

11. CONVERSION OF ANNUAL PATTAS LAND INTO PERIODIC:

11.1. As no new Annual Pattas shall be issued, all the Annual Patta land fit for conversion, shall be converted to periodic patta as expeditiously as possible by chalking out a *time-bound action plan* as per existing provisions of the Assam Land Records Manual and the Assam Land and Revenue Regulation,1886 and Government instructions in force.

There shall not be any restriction to convert annual patta in town for individuals with respect to area if otherwise eligible.

11.2. Government may examine the matter where transfer of annual patta land has been given effect to by the original pattadars to some other persons against the existing provisions and evolve a suitable mechanism to deal with such land so that no land remain under annual patta.

11.3. The provisions for conversion of annual patta land into periodic will be as follows :-

(i) by Revenue Circle Officer in rural areas excluding the area falling within the radius of 15 kms from the boundary in the case of Guwahati Municipal Corporation, 5 kms in case of other Municipal Town and 3 kms in case of revenue town;

(ii) by the Deputy Commissioner of the District in respect of the areas falling within the radius of 15 kms. from the boundary in case of Guwahati municipal Corporation and 5 kms in case of other Municipal and 3 kms in case of revenue town;

(iii) by the Government in respect of the areas within Guwahati Municipal Corporation and other notified Municipal and Revenue Towns.

11.4. Such conversion shall be allowed subject to fulfillment of the provision laid down in the Assam Land and Revenue Regulation, 1886, the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended) as well as in the Assam Land Records Manual and realization of premium determined by the Government from time to time.

11.5. While granting conversion of Annual lease into Periodic in rural areas, the road side reservation will be as per provisions of the ALRR, 1886 (as amended), the Assam Land Records Manual or as may be laid down by special order of the Government.

11.6. On conversion of Annual patta into periodic, transfer of land shall be restricted for 3 years from the date of conversion. In case a pattadar desires to transfer such newly converted land within 3 years period of conversion under emergent situation as decided by Deputy Commissioner, Deputy Commissioner shall accord permission for such transfer provided that such transfer does not make the transferor a landless person.

11.7. Deputy Commissioners shall assess the premium for conversion of land based on the updated and approved zonal value of the land and as per rate fixed by the Government. Deputy Commissioners shall invariably ensure regular updation of zonal value of land as per guidelines and instructions issued by the Government. In cases where zonal valuation is not updated, enhanced rates as may be notified by the Government will be made applicable.

12. CADASTRAL SURVEY AND NON-CADASTRAL AREAS :

12.1. Steps shall be taken to survey the un-surveyed areas of land under the fold of cadastral survey by using modern survey techniques. The cadastral survey in the areas falling within the towns shall also be taken up without further delay.

12.2. It is necessary to have clarity before the survey of an un-surveyed area is taken up that allotment/settlement of land cannot be made merely on the basis of the fact of encroachment over a certain portion of land. Barring the land settled with individuals, different institutions/organizations etc., all other land will be Government Khas land for need based future use to be decided by the Government.

13. MUTATION AND PARTITION :

13.1. Mutations and other revenue matters should be disposed of expeditiously by competent Revenue Officers so that land records remain updated.

With the establishment of inter connectivity between the Circle Offices and the Sub-Registrar Offices, the process of mutation shall be simplified by introduction of suo-moto registration of mutation cases.

13.2. Rajah Adalats have proved to be helpful in disposal of mutation and partition cases. They need to be continued with renewed vigour and innovative way like distribution of updated Jamabandi (Record of Right or the RoR) / Patta through village level camps, awareness drive through audio-visual media etc.

13.3. Deputy Commissioners shall ensure partition of every joint estate by the Circle Officers to make single patta for a single person and make necessary correction in land records including maps.

13.4. Annual programme for record purification for every village may be initiated and Dag wise land records shall be authenticated.

13.5. Deputy Commissioners shall ensure seamless operationalization of the Integrated Land Records Management System (ILRMS) in the Revenue Circles.

14. SETTLEMENT AND RESERVATION OF LAND IN TOWNS :

14.1. No land within Municipal Corporation or any town constituted under Assam Municipal Act, 1956 or Town Land declared under the Assam Land Revenue Reassessment Act, 1936 or the Assam Land Revenue Regulation, 1886 shall be settled for agriculture purpose.

Explanation: *Agriculture includes horticulture, arboriculture, pisciculture, piggery, animal husbandry and other ancillary purposes.*

14.2. An indigenous person who has no homestead land in his name or in the name of his family in the State may be eligible to get land in Guwahati city or in the urban area, provided that such person is required to reside in Guwahati city or in that urban area by very nature of his occupation/ service, provided further that he has sufficient ground to justify that he has not been able to purchase land in Guwahati city/other towns.

14.3. The State Government will not consider settlement of any Government land in Guwahati city or in other town areas under possession of individual or other persons merely on the ground that the person concerned is in occupation of such land irrespective of the period of such occupation or encroachment. It would be the policy of the State Government to consider settlement or to evict such persons as the case may be.

14.4. However, in view of the Land Policy, 1989 and other Government decisions prior to adoption of this Land Policy, the cases of indigenous landless persons, if found eligible and who have been under continuous occupation of Government land since or prior to 28th June, 2001 may be considered for settlement of maximum of 1(one) Katha 5(five) Lessa of land in case of Guwahati and 1(one) Katha 10(ten) Lessa in case of other towns as one time measure for homestead purpose, if they apply for it, irrespective of having land in rural areas subject to realization of due premium.

Provided that persons having more than three and half bighas of land in rural areas will, however, be not entitled to the above benefit.

14.5. If any land in excess the permissible limit is found under occupation of the person with whom settlement is to be offered, such excess land is to be surrendered by the person to the Government and in the event of any locational problem, if it is not practically possible to surrender such excess land, such land may be settled subject to approval from the Government, with the person to the extent and on realization of premium at rates, as may be notified by Government from time to time. However, Government shall review such benefits and period of its applicability as and when required.

14.6. Allotment/Settlement of land in the notified water bodies/ hills/ ecological sites and vulnerable to land slide /erosion etc. shall not be considered.

However, verification shall be conducted in the hilly areas of Guwahati to identify the land in the event of settlement thereon, ensuring that the natural topography, gradient of the hill, biodiversity, environmental and ecological aspects are not affected from such settlement.

14.7. While considering proposal for allotment/settlement of land in Guwahati, the Master Plan and other zoning regulations shall be taken into consideration.

14.8. The land acquired under the provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended) and subsequently included in Town/ Municipal Corporation may be settled with the occupying tenants as per provisions of the Act subject to the limit of 2 Kathas per family for homestead purpose on realization of 50 times of the land revenue as premium as provided under the rule.

14.9. The land acquired under the provisions of the Assam State Acquisition of Land belonging to Religious or Charitable Institutions of Public Nature Act, 1959 (as amended), falling within Guwahati City or any other town may be settled with the eligible persons as per provisions of the Act read with the related provisions of the Assam Land and Revenue Regulation, 1886 expeditiously :

Provided, however, that, notwithstanding anything contained in the Assam Land and Revenue Regulation, 1886, the right to transfer of such holding shall extend only to persons belonging to the same religion as the institution in which the ownership of land was vested before the date of notification under Section 3 of the Act.

14.10. The land originally falling under rural area but subsequently included in new revenue or municipal town may be settled with the occupying indigenous land less persons to the limit of 2 Kathas per family for homestead purpose. In case of settlement of land in excess the permissible limit, the provision of para 14.5 above shall be applicable.

14.11. In Guwahati Municipal Corporation area and other corporation and town area suitable Government land shall be kept reserved and free from encroachment for construction of Government office buildings / institutions etc., and for other public purposes like playing fields and parks etc.

14.12. Government shall examine the necessity for land pooling so that scattered private land holdings can be organized to develop peripheral areas of the Municipalities.

14.13. After settlement of land to the landless indigenous persons mentioned above the settlement holder shall have no right to transfer the land for 15 years from the date of settlement. Such conditions shall be incorporated in the patta as well as Record of Right.

Further, the Deputy Commissioners shall ensure that landless indigenous person with whom land is settled does not become landless again by transferring any part of his settled land. In case of acute emergency, transfer may be allowed within 15 years from the date of settlement by the Deputy Commissioner with approval of Government subject to the condition that the person does not completely become landless.

Such settlement shall be cancelled in the event of breach of this condition or non-utilization of the land for the specific purpose for which it was settled within 3 years of such settlement or if it is established at any later stage that such beneficiaries resorted to submission of fraudulent supporting documents including affidavits etc. Further, the amount of premium shall be forfeited in addition to any other legal action for submission of fraudulent documents, false affidavits etc.

14.14. Deputy Commissioners shall assess the premium for settlement of land based on the updated and approved zonal value of the land and as per rate fixed by the Government. Deputy Commissioners shall invariably ensure updation of zonal value of land as per guidelines and instructions issued by the Government.

The premium for settlement shall have to be deposited within the revenue year in which the order for settlement is issued or within a period as may be notified by the Government, failing which the order for such settlement shall stand cancelled.

14.15. For allotment/settlement of land to landless indigenous persons under this policy, detail method and manner of submission of applications and other aspects, will be issued separately.

15. ENCROACHMENT AND EVICTION :

15.1. Deputy Commissioners shall regularly obtain detail report on encroachment over Government land including reserved land and land acquired under various land ceiling Acts and take appropriate and effective steps to evict those encroachers who are not eligible to get settlement of land as per Land Policy of the Government.

15.2. Deputy Commissioners shall prepare a scheme/plan for eviction for every District as per instructions issued by the Government. Such scheme should also include post-eviction plan.

15.3. The cost of removal of encroachment from drains and roads may be realized from the encroacher encroaching upon such land. Further, no NOC for transfer of land shall be accorded in favour of a pattadar who happens to be an encroacher over such land.

16. SPECIAL PROVISIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES :

16.1. Preference may be given to indigenous landless eligible persons of Scheduled Castes and Scheduled Tribes and Backward Communities in the matter of allotment/settlement of land in rural and urban areas.

16.2. The existing concession to persons of Scheduled Caste and Scheduled Tribe @25% of the premium of settlement of land and conversion of annual patta land through periodic will continue as usual.

16.3. The above concession shall also be extended to the persons with disabilities as defined by the competent authority who do not have a regular source of income, widow having no earning members in the family.

17. PROTECTION OF LAND IN PROTECTED BELTS AND BLOCKS :

17.1. The implementation of the provisions of Chapter-X of the Assam Land and Revenue Regulation, 1886 in respect of land belonging to protected classes shall be ensured.

17.2. Deputy Commissioners shall take utmost care in case of according permission for transfer of land within Protected Belts/Blocks. They should see that no non-eligible person get permission of acquiring land within Protected Belts and Blocks. All provisions of Chapter-X of Assam Land and Revenue Regulation, 1886 shall be followed scrupulously including removal of non-eligible person from Protected Belt and Block area.

17.3. For proper implementation of the provisions of Chapter-X of the ALRR, 1886 the services of the officials which were specifically created and posted by the Government for that purpose to look after the land would be invariably used for the specific purpose.

17.4. Further, purchasing of land in protected belt/block by a non-protected person in the name of a person of protected class under any partnership and keeping the land under his occupation and if it appears to be a benami one, it shall be strictly prohibited. In such cases, appropriate procedure as defined by law shall be resorted to evict the un-authorized occupier. Further, endeavor shall also be made to check any attempt to possess land in protected belt and block by ineligible person by executing Power of Attorney.

In case of transfer of land to registered co-operative society/farms/company etc., Deputy Commissioners will ensure that all the members including the office bearers of such society/farm etc. are from the protected classes of person notified by the Government.

However, Government Departments / Institutions / Organizations / Corporations / Company and other Government Bodies may be allotted land for public purpose.

17.5. Deputy Commissioners shall not accord permission for land transfer in protected belts and blocks in contravention of provisions of Chapter-X of the Assam Land and Revenue Regulation, 1886:

Provided further, henceforth, Deputy Commissioners shall not accord permission for land transfer in the protected belt/block falling within Kamrup (M) and Kamrup District without prior approval from the Government.

17.6. Government shall examine the necessity of declaring new classes of people under protected category in order to safeguard the land rights of indigenous backward classes of people of Assam. For recommending the same, Government may constitute a high power Committee.

18. JOINT PATTA IN THE NAME OF SPOUSE :

Government shall continue conferring joint title to the husband and wife of a family while giving allotment/settlement of land, both in rural and urban areas.

19. LAND ADVISORY COMMITTEE :

19.1. There shall be a Land Advisory Committee consisting of not more than 15 (fifteen) members including the Chairman for each Sub Division as may be notified by the Government to advise the Deputy Commissioner/ Sub Divisional Officer(Civil) in the matter of allotment / settlement proposal of land in a District/Sub Division.

19.2. The Land Advisory Committee shall discuss, review and suggest the Deputy Commissioners/Sub Divisional Officers(Civil) on matters in addition to allotment/settlement of land, other major issues on land administration like encroachment over all types of Government land and eviction, preparation and updation of Village Land Use Plan and Village Land Bank, protection and preservation of important and critical land masses like water bodies, ecological sites, archaeological and historical sites etc., reclassification of agricultural land, land acquisition issues, matter related with erosion of land in the District/Sub Division and other such important issues on land which deserves attention.

19.3. The Committee shall also examine the list of eligible indigenous landless person prepared by the Deputy Commissioners as per Government instructions and place before it for examination and review the progress of settlement of land to such indigenous land less person on regular basis.

Sd/-

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