

**GOVT. LAND POLICY 1989**

**DATED 18TH JULY, 1989**

## GOVERNMENT OF ASSAM

## LAND POLICY, 1989

Since the independence of India, State Govt. adopted 3 Land Policies—the first one in 1958, the second one in 1968, and the last one in 1972.

In order to implement the said Land Policies, executive instructions were also issued under several Govt. circulars from time to time to the D.Cs and S. D. Os of the Plains Districts.

Considering the large number of petitions pending for settlement of land in the State, and considering the need to regularise the long occupations of Govt. land by granting settlement of land as admissible with the eligible landless persons, the Govt. issued an other circular in 1978 in partial modification of the Land Policy of 1972 to all D.Cs and S. D. Os.

Though 16 years have elapsed since the adoption of the last Land Policy, 1972, the task of Survey & Settlement of land in general and regularisation of old occupations of Govt. land with the eligible landless persons in particular could not be done effectively and satisfactorily. Similarly the eviction of the ineligible encroachers could not be carried out effectively from Govt. land.

With the growth of population and increase in the industrial and other development activities in the State, the agricultural land for the 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) Increase in population due to (a) normal growth in the State and (b) influx of persons from outside the State.
- (ii) Occurance of (a) floods in every year rendering land unfit due to silting and (b) erosions eating away both homestead and agricultural land at various places.

- (iii) Rapid industrialisation and urbanisation causing decrease in agricultural land.
- (iv) Acquisition of land for various development schemes and projects including construction of roads, bundhs dykes, and the like resulting in decrease in agricultural land.
- (v) Establishment of various educational institutions and other social institutions of public nature resulting in decrease in agricultural land.
- (vi) Acquisition of private land and transfer of Govt. land for the purpose of Central Government Departments, co-operations and other public undertakings organisations like ONGC, OIL, P & T, Defence, Railway etc. resulting in decrease in agricultural land.

Out of the total geographical area of 78,523,08 Sq. Kms of the State an area of 15,222 Sq. Kms formine about 19,38 per cent, of the total area is included in the two autonomous Hills districts of Karbi-Anglong and North-Cachar Hills wherei the entire land matters are dealt with by the District Councils. The 16 plains districts of the State, namely Goalpara, Dhubri, Kokrajhar, Barpeta, Nalbari, Kamrup, Darrang, Nagaon, Sonitpur, Lakhimpur, Dibrugarh, Sibsagar, Jorhat, Golaghat, Karimganj and Cachar comprise an area of 63,301 Sq. Kms. Again out of this area, 11,129 Sq. Kms are under the Reserved Forests (excluding the 2 Hills districts), and the balance area of 45,172 Sq. Kms (excluding the Reserve Forests) has many Hills, Hillocks, Rivers, Streams, Fisheries, Beels and other low-lying and swampy areas where habitation, cultivation, and other developmental activities are not practically possible and feasible. The land for agricultural and other non-agricultural purposes is very limited.

The lists of landless agriculturists including agricultural workers, prepared prior to adoption of the Land Policy, 1972, need a thorough revision through a suitable agency to know the actual number of landless agriculturists including agricultural workers in the State at present. Likewise, the lists of families having no homestead land of their own are also required to be prepared through the same agency

In view of the changed circumstances, such as, rapid growth of population, and pressure on land, effect of natural calamities, industrialisation, urbanisation and implementation of various developmental schemes and projects necessitating acquisition of land and resulting in decrease mainly in agricultural land, the existing Land Policy requires modification and amendment to cope with the present needs of the people, and also to meet the future needs of the people in the State.

Hence, the Government have adopted a new Land Policy, 1989 as stated here-under :--

#### 1. ALLOTMENT / SETTLEMENT OF 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 persons. After 3 years 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.

1.2. Land already allotted may be settled with the indigenous allottee 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.

1.3. The maximum limit of land for allotment to an individual is fixed at 7 (seven) bighas for agriculture and 1 (one) bigha for homestead.

1.4. The maximum limit of land for allotment to a Co-operative Society formed by local landless cultivators may be the aggregate of the land entitled for allotment to each individual member of the Society.

1.5. As far as practicable preference should be given in the matter of allotment/settlement of land for ordinary cultivation as follows ;--

- (a) Land-owner cultivators who have been rendered landless due to flood, erosion, earthquake or other natural calamities.

- (b) Persons rendered landless due to acquisition of their lands for public purposes.
- (c) Local landless cultivators. Preference will be given to cultivators belonging to S. T., S. C. and M. O. B. C. Communities.
- (d) Landless ex-servicemen.

**Explanation :—**

A cultivator who has no land either as tenant or as an owner or a cultivator who has upto 3(three) bighas of land as a tenant or owner or both and has no means of livelihood other than cultivation, will be regarded as a land less person.

1.6 Allotment and Settlement of land for ordinary cultivation in rural area may be given on the basis of a family. A family consisting of husband and/or wife, as the case may be, and sons and daughters (excluding married sons and married daughters), and dependant parents will be treated as a family.

1.7 The area of land to be allotted or settled with a cultivator family having land measuring 3 bighas or less shall be so much as will, together with land already held as owner or tenant or both, not exceed 8 bighas in total.

1.8 All allotment/Settlement of land for ordinary cultivation will be made with the indigenous land less cultivators i.e. the persons who actually cultivate the land themselves.

1.9. State Govt. will identify the available waste land in order to make effective use of the same.

1.10 The old occupation of Govt. Khas land used by the indigenous cultivators by growing oranges and citrus trees by raising gardens in compact Blocks and in continuous possession for 10 years or more prior to 31st December 1980 and still in possession by raising oranges and citrus gardens may be regularised by granting periodic settlement on payment of due premium to be fixed by Govt. in this regard subject to the maximum limit of 10 (ten) bighas per family.

1.11. Government have decided for giving allotment and settlement of land in the permanent surveyed Chars in the State with the local deserving landless Indian Citizens expeditiously as per Land Policy.

1.12 No land, falling within the area from the water line 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, shall be allotted to, or settled with any individual person or body of persons.

Rivers, Streams etc.	Reservation of waterside area-
(1)	(2)
(i) The Brohmaputra river The Barak river	25 metres.
(ii) Other rivers and big Govt. fisheries	20 metres.
(iii) Rivulets, Streams, canals and small fisheries.	10 metres.

Explanation :— Waterline is the line upto 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 FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956 (AMENDED) AND UNDER THE ASSAM STATE ACQN. OF LAND BELONGING TO RELIGIOUS OR CHARITABLE INSTITUTIONS OF PUBLIC NATURE ACT, 1959 (AMENDED).

2.1. Settlement of the tenated land acquired under the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended) with the tenants in occupation as per provisions of the Act, should be expedited.

2.2. The tenanted land acquired under the Land Ceiling Act, but not under occupation of tenants or their legal heirs, may be treated as ordinary Government land and be disposed of as per present land policy of Government.

2.3. The untenanted land acquired under the Land Ceiling Act and already allotted to landless persons by issuing allotment certificates may be settled with the allottee occupants or their legal heirs, if they are found in physical possession of the land so allotted, subject to the limit of 8 bighas per family.

2.4. The allotment of land, already allotted, but not found in occupation of the actual allottees or their legal heirs, even after 3 years of allotment, may be cancelled, and such land may be allotted/settled with deserving landless cultivators as per the present Land Policy of Government.

2.5. The untenanted ceiling acquired land not yet allotted may be allotted expeditiously to the deserving landless persons as per provisions of the Act and present Land Policy of Government.

2.6. The acquired Ceiling surplus land which is unfit for cultivation and homestead, should be expeditiously identified and be earmarked/reserved for utilisation by different departments concerned as per National Policy on Waste Land.

2.7. The land acquired under the Assam State Acquisition of land belonging to Religious or Charitable Institutions of Public Nature Act, 1956 (as amended) may be disposed of expeditiously as per provisions of the said Act and as per present Land Policy of Government.

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

3.1. Local indigeneous families of the State who do not have homestead land in the name of any member of their families may be allotted suitable homestead land not exceeding one bigha per family. The land allotted for homestead purpose may be settled with the allottee after expiry of 3 years of allotment provided the allottee is found to have occupied the land by constructing dwelling house and residing therein.

3.2. The land hitherto allotted under Rural housesites 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 utilised as homestead.

#### 4. ALLOTMENT OF LAND FOR ALLIED AGRICULTURE PURPOSES IN RURAL AREAS

4.1. Land in rural areas may be allotted for pisciculture, Dairy, Poultry, Piggery, Sericulture etc. on the basis of schemes or projects duly approved by the departments concerned, to local landless families who have taken pisciculture or Dairy or Poultry or Piggery and or Sericulture etc. as means of livelihood subject to a maximum limit of 5 (five) bigas per family, and 20 (twenty) bigas for registered Co-operative Society/Firm. Such allotment will stand cancelled if the land is not utilised for the specific purpose 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 Governments' agencies concerned for the purpose of allotting the same to small growers for special cultivation.

5.2. While allotting land to small indigeneous growers for special cultivation, preference should be given to :-

- (i) Indigeneous youths coming from the families below poverty line.
- (ii) Other indigeneous educated unemployed youths.
- (iii) Co-operatives of indigeneous unemployed youths.

Provided such local youths do not have land in their names or any member of their families and have taken special cultivation as a means of livelihood



Except as stated above, no other category of persons or organisation shall be allotted/settled land for special cultivation.

Every endeavour should be made to form registered Co-operatives of the local unemployed youths for the purpose of special cultivation.

5.3. The maximum ceiling of allotment of land for special cultivation is four hectares in case of individual and aggregate of the holdings of the number of members in case of registered Co-operative society.

5.4. The allottee must utilise the land within 3 years of allotment for the special cultivation, failing which, the allotment shall be cancelled.

5.5. After expiry of three years of allotment, the land may be settled with the allottee provided the same has been used for special cultivation. Special periodic leases will be issued in conformity with the provisions of the Assam Land and Revenue Regulation, 1886 and the periodic leases will be terminating with the other similar leases of the district.

5.6. In case of the established small growers, whose lands have not been acquired under the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended, allotment of additional land may be considered, if it is necessary to keep the compactness of the plantation area subject to the maximum limit fixed under clause 5.3.

#### **6. V. G. R. and P. G. R. and other reserved land :**

6.1 Endeavour will be made to preserve the existing V. G. Rs and P. G. Rs. for use by the members of 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 dereservation and allotment etc., except for public purposes under special circumstances.

6.2. Further, a block of Government land ranging from 5 bighas to 15 bighas, subject to availability in each village should be reserved as an open space for environmental ecology and be kept free from encroachment.

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.

7. ALLOTMENT/SETTLEMENT OF LAND FOR OTHER NON-AGRICULTURAL PURPOSES LIKE INDUSTRIES, PUBLIC INSTITUTIONS, HOSPITAL 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 State Government will evolve a standard form for allotment/settlement of land for such non-agricultural purpose and follow the same strictly.

7.2. For speedy industrial development in the State, the Government may specially consider allotment or settlement of available and suitable land for the industrial purposes keeping in view of the Industrial Policy of Assam. For this purpose, the Department of Industry will formulate an Industrial Location Policy in consultation with the Revenue Department.

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

8.1. Temporary permission for use of Government khas land for manufacturing bricks, tiles etc., may be given not exceeding 10 bighas in case of individual and not exceeding 20 bighas for Co-operative Society or Firm, subject to execution of undertaking by the permitholder to the effect that he will pay in advance the land revenue of the land and the royalty as fixed by the Government and will vacate the land after expiry of the term not exceeding 3 years. The term of permission will automatically stand terminated at the end of 3 (three) years :

Provided no such permission shall be given to any individual or firm unless such individual or members of the firm are of indigenous families of Assam who have taken manufacturing of bricks and tiles as means of livelihood

## 9. RESTRICTION ON TRANSFER OF AGRICULTURAL LAND :

9.1. Transfer of Agricultural land by cultivators for non-agricultural purpose without the previous permission is restricted as laid down in the Executive Instruction No. 6 under the Assam Land and Revenue Regulation, 1886.

9.2. Restriction on transfer of any class of land falling within the notified area under Municipal Towns and Municipal Corporation may not be made applicable.

## 10. PRESERVATION OF PLACES AND ANCIENT MONUMENTS TANKS ETC.

10.1. The places of ancient monuments, historical tanks etc. and the sites considered to be of historical and archaeological importance should be preserved and shall not be allotted to any individual or any private organisation. Such places should be kept free from encroachment by strict vigilance.

## 11. CONVERSION OF ANNUAL LEASE INTO PERIODIC :

11.1. Although Government have issued instructions from time to time for conversion of annual lease into periodic, the result is not very encouraging. Hence, subject to observance of the provisions of the existing rules and procedures as laid down in Rule 105 of the Assam Land Record Manual, Rule 23 of the A. L. R. R., 1886, and Government instructions in force, conversion of Annual lease into periodic shall be granted expeditiously. Henceforth, there will be no automatic conversion of Annual leases.

11.2. State Government have, therefore, decided that the conversion of Annual lease into periodic shall be granted:—

- (i) by Circle Officer in rural areas excluding the area falling within the radius of 10 Kms. from the boundary in case of Guwahati Municipal Corporation and 3 Kms. in case other Municipal and Revenue towns.

- (ii) by the Deputy Commissioner of the District in respect of the areas falling within the radius of 10 Kms. from the boundary in case of Guwahati Municipal Corporation and 3 Kms in case of other Municipal and Revenue towns.
- (iii) by the Government in respect of the areas within Guwahati Municipal Corporation and other notified Municipal and Revenue towns.

11.3. Further, the conversion of Annual lease into periodic will be limited to;—

- (i) The maximum area allowed to be held in rural area as per provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended inclusive of the periodic land already held by the family of the settlement holder.
- (ii) All annual and short leases of land in all Municipality towns, Revenue towns and in Guwahati Corporation and in areas falling within the radius of 3 Kms. from the boundary of Municipal and Revenue towns and 10 Kms. from the boundary of Guwahati Municipal Corporation shall be converted into periodic leases subject to observance of the provisions of existing rules and procedure as laid down in Rule 105 of the Assam Land Records Manual, Rule 23 of the A.L.R.R. 1886 and Govt. instructions in force.

11.4. While granting conversion of Annual lease into periodic in rural area; no portion of land falling within 22.5 metres (75 feet) from the Centre line of P.W.D. Road/N.H. Way and falling within 15 Metres (50 feet) from the centre line of the roads other than P.W.D. Road/N.H. Way will be converted into periodic.

## 12. CADASTRAL SURVEY AND NON-CADASTRAL AREAS :

12.1. Cadastral Survey of non-cadastral areas found fit for cadastral Survey will be taken up for the purpose of preparation of Land Records expeditiously.

### 13. MUTATION AND PARTITION

13.1. Field mutations and other revenue matters should be disposed of expeditiously by the competent Revenue Officers in field keeping in view the spirit of Mobile Court as laid down in the 14 point Socio-economic programme and as per the provisions of Assam Land Records Manual.

13.2. Field partitions of undisputed patta land in rural areas may be resumed and disposed of by the Circle Officers expeditiously.

### 14. SETTLEMENT AND RESERVATION OF LAND IN TOWNS :

14.1. No land within Municipal Corporation or any Town constituted under Assam Municipal Act, 1956, shall be settled for agriculture purpose.

#### EXPLANATION

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

14.2. The area of land to be settled shall not exceed the limit of 4.00 Ares in Municipal Corporation area per family and 5.50 Ares in other Towns per family, for homestead purpose.

14.3. Land within Greater Guwahati notified under Government Notification No. RSR-21/59/126 dated 1st October, 1966 and in any other Towns may be settled on payment of due premium with the indigenous persons of of the State in order of preference as follows:—

(i) An indigenous person, who has no land in his name or in the name of any member of his family and who has been in occupation of Government land with members of his family for last 15 years or more.

(ii) An indigenous person, who has land in rural area of the State, but has no land in City or Town in his name or in the name of any member of his family and has been in occupation of Government land with members of his family for last 15 years or more.

(iii) An indigenous person, who has no land in rural areas or in City or Town in the State either in his name or in the name of any member of his family, and has been staying in urban area for last 15 years or more with the members of his family.

(iv) An indigenous person, who has land in rural areas, but has no land in any urban areas either in his name or in the name of any member of his family, and who has been residing in urban area for last 15 years or more with members of his family.

Provided that such person is required to reside in urban area permanently by very nature of his service/professions and who has not been able to purchase land in urban area on account of poor pecuniary condition.

(v) Other indigenous landless persons of the State.

14.4. Steps should be taken to dispose of the pending ULC cases and the cases arising out of the land acquired under the Urban Land (Ceiling and Regulation) Act, 1976 may be disposed of expeditiously (in the case of Guwahati City only).

14.5 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, expeditiously.

14.6 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.

14.7. The land acquired under the aforesaid three Acts, but not under occupation of previously recorded tenants will be treated as ordinary Government land and will be disposed of by granting settlement as per present Land Policy subject to payment of due premium.

14.8. Suitable Government land in Guwahati Municipal Corporation area and in other towns may be kept reserved and free from encroachment for construction of Government Office/buildings/institutions etc. and for other public purposes.

14.9. Suitable vacant land in Guwahati Municipal Corporation area and in other towns may be kept reserved and free from encroachment for environmental purposes and be handed over to the Municipal Corporation, Municipal Board and Town Committee, as the case may be for maintenance.

#### 15. ENCROACHMENT AND EVICTION.

15.1. Encroachers, on Government land including reserved land and land acquired under various land ceiling Acts, who are not eligible to get settlement of land as per Land Policy shall be evicted expeditiously.

#### 16. SPECIAL PROVISIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES

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

16.2. The existing concession to the persons of the Scheduled Castes and the Scheduled Tribes at the rate of 25 per cent of the premium for settlement of land and conversion of Annual Patta land into Periodic will continue as usual.

16.3. The Scheduled Castes and Scheduled Tribes landless eligible persons occupying Govt. land shall be given settlement of the land under their occupation, if the land is not otherwise reserved for any specific public purpose. In case, the land under their occupation is needed for any public purpose, alternative suitable land shall be given settlement to such persons before the land under their occupation is taken over for the public purpose.

## 17. EXEMPTION OF LAND REVENUE

17.1. Government have already exempted Land Revenue to the Agricultural Land Holding upto 10 (ten) bighas or less in all. Now, it has come to the notice of the Government that the members of a Gramdani Village having a common single patta are to pay land Revenue even if the share of agricultural land of an individual member is less than 10 (ten) bighas of land. Government, therefore, have decided that the benefit of exemption of Land Revenue to the agricultural land holders be also extended to the members of the Gramdani Village, having share of agricultural land upto 10 (ten) bighas or less in all.

## 18. JOINT PATTA IN THE NAME OF SPOUSE

18.1. Government have decided that henceforth all allotments/settlement of land, both in rural and town areas, will be in the names of the Spouse; conferring joint title to the husband and the wife of a family.

## 10. LAND ADVISORY COMMITTEE.

19-1. There shall be a Land Advisory Committee consisting of members not exceeding 15 (fifteen) including the Chairman for each Sub-Division to advise the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, in the matter of allotment/settlement of land etc. within the frame-work of this Land Policy and relevant Acts and Rules and Government orders.

19-2. There shall also be a Special Land Advisory Committee consisting of members not exceeding 11 (eleven) to advise the Deputy Commissioner, Kamrup in the matter of allotment/settlement of land within Guwahati Municipal Corporation area.

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Provided that such person is required to reside in urban area permanently by very nature of his service/professions and who has not been able to purchase land in urban area on account of poor pecuniary condition.

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14.5 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, expeditiously.

14.6 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.

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