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GOVERNMENT OF ASSAM

HAND BOOK OF REVENUE CIRCULARS

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FOREWORD

The necessity of publishing differert Circulars of Revenue Department, Government of Assam, covering diverse branches as Land Acquisition , Government policy on Land Reforms, Settlement Operations and the like, in book form for easy reference, has long been felt. With this end in view, the Research Officer of the Revenue Department, Shrimati Gayatri Baruah, ACS, was entrusted to bring out a compilation of the Circulars for official use within a time-bound programme of three months.

The compilation, however, proved to be no easy task, as many of the earlier Circulars had to be collected from old office records, the maintenance of which had been affected with the shifting of the capital. The Circulars in compiled form will provide an insight into the gradual evolution of Government thinking and policy over the years, and efforts made in bringing about a more equitable dispensation in society. Much of the credit for this compilation must go to the Research Officer, who, with commendable enthusiasm and dedication set about the task. The Department sincerely hopes that the book will be an useful asset to laymen, lawyers and officials alike. The Department also cordially invites suggestions for improvement from members of the concerned public so as to improve this publication to the best extent possible.

P.K. DUTTA,
Secretary, Revenue.

PREFACE

The need for a Hand Book of Revenue Circulars has long been felt, as Revenue administration has always been a pillar of Governmental administration. Besides, the very fact that the Assam Land Revenue Regulation has been in operation since 1886 has meant that with the passing of time, the necessity for modifications and amendments to Government policy has become increasingly necessary so as to conform to the present times. This Hand Book has been divided into five different parts. Part I covers General aspects of the Revenue Administration, Part II Land Revenue, Part III Land Acquisition, Part IV-Land Reforms and Part V Land settlement. No claim is made to the exhaustiveness or complete compilation of Circulars that have been issued by the Department to-date and the Department would gratefully acknowledge suggestions by members of the concerned public to improve its content.

The task of compilation presented diverse problems, in that some of the Circulars were not easily traceable by virtue of their time-lag since their passing, and also on account of the dislocation caused by the shifting of the Capital from Shillong to Dispur which had affected the maintenance of the records. However, with the constant support and co-operation of my colleagues in the Revenue Department specially Shri A. Bhattacharya, D. Dutta, K. Kakati. C. Saud and M. Das the task has now been completed and I would like to take this opportunity to extend them my warmest personal appreciation for the assistance they extended to me for the endeavour in hand. I would also like to record my thanks to Shri P. K. Dutta, Secretary to Government Revenue Department for affording me the opportunity for compilation of important Circulars of the Department, which gave me a fresh insight into the working of the Department over the last 25 years or so.

I would also like to acknowledge the help extended by Shri D. N. Bhattacharya, I. A. S. Director, Land Records Shri U. C. Dutta, Dy. Secy. Revenue and Shri R. H. Mazumdar, ACS, Under Secretary, Administrative Reforms Deptt., who extended me commendable assistance in bringing out this compiled document.

29th January 1982

GAYATRI BARUAH,
Research Officer,
Revenue Department.

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33. RSD 18/78/12, dated 5th October 1978	Eviction of encroachers	72-73
34. RSS 96/71/25, dated 29th November 1978	Settlement of Agricultural land in te State of Assam.	74-78
35. RSS 317/79/2, dated 25th June 1979	Purchase/acquisition of land in Assa and allotment of Government land to Foreig Nationals.	79
36. RSS 117/76/196, dated 4th July 1979	Reservation of ceiling surplus land in area within two miles of proposed district headquarter for the purpose of Government use.	80
37. RSS. 550/76, dated 27th October 1979.	Eviction of encroachers	81
38. RSS. 150/80/5, dated 24th September 1980.	Crash programme of updating of lan records	82-83
39. RSS. 349/81/3, dated 18th August 1981.	Security of annual patta lands unde Rules 1 (2) (c) of the Settlement Rules of the A.L.R.R. 1886 against loan through Co-operative Scieties.	84-85
40. RSS. 497/81/3, dated 17th November 1981.	Preservation of Ancient and Historic Monuments	86-87
41. RSS. 482/81/10, dated 24th November 1981.	Concession in the matter of payme of premium settlement/conversion of land b onging to S. C./S. C. Tribes.	88
42. RSS. 707/79/Pt.II/25, dated 27th November 1981.	Eviction of encroachers from Gove ment khas lands, P. G. R's, V.G.R's road-side reservations and lands kept reserved for public purposes.	89-90
43. Statement of Tribal Belts with areas and Blocks Distric twise.		91-92
44. L.G.L. 91/80/2, dated 30th December 1981.	The Assam Land and Revenue Regulation amendment Act, 1981	93-96
45. Protection of Backward Classes. Chapter-X.	.. .. ..	97-102
46. Notification, dated 30th July 1969.	.. .. ..	103

SUPPLEMENT

		Pages
REFORMS		
1. No. RRT. 229/75/1, dated 5th September 1975	Submission of information in respect of settlement/allotment of Ceiling surplus land.	1
2. RRT. 288/75/3, dated 21st October 1975	Implementation of Ceiling Act on land Holdings. The Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1975.	2—3
3. RRG. 12/75/71, dated 17th December 1975	Fortnightly reports on settlement/allotment of House sites to Landless Agricultural workers in rural areas under Minimum Needs Programme.	4—5
4. RRG. 21/76/6, dated 11th March 1976	Monthly progress report on implementation of revised Ceiling Law in Assam.	6
5. Instructions regarding distribution of Acquired ceiling surplus lands—maintenance of lists, correction of records - clarifications etc.		7—16
(RRT. 144/75, dated 17th July 1975, RRT./144/75, dated 19th July 1975, RRT. 144/75110, dated 30th July 1975, RRT./144/75, dated 5th August 1975, RRT. 228/76/5, dated 5th May 1976.)		
6. RRT. 199/75/52, dated 9th October 1975	Note on land policy Distribution of Ceiling Surplus land etc.	17—20
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RLA. 198/56, dated Shillong 14th August 1964	Correction of records.	21

PART I

P-I

C - 1

W.T.MESSAGE (CRASH)
6-11-74

FROM SECRETARY REVENUE

TO DEPCOM SILCHAR/GAUHATI/NOWGONG/TEZPUR/DIMBRI/JORHAT/DIBRUGARH/LAKHIMPUR

SUBDIVIONAL KARIMGANJ/HAILAKANDI/GOALPARA/KOKRAJHAR/BORPETA/ Nalbari/MARIGAON/MANGALDOI/GOLAGHAT/SIBSAGAR/TINSUKIA/DHEMAJI

NO RGR 210748 (.)
GOVERNMENT RECEIVED REPORTS WITH REGRET THAT NOT A SINGLE SCHEME UNDER TEST RELIEF HAS BEEN STARTED IN SOME SUBDIVISIONS THOUGH LUMPSUM AMOUNT HAD BEEN PLACED AT YOUR DISPOSALS LONG AGO (.) TEST RELIEF WORK SHOULD INVARIABLY BE STARTED BY 1ST WEEK OF NOVEMBER LATEST AND COMPLETED BEFORE NEAT HARVEST (.) PLEASE UNDERTAKE TEST RELIEF WORK WITH IMMEDIATE EFFECT ON PRIORITY BASIS WITH FUNDS ALREADY PLACED WITH YOU 80% PAYMENT TO THE AFFECTED WORKERS SHOULD BE MADE B I WEEKLY ON RECEIPT OF MEASUREMENTS DONE BY BLOCK OVERSIARS (.) MAHKUMA PARISHADS SHOULD BE KEPT IN PICTURE ABOUT THE SCHEMES AND PROGRESS OF THE TEST RELIEF WORKS (.)

Memo No.RGR.210/84/8-A Dated Dispur, the 6th November, 1974.

Copy to the Officer incharge, A.P.R.O., Dispur for transmission the above message immediately.

2. Post copy in confirmation forwarded to the Deputy Commissioner/Subdivisional Officer_____ _____.

By Order etc.,

Sd/-P.Das
for Deputy Secretary to the Govt.of Assam,
Revenue(General) Department.

P— I

GOVERNMENT OF ASSAM
REVENUE (GENERAL) DEPARTMENT : RELIEF BRANCH
****

No.RGR.316/74/15, Dated Dispur, the November 20,1975.

From:- P.C.Mahanta,
Deputy Secretary to the Govt. of Assam,
Revenue (General) Deptt.

To The Commissioner of Plains Division, Assam, Gauhati -1.

All Deputy Commissioners & Sub-Divisional Officers

Sub:- Delegation of financial Powers.

Sir, I am directed to say that the Governor of Assam is pleased to delegate the following financial powers to the Commissioner of Plains Division and Deputy Commissioners and Sub-Divisional Officers for catering to the quick need of victims of flood or natural calamities in general.

A. Commissioner of Plains Division

I) To sanction rehabilitation loan upto Rs. 5000/- in each individual case.

II) To sanction rehabilitation grant at the rate of Rs. 300/- and 750/- for damaged and completely destroyed or washed away houses.

B. Deputy Commissioners & Sub-Divisional Officers

I) Deputy Commissioners to sanction Rehabilitation loan upto Rs. 2,000/- in each individual case.

II) Sub-Divisional Officers to sanction rehabilitation loan upto Rs. 1,000/- in each individual case.

The terms and conditions given in case of Administrative Deptt. will apply here also. This is subject to observance of Rule relating to grant of Rehabilitation loans and the grants.

Continued...2/-.

3

In this connection this Deptt's letter

17.7/63 dt. 13-6-75 may be treated as cancelled.

Yours faithfully,

20/11/75

(P. C. Mahanta)
Deputy Secretary to the Govt. of Assam,
Revenue (General) Deptt.

Memo No.RGR.316/75/15-A, Dated Dispur, the November 20,1975.

Copy forwarded to the Finance (E) Deptt.
with reference to their U/O.No.FEG.38/68/25 dt. 28-10-75.

By order etc.,

20/11/75

(P. C. Mahanta)
Deputy Secretary to the Govt. of Assam,
Revenue (General) Deptt.

N.Baishya
20.11.75.

***

P—1

4

(Copy)

NATIONAL EMERGENCY

Government of Assam

Revenue (General) department : Relief Branch

Dated Dispur,7-2-76.

No.RGR.226/75/46

From : Shri J.E.Badshah,
Under Secretary to the Govt.of Assam.

To

The Deputy Commissioner/Subdivisional Officers.

Subject : Outstanding loans and interests recoverable from the loanees.

Sir,

I am directed to say that in the light of the provisions in the Assam Rural Indebtness Relief Act,1975 recently came in force, it is decided that the realisation of the Government loans from the weaker section of the people as defined in the said Act should be examined with a view to avoiding hardship. This examination is to be done independently with a view to providing relief to the weaker section of the people.

You are therefore requested to report what are amounts of outstanding loand and interest recoverable from the debtors and Scheduled debtors so far as the loans sanctioned by the Revenue department are concerned.

These informations may be furnished separately for loans upto Rs.1,000/- and loans exceeding Rs.1,000/- in each case in the prescribed proforma.

(1) Loans upto Rs.1,000/-

Name & address of the loanees Debtors	Scheduled debtors	Amount of loan with sanction ing letter No. and date.	Nature of loan	Amount Outstanding Principal	Interest	REMARKS
1	2	3	4	5	6	7

Total :-

Cont..2....

P— I

(c) Loans exceeding Rs.1,000/-	Name & address of the loanee Debtors	Sch. debtors	Amount of loan with sanctioning letter No. and date.	Nature of loan	Amount outstanding Principal	Interest
	1	2	3	4	5	6

Total :-

As these a part of the 20 point economic programme, you are requested to take very early action to furnish the information to this department.

Yours faithfully,

Sd/- J.P.Baishah.

Under Secretary to the Govt.of Assam,
Revenue (General) Deptt.

****

n.baishya.
3-11-81.

P-I

P-I

C 6

GOVERNMENT OF ASSAM
REVENUE (GENERAL) DEPARTMENT : DISPUR

NO.RGR.316/75/19 Dated Dispur, the 17th June, 1976.

From :: P.C.Mahanta,
Deputy Secretary, (Revenue).

To :: The Commissioner of Plains Division,
Assam, Gauhati.

Sub :: Delegation of financial power.

Ref :: This Department's letter No.RGR.316/75/15 dated 10-11-75.

Sir,

I am directed to refer to this Department's letter quoted above wherein some financial powers have been delegated to you and to say that in respect of sanction of Rehabilitation Grant follow' guide line should be kept in view :-

1. Rs.750/- ~~PM~~ per family whose houses have been fully washed away with their contents by breach of embankment subject to the following conditions.

   a) That the houses were in safe zone but there was a sudden and unexpected breach in embankment and the rush of water was so sudden and uncontrollable that it was not possible for the affected family to save their property.

   b) All such cases should be enquired into by a responsible Officer and the proposal submitted to the Commissioner of Plains Division with a full report of the result of investigation to enable the Commissioner of Plains Division to take a decision on the admissibility of relief at a higher rate of Rs.750/- in such case.

In order to avoid hardship due to the delay inevitable in following this procedure there would be no objection to sanction the admissible relief at the rate of Rs.300/- per family to start with pending decision on the further admissibility if any

2. Rs. 300/-per family whose houses are completely damaged.

3. Rs. 100/-per family whose houses are partially damaged.

C t . . . 2 . . . .

84-I

C[illegible] 7 You are therefore requested to keep in view the above [illegible] above points while sanctioning rehabilitation grant at the rate of Rs.750/- per family.

Yours faithfully,

17/6/76

(P.C.Mahanta)
Deputy Secretary to the Govt.of Assam
Revenue Department.

Memo No. RGR. 316/75/19-A Dated Dispur, the 17th June, 1976.

Copy forwarded to all Deputy Commissioners and Subdivisional Officers for information and necessary action.

2. Copy forwarded to the Finance (E) Department for information.

3. Copy to the Accountant General, Assam, Nagaland, Meghalaya, etc., Shillong.

By Order etc.,

17/6

(P.C.Mahanta)
Deputy Secretary to the Govt.of Assam,
Revenue Department.

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W.T.MESSANGER
30-6-79

FROM SECRETARY REVENUE ASSAM

TO DEPCOM NORTH LAKHIMPUR/DIBRUGARH/JORHAT/TEZPUR/NOWGONG/GAUHATI/DHUBRI/SILCHAR

SUBDIVISIONAL DHEMAJI/JONAI.PINSUKIA/SADIYA /GOLAGHAT/SIBSAGAR/MAJULI /MANGALDOI/MORIGAON/NALBARI/BARPETA/GOALPARA/KOKRAJHAR/KARIMGANJ/HAILAKANDI

NO.RGR 174791 (.)
AN AMOUNT OF RUPEES SEVENTY EIGHT LAKHS THIRTY FIVE THOUSAND SIX HUNDRED HAS BEEN SANCTIONED IN THE STATE EXCEPT KARBI ANGLONG AND NORTH CACHAR HILLS DISTRICT FOR TAKING UP TEST RELIEF WORKS (.) THE TEST RELIEF SCHEMES IN GAON PANCHAYAT WISE SHOULD BE SELECTED BY THE RESPECTIVE DEPUTY COMMISSIONERS AND SUBDIVISIONAL OFFICERS IN CONSULTATION WITH LOCAL MLAS AND CHIEF EXECUTIVE COUNCILLORS (.) THE FUND IS SANCTIONED IN ALMOST DISTRICTS AND SUBDIVISIONS TO COVER RUPEES FOURTEEN THOUSAND IN EACH GAON PANCHAYAT ELEKA (.) IN SOME SUBDIVISIONS SHARE OF GAON PANCHAYAT ELEKAS MAY BE LITTLE LESS THAN RUPEES FOURTEEN THOUSAND (.) BUT THEIR CASES WILL BE CONSIDERED AS AND WHEN DEMAND FOR MORE FUND FROM SUCH SUBDIVISION WILL BE RECEIVED (.) PARA (.) THE TEST RELIEF SCHEMES SHOULD BE EXECUTED UNDER THE SUPERVISION OF RESPECTIVE GAON PANCHAYATS (.) THE RESPONSIBILITY OF PAYMENT WILL OF COURSE REMAIN WITH THE DEPUTY COMMISSONERS AND SUBDIVISIONAL OFFICERS VIS A VIS BLOCK DEVELOPMENT OFFICERS (.) KINDLY FOLLOW THESE PROCEDURES AND INFORM EVERY MONTH THE PROGRESS OF TEST RELIEF SCHEMES EXECUTED (.) THIS MAY BE TREATED AS MOST URGENT (.)

Memo No.RGR.174/79/1-A Dated Dispur, the 30th June, 1979.
Copy forwarded to the Officer incharge, A.P.R.C. Dispur for immediate transmission of the above message.

2. Post copy in confirmation forwarded to the Deputy Commissioner/Subdivisional Officer _____.

By Order etc.,

Sd/-P.C.Boro
Deputy Secretary,
Govt.of Assam, Revenue(General)Deptt.

GOVERNMENT OF ASSAM

REVENUE (GENERAL) DEPARTMENT :: RELIEF BRANCH.

No. RGR./249/79/4 Dispur, the 22nd Oct. 1979.

From:- Shri A.K.Barbhuyan,
Under Secy. to the Govt. of Assam,
Revenue (General) Deptt.

To:- The Deputy Commissioner, North Lakhimpur/Dibrugarh/Jorhat/Nowgong/Tezpur/Gauhati/Dhubri/Silchar.

The Sub-Divisional Officers, Dhemaji/Sadiya/Tinsukia/Jonai/Sibsagar/Golaghat/Majuli/Morigong/Mangaldai/Nalbari/Barpeta/Goalpara/Kokrajhar/Karimganj/Hailakandi.

Subject:- Issue of Cattle Loan.

Sir,

I am directed to say that in course of reply to the supplimentaries of an Assembly Question in the last Budget Session on the matter of sanction of cattle loan there was an assurance in which by the Govt. that the grievances as to the sanction of inadequate amount of Cattle loan to the individual affected farmer will be looked into.

The Govt. considered the above point and have decided that the Deputy Commissioners/Subdivisional Officers should keep pace with the local market price of the plough cattle while sanctioning such loan to the affected farmers.

You are, therefore, requested to note the above decision of the Govt. for taking necessary action.

Yours faithfully,
Sd/- A.K.Barbhuyan
Under Secretary to the Govt. of Assam, Revenue (General) Depptt.

Memo No. RGR.249/79/4-A dt. Dispur, October 22, 1981.

Copy forwarded to the Commissioner of Lower Assam Division Jorhat/Upper Assam Division, Jorhat/Hills Divisions, Dispur for information.

2. Finance Department for information.

By order etc.

Sd/- A.K.Barbhuyan.
Under Secretary to the Govt. of Assam.
Revenue (General) depptt.

GOVERNMENT OF ASSAM
REVENUE (GENERAL) DEPARTMENT : DISPUR.

NO.RGR.249/79/10 Dated Dispur, the 25th February, 1980.

From :: Shri A.K.Barbhuyan,
Under Secretary, (Revenue).

To :: The Subdivisional Officer,
Dhemaji.

Sub :: Issue of Cattle loan.

Ref :: Your letter No.DRI.1/79/31 dated 31-12-79.

Sir,

I am directed to refer to the letter quoted above wherein you requested the State Government to enhance the power of sanction of Cattle loan by the Subdivisional Officers from Rs.500/- to Rs.1,000/- in consideration of the present market price of pair of bullock. Your proposal was duly considered by the Government and it has been decided that the Subdivisional Officers may obtain the Financial sanction for cattle loan from the Deputy Commissioners concerned if the Subdivisional Officers consider that the loan proposed to be sanctioned by them are beyond their sanctioning power of Rs.500/-.

Yours faithfully,

Under Secretary to the Govt.of Assam,
Revenue (General) Deptt.

Memo No.RGR.249/79/10-A Dated Dispur, the 25th February, 1980.
Copy forwarded to :-

1. All Subdivisional Officers.
2. All Deputy Commissioners
3. The Commissioner of Lower Assam Division/Upper Assam Division and Hills Division.

By Order etc.,

Under Secretary to the Govt.of Assam,
Revenue (General) Deptt.

Pt-I

11

GOVERNMENT OF ASSAM
REVENUE (GENERAL) DEPARTMENT
*****

No. RGR 14/80/Pt/10 Dated Dispur, the 8th October/80

From: Shri A. K. Barbhuyan,
Under Secretary to the Govt. of Assam

To : The Deputy Commissioners and Sub-Divisional Officers (all).

Sub : Delegation of financial power.

Sir,

I am directed to say that the Governor of Assam is pleased to revise the delegation of financial power vide para 22.2. 2(ii)(a), (b) and (iii) of Chapter XXII of the Assam Relief Manual as under:-

A. Deputy Commissioner -

(a) Deputy Commissioner may sanction rehabilitation grant upto Rs. 400/- per family whose houses are completely damaged or destroyed.

(b) Upto Rs. 150/- per family whose houses are partially damaged or destroyed.

B. Deputy Commissioner and Sub-Divisional Officer may sanction seeds/seedlings grant upto Rs. 50/- to each deserving effected family.

Yours faithfully,

AKBarbhuyan 8/X/80
Under Secretary to the Govt. of Assam,
Revenue (General) Department

Memo No. RGR 14/80/Pt/10-A, Dated Dispur, the 8th October/80

Copy forwarded to:-

1. Commissioner of Upper Assam Division, Jorhat/ Lower Assam Division, Gauhati/Hills, Gauhati.
2. Finance (EC II) Deptt. This has reference to their U/O No. 330/80, dt. 23.9.80.

By order etc.,

AKBarbhuyan 8/X/80
Under Secretary to the Govt. of Assam.
Revenue (General) Department

Memo No. RGR 14/80/Pt/10-B, Dated Dispur, the 8th October/80

Forwarded to the Accountant General, Assam etc., Shillong.

By order etc.,

37

Financial Adviser to the Govt. of Assam,
Revenue (General) Department

P- I

GOVERNMENT OF ASSAM
REVENUE (GENERAL) DEPARTMENT
****

No. RGR 14/80/Pt/11 Dated Dispur, the 8th October/80

From: Shri A. K. Barthakur
Under Secretary to the Govt. of Assam

To : Commissioner of Upper Assam Division, Jorhat
Commissioner of Lower Assam Division, Gauhati
Commissioner of Hills, Gauhati.

Sub : Delegation of power.

Sir,

I am directed to say that the Governor of Assam is pleased to delegate the following financial power to Commissioner of Divisions for sanction of Rehabilitation grant to the victims of natural calamities only in such cases where the delegation of financial power given to the Deputy Commissioners are not considered adequate in view of the extent of losses suffered by the victim.

1) Upto Rs. 600/- per family whose houses are fully damaged or destroyed.

2) Upto Rs. 250/- per family whose houses are partially damaged or destroyed.

Yours faithfully,
A.K.Barthakur 8/X/80
Under Secretary to the Govt. of Assam,
Revenue (General) Department

Memo No. RGR 14/80/Pt/11-A, Dated Dispur, the 8th October/80
Copy forwarded to:-

1. Deputy Commissioner/Sub-Divisional Officer (all).

2. Finance (EC II) Deptt. This has been issued with reference to their U/O No. FEC(II) 330/80, dt. 23.9.80.

By order etc.,
A.K.Barthakur 8/X/80
Under Secretary to the Govt. of Assam,
Revenue (General) Department

Memo No. RGR 14/80/Pt/11-B, Dated Dispur, the 8th October/80
Forwarded to the Accountant General, Assam etc., Shillong.

By order etc.,

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Financial Adviser to the Govt. of Assam,
Revenue (General) Department

P— I

Government of Assam
Revenue (General) Department : Relief Branch

Notification

Dated Dispur the 30th June,1981.

No. RGR.106/79/29. In supersession of this Department's Notification No.RGR.106/79/21 dated 25.2.81 the existing rules regarding technical approval to the estimates of test relief schemes of the civil departments and Mahkuma Parisads as well as issue of completion certificate of the test relief works executed by civil departments & Mahkuma Parisads as Provided in Paras 14.5.1.& 14.5. of the Assam Relief Manual are substituted as under with effect from 25th February,1981.

14.5.1. : The Executive Engineer of the P.W.D.(R&B) will scrutinise and accord technical approval to the estimates of the test relief schemes of the civil Department & Mahkuma Parisads.

14.5.2. : The block overseer shall furnish the completion certificates for test relief works valued upto Rs.5,000/- within a week of the completion of the work and the B.D.O. after having satisfied shall make payment after counter signature on the body of the completion certificate as a token of his satisfaction as to the satisfactory completion of the work.

14.5.3.: Sectional officer/Assistant Engineer of P.W.D.shall make a test check within seven days of receipt of completion report from the civil authoerity and shall furnish completion certificate in respect of the test relief works valued from Rs.5,000/- to Rs.10,000/- for each schemes and the S.D.O.,P.W.D.shall make counter-signature on such completion certificate for making final payment by the civil authority immediately on receipt.

14.5.4.: The S.D.O.,P.W.D. shall make test check and submit completion certificate of the test relief works valued from Rs.10,001/- to Rs.30,000/-within seven days on receipt of the intimation of the completion of the test relief works by the civil authority for making final payment immediately by the civil authority concerned.

contd..2..

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P-I

14.5.5. : The Executive Engineer P.W.D.shall make test check and issue completion certificate of the tedt relief works valued from Rs.30,001/- to Rs.50,000/- within seven days on receipt of intimation of completion of such works by the civil authority for making final payment immediately by the civil authority concerned.

14.5.6.: The Superintending Engineer P.W.D. shall make test check and issue completion certificate of the test relief works valued from Rs.50,001/- xxxx and above within seven days on receipt of intimation of completion of such works by the civil authority for making final payment immediately by the civil authority concerned.

14.5.7. : The estimate prepared by the technical staff of other civil departments or by the block overseers under the Mahkuma Parisads will be sent to the concerned Executive Engineer who will be personally contacted by the technical Officer who prepared the estimates. The Executive Engineer will approve the estimates if these are in order within 5 days of receipt of the same. If the estimates are not in order, the deficiencies will be pointed out to the concerned technical officer within 7 days.

(D.K.Gangopadhyay)
Secretary to the Govt.of Assam,
Revenue Department.

No. RGR.108/79/38-A dated Dispur,June 30,1981.

Copy forwarded to the :-

1) Commissioner of Lower Assam Division,Gauhati/Upper Assam Division,Jorhat/Hills Division,Dispur.
2) Agricultural Production Commissioner,Assam,Dispur.
3) The Secretary to the Govt.of Assam,.....
4) Deputy Commissioners/Subdivisional Officers,...
5) All Departments of Secretariat.
6) The Secretary to the Govt.of Assam,I.W.D.(R&B)with reference to his U.O.No.CFD.154/78/257 dtd.18.6.80.
7) The Joint Secretary to the Govt.of Assam,Administrative Reforms Deptt.
8) The Supdt.,Assam Govt.Press,Bamunimaidan,Gauhati-21 for favour of publication of the Notification in the next issue of the Assam Gazette.

By order etc.
Sd/- D.K.Gangopadhyay
Secretary to the Govt.of Assam,
Revenue Department.

******

n.borishya.
30.6.81.

P— I

W/T.MESSAGE
9-7-81

FROM SECRETARY REVENUE ASSAM
TO DEICOM NORTH LAKHIMPUR/ DIBRUGARH/ JORHAT/ TEZPUR /
NOWGONG / GAUHATI/ DHUBRI/ SILCHAR/
SUBDIVISIONAL : SADIYA/ JOSAI, MAJULI/ DHEMAJI/TINSUKIA/
JOLAGHAT/ SIBSAGAR/ MANGALDAI/ MARIGAON/ NALBARI/ BORPETA/
GOALPARA/ KOKRAJHAR/ KARIMGANJ/ HAILAKANDI
INFO COMMISSIONER UPPER ASSAM DIVISION JORHAT LOWER ASSAM
DIVISION GAUHATI/ HILLS DIVISION DISPUR

NO. RGR 168815 (.) THIS DEPARTMENTS MESSAGE NO RGR xxxxx 168813
DATED 7.7.81 STANDS REVISED AS UNDER (.) DUE TO RISE IN PRICES OF
FOOD ARTICLES GOVERNMENT REVIEWED QUESTION OF GRANT OF GRATUITOUS
RELIEF TO VICTIMS OF NATURAL CALAMITIES (.) GOVERNMENT OBSERVED
MOST OF DISTRICT AND SUBDIVISIONAL AUTHORITIES USUALLY GRANT GRATUITOU
RELIEF IN CASH NOT EXCEEDING RUPEES TWENTYFIVE ALTHOUGHT CHAPTER XXII
OF THE ASSAM RELIEF MANUAL PROVIDES FULL POWER IN THIS RESPECT(.)
GOVERNMENT DESIRES THAT WITH IMMEDIATE EFFECT GRATUITOUS RELIEF IN
CASH SHOULD BE RAISED TO RUPEES FIFTY IN CASES IN THE CLASS OF WHICH
RUPEES TWENTY FIVE WERE PAID IN THE PAST(.) THIS INCREASE IS NECESSARY
IN VIEW OF THE RISE IN PRICES DURING THE RECENT YEARS(.)

No. RGR.168/81/5-A Dated Dispur, July 9, 1981.

Copy forwarded to the Officer-in-charge, A.P.R.O., Dispur for immediate transmission of the above message.

Post copy in confirmation forwarded to the Deputy Commissioner/ Suodivisional Officer.

Commissioner of Upper Assam Division, Jorhat/Lower Assam Division, Gauhati/Hills Division, Dispur.

Secretary to the Government of Assam.

I.S. to Chief Secretary, Assam.

Director of Information & Public Relation, Gauhati. He is requested to give wide publicity.

By order etc.,

(K.R. Purkayastha)
Under Secretary to the Govt. of Assam,
Revenue (General) Deptt.

****

D. Baishya
9-7-81

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Pt I C 16

GOVT. OF ASSAM.
REVENUE (L.REV) DEPTT :: LAND REVENUE BRANCH.

No.RLR.84/59/6 Dated, Shillong the 16th December, 1959.

From Shri M. Deka, ACS.
Under Secy. to the Govt. of Assam,
Revenue Department.

To

The Deputy Commissioners, Lakhimpur, Sibsagar, Darrang, Nowgong and Kamrup.
Sub-Divisional Officers, Golaghat, Sibsagar, Mangaldoi Barpeta and North Lakhimpur.

Subject: Re-organisation of Mouzas.

Ref : This Deptt. No. RLR.193/58/20 dt. 26.11.58.

Sir,

In continuation of this Deptt. letter quoted above, I am directed to say that the following factors may be taken into consideration while reorganising the mouzas into a standard size.

1. The limit of demand of a mouza is fixed at Rs.45,000/- more or less; this need not strictly be adhered to if and when other factors stand in the way In such circumstances small variations may be necessary.

2. Compactness of the mouza, natural affinity of the people, administrative conveniences and communication facilities for the people should as far as possible be taken into consideration.

3. A tribal belt or block should preferably be kept enclosively within one or several Mouzas.

4. It should be seen that no single mouza is included in two panchayats, N.E.S. Blocks and Circles.

5. One mouza should perferably be kept within the jurisdiction of one thana.

6. It may also be seen that the delimitation ofthe Assembly and Parliamentary constituencies are not rendered difficultie as a result of this re-organisation.

7. Tagging up of highly urbanised or industrialised areas with typical rural areas should be avoided as far as practi-

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Contd.../-

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You are, therefore, requested to undertake the above exercise and submit a concrete proposal for consideration of Government for release of fund.

Yours faithfully,

Under Secretary to the Govt. of Assam,
Revenue (General) department.

Memo No.RGR.116/81/51-A Dated Dispur, November 9, 1981.

1. Copy forwarded to the Commissioner of Divisions for information.

2. Copy forwarded to the Deputy Commissioner, for information.

By order etc.,

(K.K. Purkayastha)
Under Secretary to the Govt. of Assam,
Revenue (General) department.

n.Bnishya
9-11-81

PART II

P-II

GOVT. OF ASSAM. - 1
REVENUE :::: DEPARTMENT.

No.RR.70/58/1 Dated, Shillong , the 4th May, 1958.

To : All Deputy Commissioners and Sub-Divisional Officers of Plains Districts (Except Cachar and Goalpara).

Subj:- Revenue Collections.

Sir,

In partial modification of this Department letter No. RR.65/52/197 dated the 8th March, 1959, I am directed to say that mauza accounts in your district or Sub-Division should be inspected by you at least once a year instead of twice as stated in the letter under reference. This modification is considered necessary in view of the fact that owing to their preoccupation with various other duties, D.Cs and S.C.Os cannot afford to devote more time to inspection of mauzas. I would like to impress upon you, however, that Land Revenue Collection is one of the most important duties of D.Cs and S.D.Os Government therefore, expect you to inspect the accounts of each mauza under your charge at least once a year incourse of your tours. During your inspection you should see among other things whether inspections carried out by the S.D.Cs are sufficiently detailed and thorough. If neccessary , instructions should be given to the S.D.Cs to improve their inspections.

The S.D.Os should inspection the accounts of Mauzas in their respectively jurisdictions at least twice a year as stated in the letter referred to above. This direction is based on the recommendation of the Public Accounts Committee, and you should see that it is strictly observed in practice.

Copies of inspection notes recorded by you and S.D.Os need not be sent direct to Government as stated in the Circular letter under reference. Instead these should be sent with your comments to the Commissioner of Plains Divisions. The Commissioner of Plains Division will bring to Government notice any important point which needs their orders or on which, in his opinion, Government ought to be kept informed.

Government should, however, like to know whether their

Contd.../-

S3

instructions regarding regular inspections of Mauza accounts are being carried out in paractice. You are, therefore, requested to submit a Quarterly Return of Mauzas inspected in the proforma attached. Any important point revealed in the inspections, such as defalcation, etc. should be not d in the Remar column. The first Return for the Quarter ending 31st March, 1956 should be submitted immediately. Sucseding returns should be submitted regularly within 15 days (fifteen) of the close of each quarter.

Yours faithfully,

Sd/- S.C. Kagti.

Secretary to the Govt. of Assam,
REVenue Deptt.

Memo.No. RR.70/56/2 Dated, Shillong the 4th May, 1956.

Copy to the Commissioner, Plains Division for information and necessary action.

By Order etc.,

Sd/- S.C. Khagti.

Secy. to the Govt. of Assam,
Revenue Deptt.

55

A-II

GOVT. OF ASSAM. C 3 3

REVENUE (L.REV) DEPTT. :: LAND REVENUE BRANCH.

NO.RR.70/66/136 Dated, Shillong the 26th Nov. 1957.

From Shri T. Rahman, SSC.ACS.
Under Secretary to the Govt. of Assam,
Revenue Deptt.

To All Deputy Commissioners and Sub-Divisional Officers
of Plains Districts.

Subs- Quarterly Return of Mauzas Inspected.

Ref : Govt. letter No. 70/56/1 dt. 4.5.56.

Sir,

I am directed to say that it appears from the quarterly returns that most of the Local Officers do not carry out the instructions issued by Government from time to time in the matter referred to above as result of which the Mauzadars are in a great advantage to defalcate huge amount of land revenue the principle source of Govt. income . Moreover, most of the Deputy commissioners and Sub-Divisional Officers are regularly irregular in submitting their returns which obviously shows their disregard to Govt. orders. Government take a very serious view to this.

I am therefore to draw your pointed attention and also to emphasis that all officers concerned may be impressed that the should properly discharge their duties in this regard to indicate the root of all misappropriations and defalcations of Government money.

Further, I am to say that the Sub-Deputy Collectors must inspect at least half the Mauzas in their charge every quarter so that all the mouzas may be covered twice in a year as insisted by public Accounts Committee. Appropriate remarks should be made in the annual confidential reports of the Sub-Deputy Collectors who fail to come up to this standard.

I am also to request you to submit all the quarterly returns due by you any, immediately.

Yours faithfully,

Sd/- T. Rahman,
Under Secy. to the Govt. of Assam,
Revenue Deptt.

Contd../-

57

Memo No. Rd.70/56/137 Dated, Shillong the 26th Nov. 1957.

Copy forwarded to the Commissioner of Plains Division, Assam, Shillong for information and necessary action.

By order etc.,

Sd/- T.Rahman.
Under Secretary to the Govt.of Assam, Revenue Deptt.

GOVERNMENT OF ASSAM
REVENUE (LR) DEPTT :::: LAND REVENUE BRANCH.

No.RLR.103/58/20 Dated, Shillong the 26th Nov. 1958.

From Shri S.Sarkar, ACS.
Under Secy. to the Govt. of Assam,
Revenue Department.

To All Deputy Commissioners and Sub-Divisional Officers of Plains Districts.

Subj- Standard size of Mouzas.

Sir,

I am directed to say that Government have recently decided to constitute mouzas with a demand of land Revenue and local Rate amounting to Rs.45,000.00 more or less. Bigger mouzas therefore should be sliced off added to the neighbouring smaller mouzas, only when this is not possible, the mouza should be spilt up and a new mouza formed.

I am therefore to request you to examine readjustment of the boundaries of the existing mouzas in the light of the above principle.

Yours faithfully,

Sd/-
Under Secy. to the Govt. of Assam,
Revenue Department.

Memo.No. RLR.193/58/20-A Dated Shillong the 26th Nov. 1958.

Copy forwarded to the Commissioner of Plains Division, Assam for information and necessary action.

By Order etc.,

Under Secy. to the Govt. of Assam,
Revenue Department.

61

GOVT. OF ASSAM.

REVENUE (L. REV) DEPTT :::: LAND REVENUE BRANCH.

NO.RR.70/54 Dated, Dhillong the 3rd January , 1959.

From Shri K.C. Barua, IAS.
Secy. to the Govt. of Assam,
Revenue Deptt.

To
The Deputy Commissioners, Lakhimpur/Sibsagar/
Darrang/ Nowgong/ Kamrup/ Goalpara/Cachar.

Sub:- Revised Commission to the Mouzadars.

Sir,

After careful consideration of the requests made by the Mauzadars Association intheir represdentation dated 12.3.58 keeping in vies of the high cost of living which has gone up several times and to give incentive to the Mouzadars for better and successful collection of Land Revenue and Local Rates etc. the Governor of Assam is pleased to sanction the following rates of Commission to the Mouzadars with effect from 1.4.58, in modification of the rates sanctioned by Government in their letter No. RR.60/51/31 dt. 12.11.61 on satisfaction of the mauza Demand in full.

Commission at the rate of :-

15% upto Rs.15,000.00
10% from above Rs.15,000/00 to Rs.40,000.00
5% above Rs.40,000.00

Further the Governor ofAssam is pleased to withdraw the concessions of providing a whole time peon and also Rs.100.00 for etc. sanctioned by Governement to each Mouzadar in Govt. letter Nos. RR.151/53/34 dt. 10.6.56 and RR.151/53/10 dt. 30.9.63 respectively with effect from 1.4.68. The expenditure incurred on this account during the current year should be adjusted by deduction from the Commission payable to the Mouzadars at the enhanced rates.

The expenditure is debitable to the head " 7 Land Revenue D- Charges on account of Land Revenue Collections-

Contd../-

63

Contingencies- Commission on Land Revenue Local Rates Collections ".

An additional amount of Rs.2(two) lakhs is being provided by reappropriation for meeting the increased expenditure on this account during the current year.

You are requested to furnish a statement showing the actual amount that may be required for payment of commission on the basis of the new scales during the current year by 15th of February, 1959 at the lates to enable this Deptt. to provide further amount if necessary under the relevant head.

Yours faithfully,

Sd/-

Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.N. RR.70/54 Dated, Shillong the 3rd Jan. 1959.

Copy with two spare copies forwarded to the Finance (E.C.I) Deptt for favour of communicating the sanction to the Accountant General, Assam. This has the concurrence of Finance Deptt. vide their U/O NO.FCI.743/58 dt. 5.12.58.

Copy to :-

1.Commissioner of Plains Division, Assam, Shillong.
2.Shri S. Sundararaman, I.A & A.S. Accountant General, Assam,
3.Sub-Divisional Officers of Plains Districts.
4.Secretary, All Assam Mouzadars Association, Gauhati.

By Order etc.,

Sd/-

Asstt. Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No.FCI 58 Dated
Copy forwarded to the Accountant General, Assam,

By Order etc.,

Secretary,
Finance Deptt.

65

GOVERNMENT OF ASSAM.
REVENUE (LR) DEPTT :::: LAND REVENUE BRANCH.

NO. RR.60/51/204 Dated, Shillong the 28th Janu. 1959.

From Shri S. Sarkar, ACS.
Under Secy. to the Govt. of Assam,
Revenue Department.

To The Commissioner of Plains Division,
Assam, Shillong.

Sub:- Limit of Amount to be retained by a Mauzadar.

Ref :- This Department No. RR.60/51/157 dt. 10.4.53.

Sir,

In continuation ofthis Department letter Qouted above I am directed to say that mauzadars as a rule are not expected to continue as a defaulters for several years together. Deputy Commissioners & Sub-Divisional Officers are expected to take necessary corrcive measures if they fail to satisfy the mouza demand within 30th June of the year. Only in special circumstances they are allowed time to pay up the arrears.

If demands remain unsatisfied for non-adjustment of amounts covered by land sale cases, remission lists or suspension of revenue by orders of superior Authorities, then the mauzadars should not suffer on that account. If the mauzadar is allowed time for satisfaction of demand after due consideration of all such facts, and if the entire collection, exceeding Rs.1000/- allowed for costs, be credited in full, then to proceed with thenext years collection, the amount of Rs.1000/- for meeting necessary contingent expenditure may be allowed to the mauzadars. It is presumed that Rs.1000/- allowed for the previous year is covered by the commission payable to the mauzadar on account of collection made for that year.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of Assam,
Revenue Deptt.

Contd.../-

Memo.No. RR.60/51/205 Dated Shillong the 28th Jan. 1959.

Copy forwarded in continuation of this Department Memo No. RR.60/51/157 dt. 10.1.59 to :-

1. Deputy Commissioner , Kamrup/ Goalpara/ Cachar/ Nowgong Sibsagar/ Darrang/ Lakhimpur.

2. Sub-Divisional Officers, North Lakhimpur/ Sibsagar/ Golaghat/ Mangaldoi/ Barpeta/ Goalpara/ Kokrajhar/ Hailakandi/ Karimganj.

3. Director of Land Records, Assam.

By Order etc.,

Sd/-
Under Secy. to the Govt. of Assam,
Revenue Department.

GOVERNMENT OF ASSAM.
REVENUE (LF) DEPTT ::: LAND REVENUE BRANCH.

NO. RLR.297/58/5 Dated, Shillong the 28th Jan. 1959.

From Shri K.C. Barua, IAS.
Secy. to the Govt. of Assam,
Revenue Department.

To

The Deputy Commissioner, Nowgong.

Sub:- Appointment of temporary mauzadar during the period of suspension of the permanent Mauzadar.

Ref :- Your No. 18604/19/288 dt. 6.12.58.

Sir,

With reference to your letter quoted above, I am directed to say that temporary mausadars during the period of s suspension of permanent mauzadars will lead to complications. A temporary mauzadar will also have to furnish necessary securities. It will be open to public criticism, if the appoint ent through temporary, is made without advertisement. If the original mauzadar is re instated, then there will be complications in restoring him ch rge as there may be misappropriation r anomalies in accounts by the temporary mauzadar.

In view of the above, the usual practice of putting the Sub-Deputy Collector in charge should be followed.

You have engaged one wholetime Mandal for collection work. If collection be unsatisfactory then the work of this whole time Mandal is unsatisfactory and you may arrange to appoint some officer like a Tahsil he d Mahurrir with proper security. Additional staff of Mahurrir or Cachier may also be appointed, but the total cost should not exceed 10% of the collections.

Yours faithfully,
Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No.RLR.297/58/6 Dated Shillong the 28th Jan. 1959.

Copy to :-
1. Commissioner of Plains Division, Assam for information.
2. Deputy Commissioners of Plains District for inform tion.
3. Sub-Divisional Officers of Plains District for information Guidance .

By Order etc.,
Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

C 11

GOVERNMENT OF ASSAM.
REVENUE (LF) DEPTT. ::: LAND REVENUE BRANCH.

NO. RR.70/54/136 Dated, Shillong the 29th Jan. 1959.

From Shri K.C. Barua, IAS.
Secretary to the Govt. of Assam,
Revenue Deptt.

To

All Deputy Commissioners and
Sub-Divisional Officers of Plains District.

Sub:- Cash security to be furnish by the Mouzadar.

Ref :- This Deptt. letter No. RR. 121/52/152 dt. 3.2.56.

Sir,

I am directed to say that Government in their letter under reference passed orders to the effect that about half of the amount of the security which a mauzadar is required to furnish should be in cash. This was done in order to safeguard Governme t money in view of increasing number of defalcations by mouzadars and huge arrears standing against them. Government have since receive several representati ns against the aforesaid orders. In actual practice, it was noticed that in many cases the mauzadars could not furnish the security in cash and as a result, collectio n was stopped. If a mauzadar could have arranged cash security for arrear demands, certainly he could have cleared up the arrears by that cash instead of placing it as security. It was thus felt that the orders were ineffective and could not be enforced.

Having considered the above facts and difficulties of the mauzadar in finding out cash security, Government have reconsidered the matter in all its aspects of the previous orders conveyed in their letter under reference and modified as below. The security in immoveable property may be increased to one third of the current and arrear demands in all cases as against one fourth, laid down in Assam Land Revenue Manual. But in case of heavy arrears you may demand at your discretion upto 25 p.c. of the security in cash.

Contd.../-

I am also to state that you should inspect the mouzas at least once during the collection season and not leave this important task to the Sub-Deputy Collectors alone. Your personal inspection is expected to improve the collection of revenue to a great extent and check defalcations.

I am therefore to request you to take action accordingly.

Yours faithfully,

Sd/-
Secy. to the Govt. of Assam,
Revenue Department.

Memo.No. RR.70/54/137 Dated, Shillong the 29th January, 59.

Copy forwarded to :-

1. Commissioner of Plains Division, Assam with reference to his No. RR.63/57/43 dt. 29.5.58.
2. The Accountant General, Assam.

By Order etc.

Sd/-
Secretary to the Govt. of Assam,
29,1,59
Revenue Department.

P.— 11 C. 13

GOVT. OF ASSAM.

EVENUE (L.REV) DEPTT ::: LAND REVENUE BRANCH.

.RR.70/64/145 Dated, Shillong the 13th March, 1959.

om Shri K.C.Barua, IAS.
Secy to the Govt. of Assam,
Revenue Deptt.

The Deputy Commissioners, Dibrugarh/ Jorhat/ Tezpur/
Nowgong/
Sub-Divisional Officers, North Lakhimpur/ Sibsagar/
Golaghat / Mangaldai / Barpeta.

bt— Revised Commission to the mauzadars.

f This Deptt. No. RR.70/64 dt. 3.2.59.

r,

In continuation of this Department letter quoted

eve, I am directed to say that the effect of revised commission
the mauzadars is given from 1.4.58 as the additional expen-
ture required for the prupose is available from the Budget for
58-59 only. The Mauzadars will be entitled to get the
mmission at the revised rates with effect from the Revenue year
57-58 i.e. from 1.7.57 to 30.6.58 and payable during the
inancial year 1958-59, Commission at the increased rates
re not payable on earlier demands though they might have been
ollected and satisfied after 1.4.58.

Commission for Collection of Local Rate should be paid
t the same rate i.e. 15 p.c. upto R.15,000.00 and so on but
t should be calculated separately and drawn under the
ppropriate head separately.

Yours faithfully,

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

emo.No.RR.70/64/146 Dated, Shillong the 13th March, 1959.

Copy to :-

1. Finance (R.C.I) Deptt. for information (Unconsulted U/O)

Contd.../-

2.Commissioner of Plains Division, Assam, Shillong.
3.Accountant General, Assam in continuation of this Deptt. Memo.No.RR.70/54 dt. 3.1.59.
4.Deputy Commissioner, Cachar for information.
5.Deputy Commissioner, Goalpara for information.
6.Secy, Assam Mauzadars Association , Gauhati for information

By Order etc.

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

P- 11 0 - 15

GOVT. OF ASSAM.
REVENUE (LR) DEPTT ::: LAND REVENUE BRANCH.

NO.RLR.175/56/24 Dated, Shillong the 1st July, 1959.

From Shri M.R. Choudhury, B.A.
Asstt. Secy. to the Govt. of Assam,
Revenue LR) Deptt.

To

All Deputy Commissioners and Sub-Divisional Officers except Deputy Commissioner, Darrang.

Sub:- Appointment of Mouzadar.

Sir,

I am directed to say thatit has been noticed by Government that in case of appointment of a new Mouzadar local officers often, after considering the applications received recommend a single name or approval of Government. In such cases approval of Government has practically no meaning as the comparative merits and demerits of the candidates are not available with the Government.

I am therefore to request you that in future all the applications received in such cases should be submitted to Government with your views in favour or against the candidates and your recommendation for appointment.

Yours faithfully,

Sd/-
Asstt. Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No. RLR.175/56/25 Dated Shillong the 1st July, 1958.

Copy forwarded to Commissioner of Plains Division for information.

By Order etc.,

Sd/-
Asstt. Secy. to the Govt. of Assam,
Revenue Department.

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GOVT. OF ASSAM.
REVENUE (L.REV) DEPTT :: LAND REVENUE BRANCH.

RR.RIR.84/60/6 Dated, Dhalliang the 16th December, 1960.

From Shri M. Dutta, ACS.
Under Secy. to the Govt. of Assam,
Revenue Department.

To

The Deputy Commissioners, Lakhimpur, Sibsagar, Darrang, Nowgong and Kamrup.
Sub-Divisional Officers, Golaghat, Sibsagar, Mangaldoi Barpeta and North Lakhimpur.

Subt- Re-organisation of Mouzas.

Ref : This Deptt. No. RIR.193/58/20 dt. 26.11.60.

Sir,

In continuation of this Deptt. letter quoted above, I am directed to say that the following factors may be taken into consideration while reorganising the mouzas into a standard size.

1. The limit of demand of a mouza is fixed at Rs.45,000/- more or less; this need not strictly be adhered to if and when other factors stand in the way in such circumstances small variations may be necessary.

2. Compactness of the Mouza, natural affinity of the people, administrative conveniences and communication facilities for the people should as far as possible be taken into consideration.

3. A tribal belt or block should preferably be kept enclosed wholly within one or several Mouzas.

4. It should be seen that no single mouza is included in two panchayats, N.E.S. Blocks and Circles.

5. One mouza should perferably be kept within the jurisdiction of one thana.

6. It may also be seen that the delimitation ofthe Assembly and Parliamentary constituencies are not rendered difficultie as a result of this re-organisation.

7. Tagging up of highly urbanised or industrialised areas with typical rural areas should be avoided as far as practi-

Contd.../-

cal rural areas should be avoided as far as practicable.

8. This scheme of reorganisation of mauzas should fit in with the one proposed for making N.E.S. block boundaries conterminous with the Circle boundaries and for having a larger number of smaller Circles in each district.

9. Districts where re-settlement operation is in progress should submit proposals soon after the Revenue attestation is completed.

10. Proposals should indicate the present set-up as regards area, population and demand as well as the position in the propo-sed set up. These should be supported by a large scale map of the Sub-Division showing villages, Circles and N.E.S. Block areas.

11. In coming to decisions, District Officers should consult local opinion through the Agencies of Panchayats, Land Settlement Advisory Committees and District or Sub-Divisional Boards of Development etc. so that popular wishes are accommodated as far as possible in consistence with the Government decision and the interest of smooth Revenue Administration particularly Revenue Collection.

Yours faithfully,

Sd/-

Under Secy. to the Govs. of Assam,
Revenue Deptt.

Memo.No. RLR.84/59/6-A Dated, Shillong the 16th Dec. 1959.

Copy for information to :-

1. The Commissioner of Plains Division, Assam.
2. The Deputy Commissioner, Cachar, Silchar.
3. Deputy Commissioner, Goalpara, Dhubri.
4. Community Project Department.
5. Home Department.
6. Panchayat Department.
7. Director of Surveys, Assam, Shillong.

By Order etc.,

Sd/-

Under Secy. to the Govt. of Assam,
Revenue Department.

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0 18 PRIORITY.

GOVT. OF ASSAM.
REVENUE (L.REV) DEPTT. KIAND REVENUE BRANCH.

NO.RLR.193/58/91 Dated, Shillong the 29th April, 1960.

From Shri M. Deka, ACS.
Under Secretary to the Govt. of Assam,
Revenue Department.

To

The Deputy Commissioners, Kamrup/ Darrang/ Nowgong/ Sibsagar/ Lakhimpur.
Sub-Divisional Officers, Barpeta / Mangaoldei Golaghat/ Sibsagar/ North Lakhimpur.

Sub:- Payment of incidential charges to the low income group mauzadars.

Ref :- This Deptt. No. RR.70/54/145 dt. 13.3.59.

Sir,

I am directed to say that Government are considering the payment of an additional amounts by way of incidential charges to those Mauzadars whose commission according to the revised rates does not increase by a least Rs.500/- over their previous income(i.e. commission at theold rates plus Rs.100/- as cost of stationery plus the cost of the Government Peon, sanctioned previously) so that the minimum increase over their previous income is Rs.500/-

For this purpose, you are requested to furnish anthentic figures to this Department in the proforn enclosed herewith within one week fwom the date of receipt of this letter.

The required figures should be furnished for each year separately, as the Mauza demand in different years may very and similarly the amount to be paid as incidental ch rges to the Mausadars will vary in terms of the Mauza demand.

The figures shoud be worked out accurately on the basis of the Mauza demand of each Mauzadar of low- income grepp individually for the following Revenue years only for the present.

1.Revenue year 1957-58,i.e.from 1.7.57 to 30.6.58.
2.Revenue year 1958-59.i.e. from 1.7.58 to 30.6.59.
3.Revenue year 1959-60,i.e. from 1.7.59 to 30.6.60. Contd./

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Pt-II

Under column 7 of the proforma the figures for comparative loss in income may be shown as minus or as plus as the case may (for instance Rs.541.90 np or + Rs.21.00 np) . If the amount is minus then another amount of Rs.500/- should be added thereto to find out the proposed incidental cost. If the amount isplus then that amount may be deducted from Rs.500/- to find out the figures for indential cost. The cases of those Mauzadars whose income at the revised rates exceed Rs. 500/- over their previous income should not be taken into account.

Generally it is seen that the Mauzadars whose Mauz demand is less than Rs.20,000/- are expected to get the proposed incidential charges.

Yours faithfully,

Sd/-
Under Secretary to the Govt. of Assam,
Revenue Deptt.

Memo.No. RLR.193/58/91-A Dated, Shillong the 29th April,1960.

Copy to :-

1.The Deputy Commissioner, Cachar, Silchar for information.
2. The Deputy Commissioner, Goalpara, Dhubri for information and necessary action if any.

By Order etc.,

Sd/-
Under Secy . to the Govt. of Assam,
Revenue Deptt.

———

PROFORMA.

Name of Mauza	Total demand of the Mauza (inclusive of L.Rev & Local rate) of the Reven year concerned.	Total Commission due (on L.Rev.& local Rate at old rates.	Total cost of one peon for the year 100/- as stationery charges (sanctioned previously.	Total of 3 and 4	Total Commission due (on L.Rev. & Local rate) at revised	Comperative loss in income (5-6) or (6-5) as as the case may be.	Proposed in cidential. cost raising income to Rs.500/-
1	2	3	4	5	6	7	8

GOVT. OF ASSAM COPY
REVENUE (IR) DEPTT.: L.R. BRANCH.

NO. RLB. 6/56/164 Dated Shillong the 17th June, 1960

From : Shri M. Deka, A.C.S.,
Under Secretary to the Govt. of Assam.

To : All Deputy Commissioners and
Sub-Divisional Officers.

Sub : Stall Lease in the Court Compounds in Assam.

Sir,

I am directed to forward herewith a copy of 'Form of Stall lease in the Court Compounds' as approved by Government which may be brought into force henceforth.

You are therefore requested to-

1. take over all control over the tea stalls etc. from the Executive Engineers as hitherto,

2. watch and ensure collection of rents through the Nazarat Branch.

3. submit quarterly statement of collection of rents (to be prescribed by Commissioners) to the Commissioner of Division concerned.

Regarding construction of stall buildings, specification from P.W.D. is being awaited. In respect of ~~xxx~~ collection and in settlement of stalls, you may seek advice when necessary from Commissioner of Division concerned.

Yours faithfully,
Sd/-
Under Secretary to the Govt. of Assam
Revenue Deptt.

..

Memo No. RLB. 6/56/164-A Dated Shillong, the 17th June, 1960

Copy forwarded with a copy of the form of stall lease in the Court Compounds to :-

1. Finance (APF) Deptt. with reference to their consulted U.O No. 2906/60 dt. 9.6.60
2. Accountant General, Assam for his information with reference to para 2 of his letter No. Rep/45(b)/60/2507 dt. 29.2.60.

Cont..2...

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3. Under Secretary, P.W.D., Roads and Buildings wing with reference to his U/O No. B. 217/59/5 dated 3.10.59. He is requested to submit a specification for construction of the stall buildings as required under clause 4 of the said lease. All Executive Engineers may kindly informed of the present development about the control of Deputy Commissioners and Sub-Divisional Officers over the Stalls.

4. Commissioner of Plains Division, Assam.
5. Commissioner of Hills Division & Appeals, Assam.

They are requested to prescribed a form regarding quarterly statement of collection of rents

and submit to the Government urgently.

In respect of collection and in settlement of stalls etc., they are requested to instruct Local Officers when necessary and watch its functions as well.

By order etc.,

Sd/-

Under Secretary to the Govt. of Assam
Revenue Deptt.

95

FORM OF STALL LEASE IN THE COURT COMPOUND

The Tea-Pan-Biddi/Sweet-Meat, Vegetable-Cycle-Stall is leased to . . . . of . . . from . . . 19 . . . to . . . 19 . . for Rs. . . . . (Rupees . . . . .) on the following conditions :-

Dated. . . . . 19 . . . . .

Accepted

Lease.

Witnesses :

1. . . . . .

2. . . . . .

For and on behalf of the Governor of Assam.

. . . . . .

Deputy Commissioner
S.D.O.(Civil)

1). This agreement of lease made on this day . . . . between the Governor of Assam, hereinafter called the lessor (which term unless repugnant to the subject or context, shall include his successor in office and assigns) of the one part and Shri .....son of .....and resident of ..... Police station .....District .....herein after called the lessee (which term unless repugnant to the subject or context, shall include his heirs, successors, executors, representatives and assignee) of the other part.

2). Whereas the lessor being the owner of the plot of land, described in the Schedule below has agreed to lease the same to the lessee for a period of three years with effect from . . . . . to be used as a Tea/Pan-Biddi/Sweet Meat/Vegetable and Fruits/ Cycle-Stall and the lessee has agreed to accept the same and will pay a rent of Rs. . . . . a year to be paid always in advance in one kist within 15 days of the commencement of the year, failing which the lease will be terminated without any notice.

3). The lessee shall have to deposit a security of 25% of the total bid money along with the 1st Year's kist money. In the event of any breach of any condition of this leas, the said security deposit shall be forfeited to the lessor.

4). The lessee shall have to construct the stall as per the drawings and specifications attached herewith and he shall have to maintain the stall in best of state of repairs at any time of the year at his cost.

Cont..2..

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Executive Engineer's decision as to whether stalls fulfil the requirements will be final and binding on the lessee. Provided that whenever the lessor provides any accommodation on Government account for stalls, such accommodation shall be utilised.

5). The lessee shall pay the bid mondy in the following instalments and credited to "XLVI-A-Rents etc.-Other rents."

One third of the total bid money or for three years within three days from the date of sale.

6). The lessee shall keep the stall and its surroundings in absolutely clean and hygienic condition and shall not allow any turbulent or disorderly gathering of men in the stall.

7). Before appointing any person the lessee shall have to obtain a certificate from the Civil Surgeon that the person proposed to be employed does not suffer from any contagious or infectious disease. All containers, Utensils and Crockers used for preparation, storage and service of edibles as well as the floors, walls and the furniture must remain perfectly clean at all times. The disposal of any refused materiale whatsoever must never cause the slightest nuisance to the surrounding. Serving of stale and adulterated foodstaff by the lessee it strictly prohibited. The articles stored or exhibited fro sale shall be thoroughly secured against insects, flies and dust etc.

8). The lessee shall carry out all orders of Deputy Commissioner/S.D.O.(C) in respect of hygienic point, decency, other activities, payment of rent etc.

9). The lessee shall not stock or sell or expose for sale any unwholesome or introxicating food or drink and shall prevent all noise or disturbances in the stall.

10). The lessee shall not sublet the lease, and no sweetmeats shall be allowed from out-side.

11). The failure to carry out any of the instructions issued by the Deputy Commissioner/Civil Sub-Divisional Officer or breach of any of the conditions herein contained shall make the lesse liable to be cancelled in addition to any other penalty that may be imposed by the Deputy Commissioner or Sub-Divisional Officer(C).

Cont..3..

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12). If the lessee violates any of the conditions herein contained or fails to pay the kists as stipulated above or to execute the lease in accordance with the conditions herein contained or deposit the security, the stall will be putup again for sale by auction and if the price fetched at the subsequent sale in less than that fetched at the first sale, the loss shall be recoverable in the same manner as a public demand from the first lessee.

13). The lessee will have no claim for compensation or remission or refund of any portion of kist money on account of closure of stalls for a continous period of less than fifteen days, due to any unavoidable circumstances or condition in the locallity or fro repairs to the stalls.

14). Any sum due to Government under any clause of this lease may be recovered from the security deposit of the lessee and in the event of such sum not being covered within the security deposit, the balance be recovered as a public demand from the lessee.

15). The Government and the Deputy Commissioner retain the right to include new conditions in the lease whenever intheir opinoon it it becomes necessary during the tenure of lease.

16). The lessee will deposit the kist money and security money in the Treasury under the head "XLVI-A-Rents etc.-Other rents"after chalan being passed by the Deputy Commissioner and Sub-Divisional Officer(Civil) and submit the receipted chalan to the Deputy Commissioner and Sub-Divisional Officer (Civil) for necessary action.

17). Pending orders on a representation made by a lessee for remission of the list mi money, the amount payible as per terms of the lease must be paid by the lessee in due date, should the representation prove successful the excess amount realised would be adjusted as soon as orders are issued, by a reduction in the next kist money or by an actual repayment.

Description of land at . . . . . measuring . . . .
and bounded by . . . on the . . .North . . on the South . .
. . . on the East . . . and on the West . . . .

...O...

GOVERNMENT OF ASSAM C 26 COPY
REVENUE (L.R.) DEPTT. : L.R. BRANCH.

NO. RLB. 6/56/195 Dated Shillong, the 19th August, 1960

From : Shri S. Khosla, IAS,
Under Secretary to the Govt. of Assam.

To : All Deputy Commissioners and
Sub-Divisional Officers.

Sub : Stall lease in the Courts and in the Office compounds of Revenue Offices in the Districts.

Ref : This Deptt. No. RLB. 6/56/164 dt. 17.6.60.

Sir,

In continuation of this Deptt. letter quoted above, I am directed to say that same set of lease form will Govern the Tea Stalls etc. situated in the Office premises of other Revenue Officers in the Districts/Subdivisions. Responsibility in respect of settling such stalls and realisation of rents also will lie with the Controlling Officers(i.e. Deputy Commissioners and Sub-Divisional Officers). Deputy Commissioners/ Sub-Divisional Officers will conduct and finalise the sale of such stalls in conformity with the approved conditions in the lease form within their respective jurisdiction.

All Revenue Officers in your District/Sub-Division may kindly be informed accordingly.

Yours faithfully,
Sd/-
Under Secretary to the Govt. of Assam
Revenue (LR) Deptt.

....

Memo No. RLB.6/56/195-A Dated Shillong the 29th August, 1960

Copy forwarded in continuation of this Deptt. Memo No. RLB. 6/56/164-A dt. 17.6.60 to :-

1. Finance (A.P.F.) Deptt.
2. The Accountant General, Assam.
3. The Under Secretary, P.W.D. (R&B) Wing, Shillong.
4. The Commissioner of Plains Division, Assam,
5. The Commissioner of Hills Division & Appeals, Assam.

By order etc.,
Sd/-
Under Secretary to the Govt. of Assam
Revenue (LR) Deptt.

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GOVERNMENT OF ASSAM.
REVENUE (L. R V) DEPTT ::: LAND REVENUE BRANCH

NO.RJL.193/58/234 Dated, Shillong the 3rd Nov 1960.

From Shri S. Khosla, IAS.
Under Secretary to the Govt. of Assam,
Revenue Department.

To

The Deputy Commissioner, Lakhimpur/ Sibsagar/
Darrang/ Nowgong/ Kamrup/ Goalpara.

Sub:- Payment of incidental charges to the low-income group Mauzadars.

Ref : This Deptt. No. RF.70/54 dated 3.1.58 and RR.70/54/145 dated 13.3.59.

Sir,

In continuation ofthis Deptt. letters quoted above, I am directed to say that Government's aim of enhancing the rates of commission to the Mauzadars was to some extent meet the high cost of living. While rates of Commission were enhanced with effect from 1.3.58 the concessions of a whole time Govt. peon and also Rs.100/- per annum for satienceries etc. sanctioned previously to the Mauzadars were also withdrawn with effect from the same date.

On further examination, it has been observed that the Mauzadars whose Mauza demands exceed Rs.9,000/- are getting substantial increase in income i.e. by more than Rs.500 under the enhanced rates over their previous income under the old rates of Commission together with the services of a Govt. peon and Rs.100/- for satienery. But there are several Mauzas whose demands are less than Rs.9,000/- in whose cases the increased benefit varies from Rs.500/- to nil. Thus these Mauzadars of low income group may get less income or incur deficit under the enhanced rates in comparison with what they used to get under the old rates of commission plus the services of a Govt. peon and Rs.100/- for Stationery and thereby become losers.

In view of the above and in consideration of the

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hardship of the low income group Mauzadars, the Governor of Assam is pleased to allow an additional amount by way of incidential charges to those Mauzadars whose commission according to the revised rates would not increase by at least Rs.500/- over their previous income (i.e. commission at old rates plus the cost of a Govt. peon and Rs.100/- for stationery per annum) so that the minimum increase is at least Rs.500/- in each case.

The orders of enhanced rates of Commission came into effect from 1.4.58(i.e. from the Revenue year 1957-58). Incidental charges are therefore payable to the Mauzadars concerned have been fully satisfied.

The expenditure involved in this connection is debitable to the head " 7 Land Revenue -0 Charges on account of Land Revenue Collections - Contingencies Commission on Land Revenue Collections - Commission on account of local Rate Collections".

Yours faithfully.

Sd/-
Under Secretary to the Govt. of Assam,
Revenue Department.

Memo.No. RL.193/58/234-A Dated Shillong, the 23rd Nov.1960.

Copy to:-
1. Finance (C.C.I) Department with two spare copies for favour of communicating the sanction to the Accountant General, Assam. This has the concurrence of Finance Deptt. vide their U/O No. FC(I) 5285/60 dt. 31.10.60.
2. The Deputy Commissioner, Cachar, Silchar.
3. The Commissioner of Plans Division, Assam.
4. Sub-Divisional Officers of the District of Lakhimpur, Sibsagar, Darrang and Kamrup.
5. Accountant General, Assam.

By Order etc.,
Sd/-
Under Secretary to the Govt. of Assam,
Revenue Deptt.

Memo.No. FC(I) /60 Dated Shillong the 1960.
Copy forwarded to the Accountant General, Assam.
By Order etc.,

Secretary to the Govt. of Assam,
Finance Deptt.

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GOVT. OF ASSAM
REVENUE (L.REV) DEPTT ::: LAND REVENUE BRANCH.

NO.RLR.149/61/1 Dated, Shillong, the 18th Dec. 1961.

From Shri H.L. Phukan, ACS.
Under Secy. to the Govt. of Assam,
Revenue Deptt.
(Phone No.Secrt.116).

To
1.The Deputy Commissioner,Lakhimpur,Dibrugarh.
2.The Deputy Commissioner, Darrang, Tezpur.
3.The Deputy Commissioner, Nowgong.
4.The Deputy Commissioner, Sibsagar, Jorhat.
5.The Deputy Commissioner, Kamrup, Gauhati.
6.The Deputy Commissioner, Goalpara, Dhubri.

Sub: Quarterly return showing the progress towards finalisation of outstanding defalcation cases in the Mauzas.

Sir,

There are many defalcation cases in the Mauzas lingering since many years past. It is apparent that these cases were not properly attended to in the past with a view to finalise them within a short time. Even at present their progress towards finalisation is not satisfactory although these should have been finalised at the earliest possibl time in the interest of public money and in view of audit objections and public criticism. Government, therefore, takes a serious notice ofit and desire that all the outstanding defalcation cases are duly and properly persued and finally disposed of as early as possible.

I am therefore to request you to look into this affair and submit quarterly returns on the dates fixed showing the substantial progress of such cases towards its finalisation as per proforma enclosed.

Yours faithfully,

Sd/-
Under Secy. to the Govt. of Assam.

Memo.No.RLR.149/61/1-A Dt. Shillong the 18th Dec. 1961.

Copy to
1.The Commissioner of Plains Division, Assam. He is requested to impress upon the Local Officers the urgency ofthe matter with he goes on tour for inspection ofthe District offices.
2.The Sub-Divisional Officers, Lakhimpur, Darrang, Sibsagar and Kamrup Districts for necessary action.
They are requested to submit the required particulars to their respective Deputy Commissioners immediately after expiry of each quarter invariably.

By Order etc.,

Sd/-
Under Secy. to the Govt. of Assam.

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(C o p y) C 30

GOVERNMENT OF ASSAM
REVENUE (L.R.) DEPARTMENT ::::: LAND REVENUE BRANCH.

No. RR.70/54/161, Dated Shillong, the 20th Feby,1962.

From : Shri S. Sarkar, A.C.S.,
Dy. Secy. to the Govt. of Assam,
Revenue Department.

To The Deputy Commissioners, Lakhimpur, Dibrugarh/Darrang, Tezpur/Sibsagar, Jorhat/Nowgong/Kamrup, Gauhati/Goalpara, Dhubri and Cachar, Silchar.

Sub : Verification and renewal of security cases of the Mauzadars.

Ref : This Deptt. letter No. RR.70/54/136, dated 29.1.59.

Sir,

I am directed to say that under Executive Instruction No. 119 of Chapter VIII in Part VI of the Assam Land & Revenue Manual Vol. I a D.C. is responsible for careful test each year of the security furnished by a Mauzadar. Certain instances have since come to the notice of Govt. where securities of the Mauzadars were not regularly verified and renewed for subsequent year or years. In such cases there is risk of loss of Govt.

I am, therefore to request you to kindly look into the matter personally and ensure that the security cases of all the mouzadars of your district are verified and renewed each year without fail. Mouzadars are also bound to furnish requisite security each year as per condition No. 6 of the Mauzadar's Kabuliyat.

Yours faithfully,

Sd/- S. Sarkar,
Dy. Secretary, Revenue Deptt.

....

Memo No.RLR70/54/161-A, Dated Shillong, the 20th Feb/62.

Copy forwarded to :-

1) The Commissioner of Plains Division, Assam, Shillong with reference to Govt. Memo No.RR.70/54/137, dt.29.1.59.
2) S.D.C., North Lakhimpur/Mangaldoi/Sibsagar/Golaghat/Barpeta for necessary action and guidance.

By order etc.,

Sd/- S. Sarkar,
Deputy Secy. Revenue (LR) Deptt.

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GOVT. OF ASSAM.
REVENUE (LR) DEPTT :::: LAND REVENUE BRANCH.

No. LR.79/60/125 Dated, Shi long the 4th Dec. 1962.

From Shri M. Bola, ACS,
Dy. Secy. to the Govt. of Assam,
Revenue Deptt.

To

The Deputy Commissioner, Lakhimpur , Dibrugarh.
The Deputy Commissioner, Darrang, Tezpur.
The Deputy Commissioner, Sibsagar, Jorhat.
The Deputy Commissioner, Nowgong.
The Deputy Commissioner, Kamrup, Gauhati.
The Deputy Commissioner, Goalpara, Dhubri.
The Sub Divisional Officer, North Lakhimpur/Mangaldoi/ Sibsagar/ Golaghat/ Barpeta.

Sub:- Quarterly return of Mouzas inspected.

Ref:- Govt. letter No. RR.70/56/1 dt. 4.5.56 and No. RR. 70/56/136 dated 25.11.57.

Sir,

I am directed to say that the principal responsibility for watching the regular collection of land revenue ect. by the Mauzadars/ Gaonburahs lies with the D.Cs and S.D.Os Land Revenue Collection is one of their most important duties inasmuch as it forms part of the principal sources of Govt. income. It is appreciated that D.Cs and S.D.Os cannot afford time for frequent inspection of accounts of the mouzas in their districts and Sub-divisions owing to their other preoccupation. Government therefore desire that D.C and S.D.Os should inspect at least once a year only those Mouzas which are considered by them as parliament bad mouzas. During their inspection they should see, among other things, whether inspections carried out by their subordinate officials are sufficiently detailed and thorough. Strict instructions should be issued to the inspecting officials to improve the standard of inspections.

The S.D.Os must however, inspect the accounts of the mouzas in their respective jurisdictions at least twice a year; for this purpose they should inspect at least half of the

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mauzas in their charge every quarter of the year. This direction is based on the recommendation of the Public Accounts Committee and must strictly be followed. Appropriate remarks should also be made in the annual confidential reports of the S.D.Cs regarding their inspection of the mauzas timely and correctly.

Over and above the regular inspections the S.D.Cs should inspect the accounts of bad Mouzas more frequently where embezzlement of Govt. revenue is suspected. Moreover, D.Cs and S.D.Cs should inspect such mauza accounts either themselves or through other experienced C.A.Cs/S.D.Cs etc. deputed or the purpose. The very aim of inspection of mauza accounts is to eradicate the root of all misappropriations and defalcations of Govt. revenue. D.Cs and S.D.Cs should also personally watch the progress of collection of revenue.

Copies of the inspections notes recorded by any of the officials mentioned above need not be sent direct to Govt. Instead these should be sent with your comments to the Commissioner of Plains Division. The Commissioner of Plains Division will bring to the notice of Govt. any important point which needs their orders or on which, in his opinion, Govt. ought to be kept informed. But in normal course, it is the District Officer who is required to take concrete steps promptly on receipt of the inspection notes, in order to rectify the irregularities noticed.

Government would like to know whether their instructions in this respect are regularly complied with in practice. I am, therefore, to request you to submit quarterly returns of Mauzas inspected regularly and to see that the purposed inspection is fulfilled to its fullest extent. A modified proforma for quarterly return is enclosed.

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Quarterly return is enclosed.

Yours faithfully,

Sd/-
4.12.
Dy. Secy. to the Govt. of Assam,
Revenue (IR) Deptt.

Memo.No.IR.79/60/125 A Dt. Shillong the 4th Dec. 1962.

Copy forwarded to the Commissioner of Hills Division, Assam, Shillong for information and necessary action.

By Order etc.,

Sd/-
4.12.
Dy. Secy. to the Govt. of Assam,
Revenue Deptt.

STATEMENT OF INSPECTIONS DURING THE QUARTER ENDING

DISTRICT / SUB-DIVISION.

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Sl No.	Name of all Mauzas in the Sub Division.	Date of previous inspection & the name and designation of his.	Date of Inspection and designation of the inspecting officer.	Years for which accounts were inspected.	Current demand of the mauza during year.	Total cash in hand of the mauza-dar/Sarbarkar on the dt. inspection.	Balance to collection the arrears. (a) Arrears, (b) Arrears of the current year.	Remarks. Action taken to realise cash in hand and arrears.
1	2	3	4	5	6	7	8	9	10

N.B.1. Return should contain accurate figures.

2. A copy of the return should be submitted to Secy., Revenue Deptt. and another copy to the Commissioner of Plains Division, Assam on the dates noted below:-

(a) Quarterly return ending on 31st March to be submitted on 10th April, of the year concerned.
(b) ... .on 30th June ... .on 10th July ;
(c) .....30th Sept. .....on 10th Oct. ;
(d) ..... on 31st Dec. ..... on 10th Janu.

3. Inspecting official should at a time check all the accounts of a mauza for each of the outstanding years, some of which are not fully satisfied and the accounts of the year concerned finally settled up.

4. Particulars as per this proforma should be furnished in the quarterly return ending 31.12.62 and so on.

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GOVERNMENT OF ASSAM
REVENUE (LR) DEPARTMENT :::::: LAND REVENUE BRANCH.
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NO.RLR.151/59/124, Dated Shillong, the 21st August, 1964.

From : Shri H. Bora, A.C.S.,
Under Secy. to the Govt. of Assam.

To : All Deputy Commissioners and
Sub-divisional Officers of Assam.

Sub : Form of stall lease and sale notice for settlement of stalls in the court compounds of the Deputy Commissioners/Sub-divisional officers in the office premises of other revenue officers.

Ref : Govt. letter No.RLB.6/56/164, dt. 17.6.60.

Sir,

I am directed to forward herewith copies of a revised Form of Stall lease and a Sale Notice as approved by Government which may be brought into force henceforth.

Yours faithfully,

Sd/- H. Bora,
Under Secretary to the Govt. of Assam,
Revenue (LR.) Department.

...

Memo No.RLR.151/59/124-A, Dated Shillong, the 21st August, 1964.

Copy forwarded with the copies of the Forms of Stall Lease and Sale Notice to :-

1) The Commissioner of Plains Division, Gauhati with reference to his No.AG./58/59/223, dtd. the 6th December, 61 and Govt. Memo No.RLB.6/56/164-A, dated the 17th June, 1960.

2) The Commissioner of Hills Division & Cachar, Shillong with reference to Govt. Memo No.RLB.6/56/164-A, dated the 17th June, 1960.

3) Finance (A.I.F.) Deptt. with reference to their consulted U/O. No.FM.1871/63, dt. 14th August, 1963.

4) Accountant General, Assam for information.

By order etc.,

Sd/- H. Bora,
Under Secretary to the Govt. of Assam,
Revenue (LR.) Department.

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FORM OF TALL LEASE IN THE COURT COMPLEX

The Tea/Pan/Biddi/Sweet-meat/Vegetable-fruits/Cycle Stall is lease.to..... of ..... from .... 19 ..... to ..... 19 ..... for Rs. ..... (Rupees .....) on the following conditions :-

1) This agreement of lease made on this day .... between the Governor of Assam, hereinafter called the lessor (which term unless repugnant to the subject or context, shall include his successor in office and assigns) of the one part and Shri ..... son of .... and resident of ..... Police Station ..... district herein after called the lessee, (which term unless repugnant to the subject or context, shall include his heirs, successors, executors, representatives and assignees) of the o her part.

2) Whereas the lessor being the owner of the plot of land, described in the Schedule below has agreed to lease the same to the lessee for a period of three years with effect from ..... to be used as a Tea/Pan/Biddi/Sweet Meat/Vegetable Fruits/Cycle Stall and the lessee has agreed to accept the same and will pay a rent of Rs. ..... a year to be paid always in advance in one kist within 15 days of the commencement of the year, failing which the lease will be terminated without any notice.

3) The leassee has already deposited a security of 25% of the total bid money. The security deposit will be refunded to the lessee on the expiry of the lease, but in the event of breach of any condition of the lease, the said security deposit shall be forfeited to the lessor.

4) The lessee shall have to construct the Stall as per the drawings and specifications annexed herewith and he shall have to maintain the stall in best state of repairs at any time of the year at his cost. Executive Engineer's decision as to whether stalls fulfil the requirements will be final and binding on the lessee. Provided that whenever the lessor provides

Contd....2/-

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rovides any accommodation on Govt. account for stalls, such
ccommodation shall be utilised on such terms and condition as
ay be fixed by the D.C./S.D.O.

5) The lessee shall pay the bid money in the following
nstalments and credit it to "XXX-A Rents etc.- Other rents."

One third of the total bid money for three years within
even days from the date of sale. The Balance amount of the bid
oney shall be deposited by the lessee in equal instalments in
he second and third year of the lease, before 15th April of e
ach succeeding year.

6) The lessee will have to remove the stall if constroted
y him, at his cost, if the site alloted to him is otherwise
eq ired by Govt., during the period of lease.

7) The lease shall have to pay to the outgoing lessee
he value of the stall and the construction, if any, revised by
he outgoing lessee to be fixed by Executive Engineer, I.W.D.
t the time of change of settlement of the Stall.

8) The lessee shall have to sell the articles at rates
ired by D.C. or S.D.C.(Civil).

9) The lessee shall keep the stall and its surroundings
n absolutely clean and hygienic confition and shall not allow
ny turbulent or disorderly gathering of men in the stall at
ny time.

10) Before appointing any person the lessee shall have
o obtain a certificate from the Civil Surgeon that the person
roposed to be employed does not suffer from any contagious or
nfectious disease.

All containers, Utensils and Crockeries etc. used for
reparation, storage and service of edibles as well as the
loors, kitchens, walls and the furniture must remain perfectly
lean at all times. The disposal of any refuse materials what-
oever must never cause the slightest nuisance to the surrounding.
erving of stale and adulterated foodstuff by the lessee is
trictly prohibited. The articles stored or exhibited for sale

Contd. ..3/-

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for sale shall be thoroughly secured against insects, flies and dust etc.

11) The lessee shall carry out all orders of Deputy Commissioner/Sub-divisional Officer (Civil) in respect of hygienic points, decency, other activities, payment of rent etc.

12) The lessee shall not stock or sell or expose for sale any unwhole some or intoxicating food or drink and shall prevent all noise or disturbances in the stall.

13) The lessee shall not sub-let the lease, and no sweetmeats shall be allowed to be brought by the lessee from outside i.e. the sweat-meats must be prepared in the stall itself.

14) The failure to carry out any of the instructions issued by the Deputy Commissioner/Sub-divisional Officer (Civil) or breach of any of the addition to any other penalty that may be imposed by the Deputy Commissioner or Sub-divisional Officer (Civil).

15) If the lessee violates any of the conditions herein contained or fails to pay the rents as stipulated above or to execute the lease in accordance with the conditions herein contained or deposit the security, the stall will be put up again for sale by auction and if the rpice fetched a the subsequnet sale is less than that fetched at the first sale, the loss shall be recoverable in the same mahner as the public demand from the first lessee.

16) The lessee shall have no claim for compensation or remission or refund of any portion of hist money on account of closure of stalls for a continuous period of less than fifteen days, due to any unavoidable circumtances or condition in the locality or for repairs to the stalls.

17) Any sum due to Govt. under any clause of this lease may be recovered from the security deposit of the lessee and in the event of such sum not being covered within the security deposit, the balance to be recovered as a public demand from the lessee.

Contd...4/-

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Office of the D.C./S.D.O.

N O T I C E.

It is hereby notified that Tea/Pan-Biddi/Sweet Meat/Vegetable Fruits/Cycle Stall in the Court compound of . . . . . will be sold by auction for a period of three years from . . . . . to . . . . . The auction sale will be held in the Court premises at . . . . . on . . . . . .

TERMS AND CONDITIONS

1. The lessee shall have to execute a registered deed of lease as per proforma which will be obtained from the office of the undersigned, within a week from the date of sale.

2. The lessee shall have to deposit as security asum equal to 25% of the total bid money within 3 days from the date of sale. The security deposit will be refunded to the lessee on the expiry of the lease but in the event of breach of any condition of the lease, the said security deposit shall be forefeited to the lessor.

3. The lessee shall pay the bid money in the following instalments and credit it to "LII-A Rent etc.-other rents".

One third of the total bid money for three years within 7 (seven) days from the date of sale. The Balance amount of the bid money shall be deposited by the lessee in two equal instalments in the second and 3rd year of the lease, before the 15th April of each succeeding year.

4. 4. The lessee shall have to construct the stall and he shall have to maintain the staff in the best state at all time of the year at his cost-Executive Engineer's decision as to whether the stall fulfils the requirements for a tea-stall or cycle stall etc. will be final and binding on the lessee, provided that whenever the lessor provides any accommodationon Govt. account for stall, such accommodation shall be utilised on the terms and conditions fixed by the D.C./S.D.O.

5. The lessee will have to remove the stall together with the constructions raised by him if any at his cost, if the site allotted to him is otherwise required by Govt., during the period of lease.

Contd...2/-

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6. The lessee shall have to pay to the outgoing lessee the value of the stall and the construction, if any, raised by the preceding lessee to be fixed by Executive Engineer, P.W.D. at the time of change of settlement of the stall.

7. The lessee shall keep the stall and its surroundings in absolutely clean and hygienic condition and shall not allow any turbulent or disorderly gathering of men in the stall.

8. The lessee shall have to sell the articles at rates fixed by D.C. or S.D.O.(Civil).

9. Before appointing any person as his employee the lessee shall have to obtain a certificate from the Civil Surgeon that the person proposed to be employed by the lessee does not suffer from any contagious or infectious disease. All containers, utensils and crocker is used for preparation, storagage and service of edibles as well as the fellers, walls and the furniture must remain perfectly clean at all times. The disposal of any refuse materials whatsoever must never cause the slightest nuisance to the surroundings. Serving of stall and adulterated food stuff by the lessee is trictly prohibited. The articles stored or exhibited for sale shall be thoroughly secured against insects, flies and dust etc.

10. The lessee shall carry out all orders of D.C./S.D.O.(Civil) in respect of hygienic point, decency, other activities including payment of rent etc.

11. The lessee shall not stock or sell, or expose for sale unwholesome or intoxicating food or drink and shall prevent all noises or disturbances in the stall.

12. The lessee shall not sub-let the lease and no sweet-meats shall be allowed from outside i.e. the Sweet-meats must be prepared in the stall itself.

13. If the lessee violates any of the conditions herein contained or fails to pay the bid money as stipulated above or to execute the lease in accordance with the conditions herein contained or deposit the security, the stall shall be put up again for sale by auction and if the price fetched at the subsequent sale is less than that fetched at the first sale, the loss shall be recoverable in the same manner as a public demand from the first lessee.

Pt-II

14. The lessee shall have no claim for compensation or remission of refund of any portion of kist money on account of closure of halls for a continious period of less than 15 days due to any unavoidable or unforesseen circumstances of condition in the locality or for repairs to the Stalls.

15. The lessee shall deposit the kist money and security money in the treasury under the head "LII-A-Rents-etc. Other Rents" after chalan being passed by D.C./S.D.C.(Civil) and submit the receipted Chalan to the D.C./S.D.C.(Civil) for necessary action.

16. Pending orders on a representation made by a lessee for remission of the kist money, the amount payable as per terms of the lease must be paid by the lessee in due date, should the representation prove successful the excess amount realised would be adjusted as soon as orders are issued, by a reduction in the next kist money or by an actual repayment.

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GOVT. OF ASSAM.
REVENUE (LR) DEPTT.

NO.RLR.22/66/230 Dated Shillong the 28th August, 71.

To

All Deputy Commissioners and Sub-Divisional Officers of Plains Districts of Assam.

Subs- Revised Commission to Mouzadars.

Sir,

After due consideration of the demands made by the All Assam Mouzadars Association in their representation dt. 10.6.70, the Governor of Assam is pleased to accord sanction tothe folloiw ing rates of commission to the Mouzadarsin modification of the rates earlier sanctioned in Gov . letter No. RLR.22/66/58 dt. 9.2.67 in order to give incentive to Mouzadars and for better collection of revenue.

The revised rates wi'l come intof force with effect from 1.7.71 (that is , covering the demand of the revenue year 1971-72).

	Commission at the rate of
1.10%	On the first 25% of the demand rounded to the nearest hundred rupees of the Mouza concerned.
2.15%	On the next 25% of the demand rounded to the nearest hundredrupees of the Mouza concerned.
3.20%	On the next 25% of the demand rouded tothe nearest hundred rupees of the Mouza concerned.
4.25%	On the las. 25% of the demand rounded tothe nearest hundred rupees of the Mouza concerned.

On condition that the entire demand of the Mouza for the year concerned,must be satisfied in full within three years time, at the latest failing which mouzadars will be liable to removal etc. without any prejudice to other proceedings that may be requisted under

Contdd.../-

the rules and Regulation in force.

The Governor of Assam is also pleased to accord sanction to the payment of fixed additional contingency allowance to Mouzadars of demand group with mouza-demand not exceeding Rs.34,000/- in addition to the rates of commission noted above. The sliding scale of additional contingency allowance is prescribed below. This comes into force with effect from 1.7.71 (i.e. covering the demand of the Revenue year 1971-72).

	Additional contingency allowance payable to Mouzadars.
1.For Mouzas with a total demand upto Rs.20,000/-	Rs. 1,400/-
2.For Mouzas with a total demand standing between Rs.20,000/- and Rs.25,000/-	Rs. 1,000/-
3.For Mouzas with a total demand standing between Rs.25,001 and Rs.30,000/-	Rs. 650/-
4.For Mouzas with a total demand standing between Rs.30,000 and Rs. 34,000/-	Rs. 250/-

On condition that his allowance would be paid to Mouzadars concerned only after full satisfaction of entire demand of the Mouza for the year concerned within three years time at the latest, failing which they will be deprived of this benefit.

3. Government have already sanctioned a subsidy of Rs.800/- per annum per Mouza to all the Mouzadars for establishment and other contingency charges with effect from 1.7.62 covering the revenue year 1961-62 vide their letter No.RLR.87/61/7 dated 11.12.61. The Governor of Assam is hereby to accord sanction to payment of the said subsidy to Mouzadars in two equal instalments i.e. first instalment to be paid on satisfaction of half of the Mouza demand of

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the year concerned and he second instalment on satisfaction of the balande half of the Mouza demand.

4. The Governor of Assam is also pleased to accord sanction to the payment of a sprate rate of Commissioner of 5% to Mouzadars on the amounts collected by institution of sale case on condition that Mouzadars in relation to current demand must, before the Collection year closes (i.e. before 30th June of the Revenue year) submit the sale cases of such Pattadars where they have failed to collect Revenue and where in their opinion they could not undertake the respon sibility of collecting it in the next year also, due to intransigency or other reasons of the pattadars, failing to submit the sale cases within the above specified time they will be deprived of this benefit. This comes into force with effect from 1.7.71 covering the demand of the revenue year 1971 -72.

The expenditure is debitable to the head " 9 Land Revenue D Charges on account of land revenue collection contingencies Commission on land Revenue Collection etc. in your budget.

Yours faithfully,

Sd- G.R.Krishnamuthy.

Secy to the Govt. of Assam,
Revenue Deptt.

Memo. No. RLR.22/66/230-A Dt. Shillong, the 28th Aug. 1971.

Copy forwarded to :- 1. Commissioner of Plains Division, Assam, Gauhati. (2) Commissioner of Hills Division , Assam, Shillong.

3. Commissioner of Division for Mizo and Cachar Districts, Shillong.

4. Shri Abhoy Charan Choudhury, General Secy, All Assam Mouzadars Association, Satya Sora Lane. Uzanbazar, Gauhati.

Contd.../-

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5. Finance E.S(II) Deptt.

By Order etc.,

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No.RLR.22/66/230-B Dt.Shillong, the 28th August, 1971.

Copy forwarded to the Accountant General, Assam, etc. Shillong. Sanction has been accorded with the Concurrence of the Finance Deptt. vide their U.O. 3658/70 dated 4.8.71.

By order etc.,

Financial Adviser, Revenue Deptt.

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Memo No. RLR.52/76/86-A Dated Dispur, the Feb'80

Copy forwarded to :-

1). The Commissioner, Upper Assam Division, Assam, Jorhat for information and necessary action.

2). The Commissioner, Lower Assam Division, Assam, Gauhati for information and necessary action.

By order etc.,

Secretary to the Govt. of Assam,
Revenue (L.R.) Deptt.

B Phukon 25/2/80

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GOVERNMENT OF ASSAM
REVENUE (L.R.) DEPARTMENT ::: LAND REVENUE BRANCH

Dated Dispur, the 12th March, 1981.

No.RRR.22/56/Pt/129

From : Shri D. K. Gangopadhya, I.A.S.,
Secretary to the Govt. of Assam,
Revenue (L.R.) Department.

To : Deputy Commissioners and Sub-Divisional Officers of the Six Plain Districts of Assam (Kamrup/Darrang/Nalbari/Mowgong/Sibsagar/Dibrugarh).

Sub : Revised Commission to Mauzadars.

Sir,

After due consideration of the demands made by the All Assam Mauzadars Association in their representations, the Governor of Assam is pleased to accord sanction, to the following rates of commission to the mouzadars in supercession of the rates earlier sanctioned in Government letter No.RRR.22/56/23, dated 23.2.71, in order to give incentive to the mouzadars for better collection of Revenue :-

1. a) For mouzas with demand upto Rs.50,000/- the rate of commission will be @ 30% of the total demand.

b) For mouzas with demand between Rs.50,001/- to Rs.1 lakh, the rate of commission will be @ 25% (minimum Rs.15,000/-)

c) For mouzas with demand exceeding 1 lakh of rupees the rate of commission will be @ 20% (minimum of Rs.25,000/-).

2. The Governor of Assam is also pleased to raise the existing rate of subsidy for miscellaneous expenditure of mouzas from Rs.500/- to Rs.1,000/- per annum.

The above revised rates of commission will come into force with effect from 1st July, 1980.

3. Commission on T. B. Revenue demand also will be under the above rate.

Commission bills of the mouzadars are to be prepared quarterly and the final bill to be prepared on satisfaction of full demand of the year concerned. The commission bills should be submitted by the mouzadars to the Deputy Commissional officer concerned during the

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last week of the following month after every quarter of the revenue year which should be processed and paid to the mouzadars after deducting outstanding dues, if any, from the mouzadars.

4. Government have already accorded sanction vide letter No.RE.22/66/239, dated 28.7.71 to the payment of a special rate of commission of Rs.5% to the mouzadars on the amounts collected by institution of sale cases on condition that mouzadars in relation to arrear demand must submit land sale cases before the collection year closes (i.e. before 30th June of the revenue year). Failing to submit the land sale cases within the above specified time the mouzadars will be deprived of the benefit.

The expenditure is debitable to the head "229-Land Revenue-2B-Collection Charge 5. payment for professional and special services" in your budget.

5. During the month following the end of the revenue year the T. R. Branch of the Deputy Commissioner/Sub-Divisional Officer's office will account for the total demand, collection and deposit of each mouza in their respective jurisdiction and send copy to the concerning mouzadar to enable them to point out discrepancies, if any giving them 15 days time. There after the commission bill of the mouzadar (whose demand is fully satisfied) is to be finally prepared and paid within the month of August following. The amount involved in land sale cases which are submitted by the mouzadar in time as prescribed by the Government should be treated as a part of the demand satisfied by the mouzadar irrespective of the fact whether such cases are disposed of or not. Deputy Commissioner/Sub-Divisional Officer are to dispose of sale cases within six months from the date of receipt.

On the recommendation of circle S.D.C. adequate number of C.P. Receipt Books as justified for a quarter should be supplied by the Deputy Commission-er/Sub-Divisional Officers to the mouzadars. Adequate steps should be

Contd...3.

Pt-II

taken to prevent heavy cash in hand of the mouzadars in excess to the permissible limit and disciplinary action initiated immediately against the habitual defaulters.

6. As soon as the demand of a particular revenue year is satisfied by the mouzadar as per Tauji demand a certificate in proper form is to be issued by the Deputy Commissioner/Sub-Divisional Officer without fail and the concerning S.D.C. of the circle kept informed.

7. All F.T.J. list submitted by the mouzadar should be disposed of after proper verification within six months by the Deputy Commissioner/Sub-Divisional Officer from the date of receipt.

This has the concurrence of Fin. E.C.II Deptt vide their U.O.No.FEC(II) 70/81 dt. 3.2.81.

Yours faithfully,

Sd/- D. K. Gangopadhya.
Secretary to the Govermment of Assam
Revenue Department.

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Memo No.RLR.22/66/Pt/129-A. Dated Dispur, the 12th March, 1981.

Copy forwarded to :-

1). The Commissioner, Upper Assam Division, Jorhat/Lower Assam Division, Gauhati

2). The Director of Land Records, Assam, Gauhati.

3). Finance (E.C.II) Department with reference to their U/O No.FEC(II)70/81, dated 3.2.81.

4). Revenue (R) Department. They are requested to take necessary action in the matter.

5). The Chairman, Assam Board of Revenue, Gauhati.

By order etc.,

Deputy Secretary to the Government of Assam,
Revenue (LR) Deptt.

12-3-81

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Memo No.RLR.22/66/Pt/129-B, Dated Dispur, the 12th March/81.

Forwarded to the Accountant General, Assam, etc., Shillong.

By order etc.,

Financial Adviser,
Revenue (LR) Deptt.

GOVERNMENT OF ASSAM
REVENUE (L.R.) DEPARTMENT ::: LAND REVENUE BRANCH

NO. LR.22/56/Pt./128 Dated Dispur, the 13th March, 1981.

From : Shri D. K. Gangopadhya, I.A.S.,
Secretary to the Govt. of Assam.

To : All Deputy Commissioners/Sub-Divisional Officers.

Sub : REORGANISATION OF MOUZAS.

Sir,

I am directed to say that due to the exemption of land revenue of land holdings up to 10 bighas with effect from 1.7.78 the demands of many mouzas have been decreased to a considerable extent making them economically not viable. Therefore the Governor of Assam is pleased to consider the reorganisation of the mouzas to make all the mouzas economically viable.

You are, therefore, requested to submit formal proposal for reorganisation of the mouzas of your district to a standard with the minimum demand of Rs.50,000/- (fifty thousand) and maximum of rupees one lakh. In any case demand of a mouza should not exceed rupees one lakh. Marginal adjustments may however be made. While submitting the proposals Sub-division-wise majauli maps showing boundaries of the existing mouza the reorganised mouza in different colours. A detailed statement showing area, demand of land revenue and local rate, name of circle etc. (existing and proposed) is to be submitted within 15th April/81 at the latest.

In submitting proposals it should be seen that the newly reorganised mouza boundary remain coterminus within a revenue circle.

Yours faithfully,

Sd/- D.K. Gangopadhya.

Secretary to the Government of Assam,
Revenue Deptt.

Contd....2.

Memo No.REV.22/66/Pt/128-A, Dated Dispur, the 11th March, 1981

Copy forwarded to :-

1). Finance (E.C.II) Department with reference to their U/O No.FEC(II)70/81, dated 3.2.81.

2). The Commissioner, Upper Assam Division, Jorhat/Lower Assam Division, Gauhati.

3). The Director of Land Records, Assam, Gauhati.

By order etc.,

Deputy Secretary to the Government of Assam, Revenue (JR) Deptt.

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GOVERNMENT OF ASSAM
REVENUE (LR) DEPARTMENT :::::: LAND REVENUE BRANCH.
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NO. RLR.22/60/Pt/134, Dated Dispur, the 1st /April,1981.

From : Shri N. C. Das, A.C.S.,
Deputy Secy. to the Govt. of Assam.

To 1) All Deputy Commissioners.
2) All Sub-Divisional Officers.

Sub : Reorganisation of Mouzas.

Sir,

In continuation of this Deptt. letter No. RLR.22/66/Pt./128, dt. 13-3-81 on the subject cited above I am directed to say that while every effort should be made to make the Mouzas economically viable by raising the demand between Rs.50,000 to Rs. 1,00,000 ; Mouzas in the town areas where demand is inviariably more than Rs. 1,00,000 owing to increased rate of revenue on account of Urban trade sides etc. need not be however devided. The urban and Town Mouzas are alread-y very small in area and rate payers are not facing difficulties in payment of land revenue and local rates as is experienced by the rate payers in the rural areas where the mouza areas are sprawling.

I am therefore to request you to please see that the urban and town mouzas are not distrubed while submitting proposals for reorganisation.

Yours faithfully,

Deputy Secretary to the Govt. of Assam,
Revenue (LR) Department.

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Memo No.RLR.22/66/Pt/134-A, Dated Dispur, the 1st/April,81.

Copy to :-
1) The Commissioner, L. A. D., Gauhati/U. D. D., Jorhat.
2) The Director, Land Records, Assam, Gauhati.
3) The Director, Land Requn. Acqun. and Reforms, Assam, Gauhati.

By order etc.,

Deputy Secretary to the Govt. of Assam,
Revenue (LR) Department.

Pt-II

GOVERNMENT OF ASSAM
REVENUE (LAND REVENUE) DEPARTMENT
LAND REVENUE BRANCH.

NO. RIR.16/80/187 Dated Dispur, the 18 th August/81

From : Shri G. Bhuyan, A.C.S.,
Under Secretary to the Govt. of Assam.

To : The Deputy Commissioner,

The Sub-Divisional Officer,

Sub : Proforma of Quarterly Statement of Collection of land revenue and local rates.

Ref : D.O.No.RIR.16/80/186 dt. 4.7.81 from the Secretary, Revenue Deptt.

Sir,

I a directed to refer to the D.O.letter cited above and to send herewith the proforma for submission of Quarterly Statement of Collection of land revenue and local rates and to request you to submit the Quarterly Statement as per proforma w.e.f. the first quarter of revenue Year 1981-82. The information of remission if any may be furnished in the remark column. Report of each quarter may kindly be furnished to the Govt. within fifteen days after the close of each quarter.

This may be treated as most urgent.

Yours faithfully,

G. Bhuyan 18/8/81
Under Secretary to the Govt. of Assam
Revenue (IR) Department.

Encl : As stated above

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PROFORMA

QUARTERLY STATEMENT OF COLLECTION OF LAND REVENUE AND LOCAL RATES IN _____ SUB-DIVISION FOR QUARTER ENDING _____ 1981-82.

Head	Demand for the Year		Target on Collection for the Quarter.		Collection during the quarter		Deposit into Treasury.	
	Current	Arrear	Current	Arr.	Curr.	Arr.	Current	Arrear
1	2	3	4	5	6	7	8	9
1.Regular land revenue								
2.Regular local rate								
3.Touzi bahira land revenue								
4.Touzi bahira local rate								
5.Direct paying land Revenue								
6. Direct paying local rates.								
Grand Total								

Percentage of Target achieved during the Quarter.		Progressive total of Collection from the first quarter of 81-82		Percentage of collection from the first quarter of 1981-82		Remarks
Current	Arrear	Current	Arrear	Current	Arrear	
10	11	12	13	14	15	16

Signature of D.C/A.D.C. /S.D.O.
i/c.Sub-Div

GOVERNMENT OF ASSAM
REVENUE DEPARTMENT.

D.O.NO.RIR.16/80/186
Dated Dispur, the

Shri D. K. Gangopadhyay, I.A.S.,
Secretary to the Govt. of Assam,
Revenue Department, Dispur.

I would like to draw your personal attention to the fact that collection of land revenue and local rate in most of the Districts/Sub-Divisions are very poor. The demand for the year 1979-80 was current Rs. 2,28,53,334.00 arrear Rs. 10,78,88,790.00. Against this total collection on account of current demand, was Rs. 26,38,917.00 and arrear demand was Rs. 1,28,68,343.00. The percentage of collection is 11.10% and 11.93% respectively. For the year just ended i.e. 1980-81, demand was current Rs. 2,48,91,396.00 and arrear Rs.114030164. Against this, total collection upto 31st March, 1981 on account of current demand, was Rs. 35,63,629.00 and arrear demand was Rs. 1,87,88,715.00. The percentage is 14.31% and 16.49% respectively.

The Govt. finds no sufficient reasons for this poor state of affairs in the matter of collection of Govt. revenue. While financially weak cultivators holding less than 10 bighas of land are now exempted from payment of land revenue, the medium and big cultivators should not find it difficult to pay land revenue and local rate, the annual implication of which is between Rs. 2/- to Rs. 3/- per bigha in rural areas. On the other hand, Paddy which is the most commonly grown crop fetches a price between Rs. 30/- and Rs. 50/- per mound. Prices of other crop raised in the State are too well known to you.

Thus it appears to me that collecting agencies in the Districts and Sub-Divisions are very much indifferent in timely collection of land revenue and local rate and timely deposition of the same into the Treasuries. The overseeing authorities in the District/Sub-Division it may be assumed, have also not given the importance the

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importance the collection and deposition of land revenue and local rate by Mauzadars and Tahsildars deserves.

In view of this, I would like to impress upon you to organise sustained drives in the matter of collection of land revenue and local rate in each District/Sub-Division. For this you are to fix up a monthly target of collection of land revenue and local rate by each Mauzadar and each Tahsil. Target of collection for arrear and current demand be so fix as to ensure 100% collection of arrear demand and 85% colle- ction of current demand by the end of June, 1982. The monthly target fixed for each Mauzadar and Tahsildar may ple be sent to the Govt. by the end of July/81. The local revenue officials (S.D.C/A.S.O) may be entrusted fully to supervise collection and deposition by Mauzadars and Tahsildars in their respective areas. Moreover, E.A.Cs, Senior A.S.Os and Executive Magistrates in the District/Sub-Division be utilised in the matter of supervision of collection and to see that monthly targets are achieved by each Mauzadar and Tahsildar. You are also requested to ensure proper supervision over the collecting agencies.

You are further requested to submit a special report on this matter quarterly for each quarter ending 30th Sept/81, 31st Dec/81, 31st March/82 and 30th June/82. Profor for this report is being sent to you seperately.

With best wishes,

Yours Sincerely,

PART III

PART III

COPY

GOVT. OF INDIA
MINISTRY OF WORKS : HOUSING & SUPPLY

Dated N.Delhi, the 22 June/1954.

NO. 4901-WII/54

From : Shri Devaki Nandan Goyal,
Under Secy. to the Govt. of India.

To : The Secy. to the Govt. of :

1. Assam (Revenue Deptt), Shillong.
2. Bihar (Political Deptt), Patna.
3. Bombay (Revenue Deptt), Bombay.
4. Orissa (Home Deptt.), Cuttack.
5. Punjab (Home Deptt.), Chandigarh.
6. Madras (Revenue Deptt), Madras.

Sub : Requisitioning and Acquisition of Immovable Property Act, 1952 agreement for compensation under section of 8(1)-thereof.

Sir,

I am directed to invite a ref. to para-1 of this Ministry's letter No.1530-WII/53, dt. 5.2.1953, on the above subject, and to say that the Govt. of India, on reconsideration have decided that in all cases, where compensation in respect of requisitioned and acquired property is fixed by agreement under section 8(1)(a) of the Requisitioning and Acquisition of Immovable Property Act, 1952, formal agreements should be execut before making any payment to the owner(s) of the property. The specimen forms in which the formal agreement should be executed in respect of requisitioned and acquired property respectively are enclosed as Annexures I and II.

I am to request that instructions to the above effec may kindly be issued to all Collectors/Deputy Commissioners in the State of Assam, etc.

Yours faithfully,

Sd/-Devaki Nandan Goyal,
Under Secy. to the Govt. of India

Copy forwarded for information and necessary action to th Secy., Govt. of W. Bengal, Land & Land Revenue Deptt. with ref. to his letter No.4347-Reqn. dt. 5.3.53. All Collectors etc. in the State of W. Bengal have been authorised under article 299(1 of the Constitution of India to execute agreements on behalf of the Central Govt. vide Law Ministry's Notification SRO.1141 dt. 15.6.53(Copy enclosed).

Copy together with a copy of this Ministry's letter No.15 -WII/53 dt. 5.2.53 forwarded for information and necessary acti to all Part 'B' States(except Jammu and Kashmir) and (C) States the Govt. of Andhra.

Copy also forwarded for information to the Ministry of Defence with ref. to their U/O. No.1186/LHD(C & CT) dt.28.3.54.

Sd/- Devaki Nandan Goyal,
Under Secy. to the Govt. of Indi

COPY

ANNEXURE : I

(For Requisitioned Property)

An agreement made this____day of____one thousand nine hundred and fifty_____between the President of India(hereinafter called "the Govt." which expression shall where the context so admits include his successors and assigns) of one part and_____son of_____at present residing at_____(hereinafter called "the Owner"/Owners" which expression shall include the person or persons having any right, title or interest in the property and the respective heirs, executors, administrators of the Owner/ Owners and assigns) of the other part :

Whereas the immovable property particulars whereof are set out in the Schedule hereunder written (hereinafter refferred to as "the said property") has been requisitioned under the Requisitioning and Acquisition of Immovable property Act,1952 (hereinafter referred to as "the said Act") and the Rules framed thereunder and taken possession of on the_____day of_____ 195 by the competent authority or a person duly authorised by it in this behalf :

And whereas under the provisions of the said Act compensation is payable for such requisitioning :

And whereas the Owner has / Owner have represented and stated to the Govt. that the Owner / Owners alone is / are entitled to all compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof :

And whereas the Owner / Owners and the Govt. have mutually agreed to settle the amount of compensation payable by the Govt. to the Owner / Owners in connection with the said requisition in the manner hereinafter appearing :

NOW THIS AGREEMENT WITNESSETH AND IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS :

1. The Govt. shall pay and the Owner / Owners shall accept and receive a payment of Rs._____(Rupees_____)per month/quarter/year for the said property with effect from the said day of_____195 so long as the Govt. shall remain in possession thereof and the requisition continues.

2. The Owner / Owners shall not claim or be entitled to any other compensation whatsoever in connection with the said requisition.

3. The Owner / Owners shall meet and pay the revenue, rent, municipal taxes and all other outgoings relating to the said property whether payable by the Owner or the occupier thereof :

III

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any compensation to any other person the Owner/Owners shall refund to the Govt. the compensation paid or such part thereof as the Owner is/Owners are not entitled to and shall otherwise indemnify the Govt. by reason of any fault or defect in title as represented by the Owner/Owners or otherwise howsoever arising in consequence of the payment having been made to the Owner/Owners. Without prejudice to any other remedies for the enforcement of such refund and indemnity the Govt. may recover any sum payable by way of refund and/or indemnity as arreas of land revenue.

THE SCHEDULE ABOVE REFERRED TO

All that piece or parcel of land and/or building situated at _____ containing by admeasurement _____ or thereabouts and bounded on the North by _____ on the South by _____ on the West by _____ on the East by _____ and delineated and coloured _____ in the map or plan hereto annexed.

In witness whereof the parties hereto have set their hands the day and year first above written.

Signed by _____
for and on behalf of the President of India in the presence of -

(1) _____

(2) _____

Signed by _____
the Owner/Owners above-named in the presence of -

(1) _____

(2) _____

Copy of letter No.1530-WII/53 dt. 5.2.53 from the Ministry of Works, Housing and Supply to the Secy. to the Govt. of Assam and Bihar etc.

Sub : Requisitioning and Acquisition of Immovable Property Act, 1952 agreement for compensation under section 8(1)(a) thereof.

I am directed to say that a question has arisen whether in cases, where compensation in respect of requisitioned and acquired properties is fixed by agreement under section 8(1)(a) of the Requisitioning and Acquisiton of Immovable Property Act, 1952, the execution of formal agreements is necessary. The Govt. of India have been advised that the execution of formal agreement in such cases is not necessary and that the agreement could be reached with the owner of the property by exchange of letters but the offer to be made to the owner shall comply with the provisions of Article 299(1) of the Constitution of India, i.e, it should be expressed to be made by the President of India.

As the powers of the Central Govt. under sec-8(1)(a) of the aforesaid Act have been delegated to the Govt. of Assam, Bihar etc the Govt. of India propose to authorise the Dy. Secy. to the State concerned to enter into agreements under Sec-8(1)(a) of the Act on behalf of the President of India. I am therefore to request that

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ANNEXURE:II

(The Acquisition Property)

An agreement made this_____day of_____one thousand nine hundred and fifty_____Between the President of India (hereinafter referred to as "the Govt." which expression shall where the context so admits include his successors and assigns) of the one part and_____son of_____at present residing at_____(hereinafter referred to as 'the Owner/Owners' which expression shall include the person or persons having any right, title or interest in the property and the respective heirs, executors, administrators and assigns of the Owner/Owners of the other part:

Whereas in exercise of powers conferred by section 7 of the Requisitioning and Acquisition of Immovable Property Act,1952 (hereinafter called 'the said Act') the Central Govt. has acquired All that property described in the Schedule hereunder written (hereinafter referred to as 'the said property'):

And whereas the said property has bested absolutely in the Central Govt. free from all encumbrances :

And whereas under the provisions of the said Act compensation is payable for such acquisition :

And whereas the Owner/Owners has/have represented and stated to the Govt. that the Owner/Owners alone is/are entitled to all compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof :

NOW THIS AGREEMENT WITNESSETH AND IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS :-

1. That the Govt. agrees to pay to the Owner/Owners and the Owner/Owners Agrees/agree to accept the sum of Rs._____(Rupees_____) only in full settlement of all claims for compensation for the acquisition of the said property :

2. That if it hereafter transpires that the Owner/Owners is/are not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Govt. have to pay any compensation to any other person the Owner/Owners shall refund to the Govt. the compensation paid or such part thereof as the Owner/Owners is/are not entitled to and shall otherwise indemnify the Govt. against any loss or damage suffered by the Govt. by reason of any fault or defect in title as represented by the Owner/Owners or otherwise howsoever arising in consequence of the payment having been made to the Owner/Owners. Without prejudice to any other remedies for the endorsement of such refund and indemnity, the Govt. may

Govt. may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

THE SCHEDULE ABOVE REFERRED TO

All that piece or parcel of land and/or building situated at _____ containing by admeasurement _____ or thereabouts and bounded on the North by _____ on the South by _____ on the West by _____ on the East by _____ and delineated and coloured _____ in the map or plan hereto annexed.

IN WITNESS WHEREOF the parties hereto have set their hands the day and year first above written.

Sign by _____
for and on behalf of the
President of India in
the presence of -

(1) _____
(2) _____

Signed by _____
the owner above named in
the presence of -

(1) _____
(2) _____

AR/171281/

COPY

GOVT. OF INDIA
MINISTRY OF WORKS:HOUSING SUPPLY
Dated N.Delhi, the 18 Feb/1955.

NO.1549-E&II/55

From : Shri J.K. Roy,
Under Secy. to the Govt. of India.

To : The Chief Secy. to the Govts. of Part A,B and C States.

Sub : Question whether it is proper to requisition plots of Land under the Requisitioning and Acquisition of Immovable Property Act,1952(XXX of 1952), with the ultimate intention of acquiring it.

Sir,

I am directed to say that it has come to the notice of the Govt. of India that competent authorities under the Requisitioning & Acquisition of Immovable Property Act,1952 are frequently requested first to requisition land with the ultimate object of acquiring it under the provisions of that Act. The Govt. of India have considered whether acquisition of land in this manner is proper and they are of the view, that except, where extraordinary circumstances compel them to do so, it would not be proper to invoke the powers under the Requisitioning and Acquisition of Immovable Property Act,1952, in cases where the possession of a piece of land is required clearly for putting up structures thereon later. Requisitioning of land under the Requisitioning and Acquisition of Immovable Property Act. under such circumstances, would be a perverse use of the powers converred by that Act which was passed mainly to enable Govt. to compulsorily acquire plots of lands on which, during the war, costly buildings had been put up and improvements had been created, with a view to saving Govt. from loss, if the owners insisted on the original conditions being restored, when the plots were to be dere-quisitioned. The Govt. of India are, therefore, averse to powers under the RAIP. Act being exercised to acquire land except under very exceptional circumstances. Land in such cases should be acquired for purposes of construction under the Land Acquisition Act,1894. There would be no difficulty in so acquiring the lands as Govt. have now powers to require the Collectors to act for them under the Land Acquisition Act.

I am directed to request that the contents of this letter may kindly be brought to the notice of all competent authorities under the Requisitioning and Acquisition of Immovable Property Act,52 for their guidance.

Yours faithfully,
Sd/-J.K. Roy,
Under Secy.to the Govt.of India.

Copy forwarded with requisite No. of copies to all Ministries of the Govt. of India./ Copy also forwarded to all the Attached and Subordinate Offices under the Ministry of Works,Housing & Supply/ Copy also forwarded to the Collector, 24 Paraganas,W. Bengal,Alipur, with ref. to his letter No.LA.IV/1253/14961 dt. 23.11.54.

Sd/-J.K. Roy,
Under Secy.to the Govt. of India.

MINISTRY OF WORKS & HOUSING AND SUPPLY

NOTIFICATION

New Delhi, the 24 May/1957

S.R.O.2519 - In exercise of the powers conferred by Sub-section (1) of section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), and of all other powers enabling it in this behalf and in supersession of existing notifications on the subject noted below * and in partial modification of the notification of the Govt. of India in the Ministry of Home Affairs No.SRO.89 dt. the 8th January/1957 the Central Govt. hereby directs that the powers exercisable by it by or under the provisions of the said Act specified in column (3) of the Sechedule hereto annexed shall also be exercisable by each of the authorities mentioned in the corresponding entry in clumn (2) of the said Schedule in respect of any property situated within its jurisdiction subject to the condition, if any, specified in the corresponding entry in column (4) thereof.

SCHEDULE

Sl. No.	Authorities	Provision of the Act	Conditions
	2	3	4
1(a)	The 1st Land Acquisition Collector, Calcutta; all Land Acquisition Officers of Calcutta and of other districts in the State of West Bengal who are functioning as Collectors under Act-I of 1894; the Collector in the Dist. of 24 Parganas and all other Collectors in the State of West Bengal; and the Deputy Commissioners of Jalpaiguri Darjeeling and Cooch Behar in the State of West Bengal.	Section 6,7,8 (except clause (b) of sub section(I) and section-13.	No power under section 8 is so far as it relates to the fixing of the amount of compensation by agreement shall be exercisable except with the previous approval of the Central Govt.
(b)	All Collectors, Dist. Magistrates and Deputy Commissioners in the other States of India except of State of Jammu & Kashmir.		
(c)	Divisional Officer(C) Kulu Sub Division in the State of Punjab.		
(d)	Spl. Land Acquisition Officer, Nasik in the State of Bombay.		
(e)	The State Govts. of all State except the State of Jammu and Kashmir.	Clause (b) of Sub section (1) of Section-8.	

*Ministry of W.H. & S. Notifications Nos.10739-WII/52.dt.29.12.52/ 1526-WII/53, dt. 5.2.53/1608-EII/53 dt. 8.5.53/5989-EII/53 dt.9.10.53/ 2521-EII/54 dt. 31.3.54/8064-EII/54 dt. 24.9.54/1085-EII/55 dt.9.2.55/ EV-11(8)/56 dt. 12.12.56.

(No.EV.11(1)/57)
H.K.RANSAL, Under Secy.

COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

NO. RLA.3/57/10 Dated Shillong, the 22 Jan/1957.

From : Shri T. Rahman, B.Sc. ACS,
Under Secy. to the Govt. of Assam,
Revenue Deptts

To : All D.Cs/ S.D.Os.

Sub : Submission of draft preliminary Notification and Declaration estimate etc. through proper Channel.

Sir,

I am directed to say that it has been noticed that the Land Acquisition proposal i.e, draft Notification, draft declaration, plan and estimate etc. for acquisition of land for various Deptts. of Govt. are not submitted through their respective administrative Deptts. for onward transmission to Govt% in the Revenue (Land Revenue) Deptt%

In this connection your attention is invited to Executive Instructions 14 and 27 of the Land Acquisition Act-I, 1894 at pages 43-44 and 50-51 respectively of the Land Acquisition Mannual.

I am therefore to request you to observe the procedure strictly and to submit henceforth land acqisition proposal through proper channel.

Yours faithfully,
Sd/-
Under Secy.to the Govt. of Assam,
Revenue Deptt.

Memo.No.RLA.3/57/11 Dated Shillong, 22 Jan/1957.

Copy forwarded to :-

1. Secretary, PWD((R & B)for information with reference to his U/O No.DM.34/56/7619 dt. 12.9.56 with 15 spare copies for information of the various Public Works Deptt.

2. All Deptts. of Sects. for information and necessary action.

By order etc.,
Sd/-
Under Secy.to the Govt. of Assam
Revenue Deptt%

COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. :: LAND ACQUN.BRANH

NO.RA.277/55/ Dated Shillong, 28th Aug/1958.

From : Shri M.R. Chaudhuri, B.A.
Asstt. Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

To : All D.Cs/S.D.Os.

Sub : Procedure to be followed in respect of Acquisitions of land.

Ref : Govt. letter No.RA.277/55/45, dt. 19.4.56.

Sir,

In continuation of Govt. letter referred to above, I am directed to say that it has been seen that in a number of Land Acquisition cases the, local officers start proceedings under the Assam Land (Requisition and Acquisition) Act,1948 instead of under the L.A. Act of 1894 is an emergency provision, only when the urgency for possession is immediate, or when a building is necessary for occupation of persons of essential service, or temporary possession of land is needed. In such a case the owners are also deprived of the 15% addl. compensation allowed under the L.A Act. for the compulsory nature of the allowed under the L.A Act for the compulsory nature of the acquisition though in case of acquisition under Requisition and Acquisition Act, the acquisition is not only compulsory but immediate.

I am therefore to say that whenever permanent acquisition of land is contemplated, e.g., for construction of a road, or when immediate possession is not necessary, proceedings should be started under L.A. Act, of 1894 and not under the Assam Land (Requisition and Acquisition) Act, of 1948.

Yours faithfully,
Sd/-M.R.Choudhury,
Asstt. Secy. to the Govt. of Assam,
Revenue(L.R)Deptt.

Memo.No.RA.277/55/ Dated Shillong, the 29th Aug/58.

Copy forwarded for information and necessary action to:-

1. The Commissioner of Plains Division, Assam.
2. The Private Secy. to the Chief Minister, Assam.
3. P.N.B.
4. All Deptts. of Sects.

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COPY

GOVERNMENT OF ASSAM
REVENUE (LR)DEPTT:::LAND REQN. BRANCH .
.....

NO.RLA.277/60/ 2 / Dated Shillong the 20 June/60 .

From : Shri S.Sarkar, ACS,
Dy.Secretary to the Govt. of Assam,
Revenue Deptt.

To : All Dy.Commissioners and Sub-Divisional Officers .

Sub. : Acquisition of Annual lands-payment of compensation thereof .

Ref. : Govt. letter No.RLA.150/58/PIII dt. 6-5-60 .

Sir,

In continuation of Govt. letter mentioned above, I am directed to say that in order to avoid hardship to the annual pattadars Govt. have decided that all annual lands should also be acquired under the Land Acquisition Act in the same way as periodic lands whenever such lands are required for purposes other than pipeline projects as well so that the pattadars may get due compensation as provided under the said Act, In giving award you are however competent to make a deduction of Rs. 5/- per bigha being the premium that would have been payable for conversion of the annual patta into periodic .

Yours faithfully,

Sd/- S.Sarkar,
Dy. Secretary to the Govt. of Assam,
Revenue Deptt.
...

Memo No.RLA.277/60/ 3 Dated Shillong the 29th June/60 .

Copy to all departments .

By order etc.,
Sd/- S.Sarkar,
Dy.Secretary to the Govt. of Assam,
Revenue Deptt.
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REGISTERED

COPY

GOVERNMENT OF ASSAM
REVENUE (LR) DEPTT:::LAND ACQN.BRANCH

NO.RLA.277/60/ 9 Dated Shillong 20 Sept/60 .

From : Shri S.Khosla, IAS,
Under Secy. to the Govt. of Assam,
Revenue Deptt.

To : All the Dy. Commissioners and Land Acquisition Officers .

Sub. : Acquisition of annual lands and realisation of conversion fee of Rs. 5.00 per bigha .

Ref. : Govt. Circular letter No.RLA.277/60/2 dt.20-6-60 .

Sir,

In continuation of Govt. circular letter mentioned above, I am directed to say that the premium of Rs. 5.00 mp.per bigha being the fee for conversion of annual patta land into periodic, should be shown in the estimate (Form No.5 at page 1.3-151 of the L.A.Manual) in all cases of acquisition of annual patta lands as explained below :-

Part-I (B): Value of raiyats' interest :-

In addition to the rate per bigha, deduction of conversion fee of Rs.5.00mp. bigha should also be mentioned separately in the same column .

Part-II:-

Just below ' Add capitalised value of Govt. revenue ' the following may be added-

* Add conversion fee :-

I am also to say that in cases where acquisition cost has already been sanctioned, this conversion fee of Rs. 5/- per bigha should invariably be deducted while giving award as directed in the Govt. letter under reference and credited to the head " VII-Land Revenue " . The receipt of this letter may kindly be acknowledged .

Yours faithfully,

Sd/- S.Khosla,
20/9/60
Under Secy. to the Govt. of Assam,
Revenue Deptt.

COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. ::: LAND ACQN. BRANCH

NO.RLA.437/60/12 ✓ Dated Shillong, the 13 Oct/1960.

From : Shri S. Khosla, IAS,
Under Secy. to the Govt. of Assam,
Revenue Deptt.

To : The Deputy Commissioner.

Sub : Certificate under Executive Rule 21 of the L.A. Manual.

Sir,

I am directed to say that the certificate required under executive rule 21 of the L.A. Manual must be signed by the District Officer. The term 'District Officer' has been defined in para one of Chapter-I at page 37 of the L.A. Manual. But it has been noticed that in some Districts the Sub-Divisional Officer and Land Acquisition Officer sign such certificate which is not regular.

I am therefore to request you to see that the certificate is invariably signed by you as District Officer.

Yours faithfully,
Sd/-
Under Secy. to the Govt.of Assam.

Memo.No.RLA.437/60/12(A) Dated Shillong, the 13 Oct/60.

Copy forwarded to :-
The Sub-Divisional Officer
Land Acquisition Officer for information and guidance.

By order etc.,
Sd/-
Under Secy.to the Govt.of Assam.
Revenue Deptt.

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AR/171281/

- III

COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. :: LAND ACQN. BRANCH

Dt. Shillong the 17 Nov/1969.

NO.RLA.277/60/10

From : Shri S. Khosla, IAS,
Under Secy. to the Govt. of Assam, Revenue Deptt.

To : The D.Cs/ The S.D.Os. of Plains Districts.

Ref : Govt. letter No.RLA.277/60/2 dt. 20.6.69.

Sir,

I am directed to say that the deduction of Rs.5/-(Rupees Five)only per bigha from the compensation admissible to the pattadars of annual lands will apply only in the case of lands in rural areas where the premium for conversion is Rs.5/- (Rupees Five) only per bigha. In the case of town lands and lands lying near the the town where a higher rate of premium is chargeable for coversion, it is obviously necessary to deduct this higher premium which would have been charged for conversion. You are requested to keep this in mind while preparing the preliminery estimates in respect of annual lands and your specific proposals for premuim may be included in the estimates giving details of the market value of the land, the use to which it is out, etc. in orderto enable Govt. to approve in premium proposed.

In cases in which acquisition proceedings in respect of annual lands in or near towns have already been started, you are requested to make necessary deduction for premium while fixing the compensation for annual lands. The premium so deducted may be credited to Govt. under the Head "VII Land Revenue" as already instructed in Govt. letter No.RLA.277/60/9 dt. 20.9.1960.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-
Under Secy. to the Govt. ofAsm
Revenue Deptt.

Copy to All Departements.

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AR/181281/

COPY

NOTIFICATION

Dated Shillong, the 17 July/61

No. RLA.138/61/2-B - In exercise of the powers conferred by Section 3(1) of the Assam Land (Reqn. and Acqun.) Act, 1948 (Assam Act XXV of 1948), the Governor of Assam is pleased to empower all Additional Deputy Commissioners of Plains Districts to requisition land for the purposess of the said Act in the manner prescribed in the said Act and the Rules thereunder.

Sd/-
Under Secy.to the Govt. of Assam, Revenue Deptt.

Memo.No.RLA.138/61/2-C Dated Shillong, the 17 July/61.

Copies in manuscripts are forwarded to :-

1. The Deputy Commissioners for necessary action.
2. Appointment (A) Deptt.

By order etc.,
Sd/-
Under Secy.to the Govt. of Assam, Revenue Deptt.

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AR/91281/

Part-III

COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

NO. RLA.500/60/112 Dated Shillong the 8 Aug/1962.

From : Shri N. Choudhury, ACS,
Under Secy. to the Govt. of Assam, Rev. Deptt.

To : All D.Cs./ All S.D.Os.

Sub : Acquisition of land for Educational Institution.

Sir,

It has been brought to the notice of Govt. by Education Deptt. that cetain Schools have applied direct to the Revenue Deptt. for land for building schools without ~~the Revenue Deptt.~~ intimation to Education Deptt., which creates a lot of complications later for that Deptt. In order to avoid this, it has been decided that henceforth, all applications from Educational Institutions for land should be transmitted through Education Deptt. or its Local Officers.

I am to request you therefore, not to entertain any requests for land from the Educational Institutions unless these are forwarded by the Education Deptt. or its Local Officers.

Yours faithfully,
Sd/-N.K. Choudhury,
Under Secy. to the Govt. of Assam

Dated Shillong, the 8 Aug/1962.

Memo. No. RLA.500/60/112(A)

Copy to :-
1. Revenue (Sett) Deptt.
2. Revenue (Reforms) Deptt.

By order etc.,
Sd/-N.K. Choudhury,
Under Secy. to the Govt. of Assam.

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COPY

The 8th October, 1962

No.RRQ.28/52/19 - The following notification issued by the Govt. of India, Ministry of Home Affairs, is republished for general information :-

No.7538-WIL/52, dt. New Delhi, the 23rd September, 1952 - In pursuance of clause (b) of Section of 2 of the Requisitioning and Acquisition of Immovable Property Act, 1952(of 1952), the Central Govt. hereby authorises each of the persons mentioned in column-I of the table hereto annexed to perform the functions of a competent authority under the said Act of the areas specified in the corresponding entry in column 2 of the said table.

The table

Persons	Areas
1.	All Deputy Commissioners in the State of Assam - The area falling within their respective jurisdictions .
2.	All Collectors in the State of Madras - The area falling within their respective jurisdictions .
3.	All Collectors in the State of Travancore - Cochin The areas falling within their respective jurisdictions.
4.	All Collectors in the State of Hyderabad - The area falling within their respective jurisdictions.
5.	All District Collectors in the State of Rajasthan The area falling within their respective jurisdiction.
6.	All Collectors in the State of Saurastra - The area falling within their respective jurisdictions.

Sd/- K.C. BARUA,
Secy. to the Govt. of Assam,
Revenue & Agriculture(Forest)Deptt.

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REGISTERED

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. :::LAND ACQN. BRANCH

NO.RLQ.477/61/115 Dated Shillong, the 7 Dec/1962.

From : Shri N. Choudhury, ACS
Under Secy.to the Govt. of Assam,
Revenue Deptt.

To : All D.Cs/ All S.D.Os.

Sub : The Assam Acquisition of Land for Flood Control and Preventtion of Erosion Act, 1955.

Sir,

I am directed to say that the Assam High Court have recently declared the Assam Acquisition of Land for Flood Control and Prevention of Erosion Act, 1955 as ultra - vires. The question of filling appeal before the supreme court is under consideration of Govt.

I am to request you therefore not to acquire any Land under that Act until further orders from Govt.

Sd/-
Under Secretary to the Govt. of Assam
Revenue Deptt.

Memo. No.RLQ.477/61/115 Dated Shillong, 7th December/62.

Copy forwarded to the Legal Remembrancer, Assam for information.

By order etc,

Sd/-
Under Secy.to the Govt. of Assam,
Revenue Deptt.

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AR/91281/

COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. :: LAND ACQUN. BRANCH

NO. RLQ.68/62/73(Part) Dated Shillong, the 20 June/1963.

From : Shri N. Choudhury, ACS,
Under Secy to the Govt. of Assam,

To : All D.Cs/ All S.D.Os.

Sub : Payment of compensation for acquisition/requisition/Hiring of immovable properties for Defence Services.

Sir,

I am directed to forward herewith a copy of letter No.B.3/88 dt. 30.5.63 from M.E.O. Shillong Circle for favour of taking action as desired therein.

Yours faithfully,
Sd/-
Under Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No.RLQ.68/62/Part/73(A) Dated Shillong, the 20 June/1963.

Copy forwarded to the Military Estate Officer, Shillong Circle Bungalow No.19, Shillong Centonment for information with ref. to his letter No. quoted above.

By order etc,
Sd/-
Under Secy.to the Govt.of Assam,
Revenue Deptt.

COPY OF LETTER NO.B-3/88 DT.30.5.63 FROM M.E.O. SHILLONG CIRCLE TO THE SECY. TO THE GOVT. OF ASSAM., REVENUE(L.R) DEPTT., SHILLONG

Sub : Payment of compensation for acquisition/requisition/hiring of immovable properties for defence services.

You are aware that in the matter of acquisition of immovable properties for Defence purposes and payment of compensation/rental for requisitioned/hired immovable properties, payments are made by the Collectors in the first instance and thereafter debits are raised by them against the Ministry of Defence for acceptance and reimbursement of the expenditure incurred.

2. On the basis of the above statistics budget estimates are prepared and funds are allotted for the adjustment of expenditure so incurred by the State Govts. It has come to the notice of the Govt of India that the debits raised by the State Govts in respect of such expenditure are not adjusted in the accounting year for which the funds are allotted resulting in non-utilisation of the allotted funds during the relevent years. Such non-utilisation of funds especially at the end of the year causes blocking of funds which could otherwise be usefully spent on their vital purposes.

3. To avoid the repetition of such occurrences and to ensure that on the expenditure incurred by the Collectors during the particular year is adjusted in the accounts of

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accounts of the same year, I am to request you to issue
necessary instruction to all the Collectors to forward to
this office a monthly expenditure statement showing the
amount drawn/disbursed during the month towards the payment
of compensation for the immovable properties acquired/
requisitioned/hired for Defence purposes and also to for-
ward copies of their (the Collector's) letters under which
the payees receipts etc. are forwarded to the A.G. for
the raising necessary debits, so that the matter could be
pursued with the A.G. at my end also, regarding the raising
of debits in time and adjustment of accounts.

4. I shall be grateful to have a copy of your instruc-
tion issued by you to the Collectors in this respect as
requested in the preceding paragraph.

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AR/91281

COPY P-III

GOVERNMENT OF ASSAM
REVENUE (L.R) DEPTT. :: LAND REQUN. BRANCH

NO.RLQ.22/63/5 Dated Shillong, 18 Sqtt/1963.

From : Shri N. Choudhury, ACS,
Under Secy. to the Govt. of Assam,
Revenue Deptt.

To : All D.Cs/ All S.DOs.

Sub : Requisition of properties under Requisition and Acquisition of Immovable Property Act., 1952.

Sir,

I am directed to forward herewith a copy of letter No.8/688/ACQN/LF/L&C/4587/D(Lands) dated 31.5.63 from the Under Secy. to the Govt. of India, Ministry of Hefence for your guidances.

Yours faithfully,
Sd/-N.K. Choudhury,
Under Secy. to the Govt. of Assam
Revenue Deptt.

Copy of letter No.8/688/ACQ/LH/L & C/4587/D(Lands)dt. 31.5.63 from the Under Secy. to the Govt. of India., Ministry of Defence, New Delhi to the Chief Secretary to all State Governments.

.....

Sub : Acquisition of properties under RAIP Act/52.

It has been decided that in cases where acquisition cost of a property has been determined by the Revenue authorities and approved by the Govt. and there is no dispute about the quantum thereof, full payment should be made to the Ex-owners, even if they receive it under protest. Such payments cannot be constructed as an implied acceptance of the other claims of the party to interest etc. The payee's receipt that he has accepted the amount, though under protest, must invariably be taken.

2. In view of the fact that the required action rests with the local revenue authorities who function as competent authority, you are requested kindly to issue suitable instructions to all Deputy Commissioners in this respect.

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COPY

NOTIFICATION

Dated, the 20 July/64

No.RLA.361/62 - In exercise of the powers conferred by section 55 of the Land Acquisition Act,1894(Act-I of 1894) the Governor of Assam is pleased to make the following rules :-

1. These rules may be called the Land Acquisition(Public purposes Procedural Rules,1964).

2. (1) Whenever the Collector receives any application for acquisition of any land for public purposes, he shall submit a report to the State Govt. on the following matters along with the acquisition proposal.

(i) that the land proposed to be acquired is suitable for the purpose ;

(ii) that the area of land proposed to be acquired is not excessive ;

(iii) that the Requiring Authority is in a position to utilise the land expeditiously ; and

(iv) in case the land proposed to be acquired happens to be good agricultural land, the matter will be determined in consultation with the District Agricultural Officer, certifying that no alternative suitable site can be found so as to avoid acquisition of that land.

EXPLANATION:- For the purpose of this rule, "good agricultural land" means any land which, considering the level of agricultural production and the crop pattern of the area in which it is situated, is of average or above average productivity and includes a garden or grove land.

(2) No Notification shall be published by the Govt. under section 4(1) of the Land Acquisition Act unless it has considered the report submitted under rule 2(1).

3. (1) The acquired land shall be utilised within a period of two years from the date of delivery of possession of the land to the Requiring Authority.

(2) If however the State Govt. is satisfied that the Requiring authority is prevented by reasons beyond its control in so utilising the land, the State Govt. may give further time.

(3) On expiry of two years or in addition to any other period that may be extended by the State Govt. under sub clause (ii), if the land is found to be still unutilised, the State Govt. will proceed to resume the land for some other public purposes.

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COPY

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GOVERNMENT OF ASSAM
REVENUE (L.REV)DEPARTMENT ::::LAND ACQUISITION BRANCH .

NO.RLA.64/63/ 146 Dated Shillong the 28th Feb.,/64 .

From : Shri J.C.Nampui, I.A.S.
Secretary to the Govt. of Assam,
Revenue Department .

To : All the Deputy Commissioners and
All Sub-Divisional Officers .

Sub. : Requisitioning and acquisition of land under the Defence of India Act, 1962-precedure for " on account" payment .

Sir,

I am directed to say that under Rule 15(2) of the Defence of India (Requisitioning and Acquisition of Immovable property) Rules, 1963, you are competent to make on account payment for the requisitioned property to the extent of 80% of the amount which is likely to be determined as compensation .

Govt. have no objection to make such payment but it should be made on the basis of actual estimates. The amount should be drawn from the head " Other remittances- Items adjustable by the Defence Deptt."

In this connection, I am to request you to send complete estimate to Government for sanction as usual while sending such estimate you are requested to submit a report to Government stating the amount of " on account " payment, so made for any such project and the treasury voucher Nos. duly supported by a pm payment certificate from the Treasury Officer concerned .

In this connection it is further requested that in cases where delay is inevitable in the matter of preparation of actual estimates and submission of the same along with the aforesaid report, but " on account" pasyment is made, Government should be informed of such payment with copies to the Accountant General, Assam without any delay, so that, the matter may be taken up with the Accountant General, Assam for regovery of the amount from the Defence Ministry .

Yours faithfully,
Sd/- J.C.Nampui
Secretary to the Govt. of Assam,
Revenue Deptt.

Contd...2

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Memo No.RLA.64/63/146-A Dated Shillong the 28th Feb/64 .

Copy to the Accountant General, Assam, Shillong for information and favour of necessary action . Treasury Officers may please be instructed to take necessary action in this regard, as referred to above .

2) Finance (MMX)Department for information . This has their concurrence vide their U.O.NO.1216/63, dated 4-1-63 .

3) Assistant Director, Military Lands & Cantonments H.Q.Gauhati, Assam for information .

4) Military Estate Officer, Shillong Circle, Pavilion Building Shillong Cantonment, Garrison Ground, Shillong for information .

5) Political (A) Department for information with reference to their U.O.letter No.PIA.101/63/319,dt. 4-1-64 .

By order etc.,

Sd/- J.C.Nampui,

Jt. Secretary to the Govt. of Assam,
Revenue Department .

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P-III

COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. :: LAND ACQUISITION BRANCH

NO.RLA.296/63/123 ✓ Dated Shillong, 19th August/1964.

From : Shri S.M.L. Bhatnagar,IAS,
Secy. to the Govt. of Assam,

To : All D.Cs/S.D.Os. and Land Acquisition Officers.

Sub : The Assam Land (Requisition and Acquisition)Act/64.

Sir,

I am directed to say that the Assam Land(Requisition and Acquisition)Act,1948, the Assam Acquisition of land for Flood Control and Prevention of Erosion Act,1955 and the Assam Acquisition of Land for Flood Control and Prevention of Erosion (Validation) Act,1959 have been repealed by the Assam Land (Requisition and Acquisition)Act, 1964, which has been published in the Extra-ordinary Assam Gazette of the 3rd August, 1964, a printed copies of which are sent herewith.

I am therefore to request you not to take any action under the repealed Acts. Henceforth whenever any land is proposed to be requisitioned, it should be done under the new Act. Rules under the new Act are being finalised and shall be sent soon.

Receipt of this letter may please be acknowledged.

Yours faithfully,
Sd/-
Secy.to the Govt.of Assam
Revenue(L.R)Deptt.

Memo.No.RLA.296/63/123(A) Dated Shillong, the 19 August/1964.

Copy to the Secy., PWD(R & B)for information and necessary action.

By order etc.,
Sd/-
Secy. to the Govt.of Assam,
Revenue(L.R)Deptt.

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COPY

GOVERNMENT OF ASSAM
REVENUE (L.R)DEPTT.::::::LAND A...N.BRANCH.

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NO.RLA.296/63/ Dated Shillong the 2 Feb/1965 .

From : Shri J.N.Das, I.A.S.
Secy. to the Govt. of Assam .

To : All the D.C/S.D.O.'s Land Acquisition Officers of the Plains Districts .

Sub. : Disposal of Land Acquisition cases initiated by the Public Works Deptts (Flood Control and Irrigation Wing) .

Sir,

I am directed to say that the Assam Acquisition of Land and Flood Control and Prevention of Erosion Act, 1955, the Assam Acquisition of Land for Flood Control and Prevention of Erosion (Validation) Act, 1959 and the Assam Land (Requisition and Acquisition) Act, 1948 have since been repealed and replaced by a new legislation viz, the Assam Land (Requisition and Acquisition) Act, 1964 which has since come into force with effect from 3rd August, 1964. You have in the meantime been supplied with a copy of this Act and also the rules framed thereunder vide this Deptt. letters No.RLA.296/63/123 dt. the 19th August,1964 and No.RLA.296/63/150 dt. the 23rd January, 1965 with the request to go ahead with the pending cases and to expedite their disposal with the authority conferred on you in this Deptt.Notification No.RLA.296/63 dt the 1st October,1964 .

It may be noted that in the new Act, some xx radical changes have been made particularly in respect of assessment of compensation . If you happen to face any difficulties procedural or legal, you should immediately refer them to Govt. for instruction . In fact, some such references from some district Officers have already been received and instructions on these references are being issued . Copies of such instructions will be sent to you also for your guidance in the due course.

It has become urgently necessary that the time lag resulting from the deadlock created by the declaration of the three old Acts ultra vires be made up as quickly as possible .

You are accordingly requested to take personal interest in the matter and to see that the Land Acquisition Officer and the staff expedite Completion of the pending cases without further loss of time .

You are accordingly requested to take personal interest in the matter and to see that the Land Acquisition Officer and the staff expedite completion of the pending cases without further loss of time .

Contd....2

You are further requested to submit a quarterly return to Govt. in the Revenue (Land Revenue) Deptt.with copy to P.W.D.(Flood Control and Irrigation Wing). A list of pending cases received from the public works deptt. is also enclosed herewith for your guidance .

Please acknowledge receipt of this letter .

Yours faithfully,

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

Memo No.RLA.296/63/ Dated Shillong the 2 Feb/1965 .

Copy forwarded to the Secy.,P.W.D.(F.C.& I)Wings.

Copy to the Deputy Commissioners/Sub-Divisional Officers of the Autonomous Hills Dists. for favour of similar action so far as he is concerned. Govt. Notification No.R .296/63/149 dt.30th Nov.,1964 may be referred to in this connection .

Sd/-
Secy. to the Govt. of Assam, Revenue Deptt.

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// COPY //

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

NO.RLA.361/62/P-II/42, Dated Shillong, 24 Septt/65.

From : Shri J.N. Das, IAS,
Secy. to the Govt. of Assam.

To : The Deputy Commissioner,
Darrang, Tezpur.

Sub : Submission of reports U/S.2(1) of public purposes procedural Rules, 1964.

Ref : L.A.O. Tezpur's letter No.XII-25/63-65/2753, dated. 20.7.65.

Sir,

I am directed to say that the Land Acquisition (Public Purposes) Procedural Rules, 1964 have been framed under the provisions of the Land Acquisition Act of 1894. These Rules therefore do not apply to the Assam Land (Requisition and Acquisition) Act, 1964 and Defence of India Act, 1962.

I am however to add here that the intention behind the framing of these Rules was to avoid as far as practicable acquisition of good agricultural land for some non-agricultural purposes. It would therefore be advisable to keep in view the spirit of the provisions of these Rules while requisitioning land for public purposes.

Yours faithfully,

Sd/- J.N. Das,
Secy. to the Govt. of Assam,
Revenue Deptt.

Memo. No.RLA.361/62/PII/42 Dated Shillong, the 24 Septt/65.

Copy forwarded to all Deputy Commissioner and Sub-Divisional Officers for information and guidance :-

1. Commissioner of Plains Division.
2. Commissioner of Hills Divn. & Appeals.

} for information.

By order etc,

Sd/-
Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

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COPY P-III

(TO BE PUBLISHED IN THE GAZETTE OF INDIA : PART:II SECTION 3(1) .

No.4-1/65-Genl.II
Government of India,
Ministry of Food, Agricultures,
Community Development & Co-operation.
(DEPARTMENT OF AGRICULTURE)

New Delhi, the 23rd April, 1966
3rd Vaisakha, 1888(Saka)

N O T I F I C A T I O N

S.R.O In exercise of the powers conferred by clause(1) of article 258 of the Constitution and in supersession of all the previous notifications on the subject in so far as they relate to the States of Andhra Pradesh, Assam, Bihar, Gujarat, Madras, Maharashtra, Nagaland, Punjab, Uttar Pradesh and West Bengal., the President hereby entrusts to the Govts. of each of the aforesaid states, with their consent, the functions of the Central Govt. under the Land Acquisition Act, 1894(I of 1894)(except the functions exercisable by the Central Govt. under the proviso to sub-section (1) of section 55 of that Act)in relation to the acquisition of land for the purposes of the Union within their respective territories.

Provided that notwithstanding this entrustment, the Central Govt. may itself exercise the said functions either generally or in any particular case or class of cases.

Sd/- Saran Singh,
Jt. Secy.to the Govt. of India.

To : The General Manager,
Govt. of India Press., New Delhi.

Copy forwarded for information to the Secy. to the Govt. of Assam, Revenue Deptt., Shillong.

Copy also forwarded for information to all Ministries/ Deptt. of the Govt. of India including the Planning Commission. The Govt. of Maharashtra have agreed to the retention of the concurrent powers under the land acquisition act, 1894 by the Central Govt. subject to the condition that the State Govt. should to consulted before the Govt, of India exercise the functions direct in any case for acquisition of land within the territory of the Govt. of Maharashtra.

Copy also forwarded to all Attached and subordinate Offices of the Deptt. of Agriculture(including the National seeds Corporation, the Animal Welfare Board and the Central Council of Gossawardhana)/Administrative Sections for information.

Sd/-
for Under Secy.

PF III

COPY

GOVERNMENT OF ASSAM
REVENUE (L.R.)DEPTT. :: LAND ACQN. BRANCH

Dated Shillong 17 June/66.

NO. RLA.53/66/10

From : Shri M.A. Rahman, ACS,
Under Secy. to the Govt. of Assam.

To : All D.Cs./All S.D.Os.

Sub : Submission of ~~xxxxx~~ report under section 2(1) of Public Purposes Procedural Rule, 1964.

Ref : Govt. Memo. No.RLA.361/62/PII/42 dt. 24.9.65.

Sir,

In continuation of Govt. Memo. under ref., I am directed to say that is has been noticed by Govt. that most of the Collectors and Land Acquisition Officers do not submi a certificate required under the Public Purposes Procedural Rule,1964 while submitting land acquisition papers to the Administrative Deptt. concerned for ownerd transmission to this Deptt. while others send defective or incomplet certificates. Very often the reportson the necesity for taking of good agricultural land are also vague and all these result in the referring back again to them for resubmission of complete certificates, and as a result much time is wasted on unnecessary and avoidedable correspondence and also publication of acquisition ~~no~~tification etc. is held up for a long time. Govt. feel the necessity of timely and correct submission of the adve mentioned certificates.

I am therefore, to request you to ensurement henceforth these certificates are invariably submitted along with the acquisition papers so as to avoid delay in the matter of initiating land acquisition proceedings under the Land Acquisition Act,1894.

Receipt of this communication may please be acknowledged.

Yours faithfully,

Sd/-
Under Secy. to the Govt. of Assam.
Revenue Deptt.

Memo. No.RLA.53/66/11 Dt. Shillong, the 17 June/66.

Copy forwarded to :-

1. All Land Acquisition Officers for information and necessary action.
2. Commissioner of Plains Division, Assam, Gauhati. } for
3. Commissioner of Hills Division and Appeals, Shillong. } information
4. PWD(F.C. & I) Wing, Shillong.
5. PWD(R & B)Wing., Shillong.

By order etc.,

Sd/-
Under Secy. to the Govt. of Assam,
Revenue Deptt.

COPY

GOVERNMENT OF ASSAM
REVENUE (SETTLEMENT) DEPARTMENT::SETTL.BRANCH

NO.RSS.98/65/ 5 Dated Shillong the 29 July/66 .

From : Shri J.N.Das, I.A.S.
Secy. to the Govt. of Assam.

To : The Dc/S.D.Cs and Settlement Officer of the Plains Dists.

Sub. : Fixation of the rate of premium on settlement and conversion of annual lands into periodic .

Sir,

In supersession of Govt's.previous orders on the subject the Governor of Assam is pleased to fix the rate conversion of annual lands into periodic in an around Revenue Towns as follows:-

SECTION: 'A'

In case of land within all Revenue Towns including Gauhati town and Greater Gauhati constituted by Govt. letter No.RST.21/59/90 dt. 8-1-65 and by Govt. Notification No.RST.21/59/107 dt. 14-6-66 the premium shall be :-

I. Presium for settlement directly on periodic lease .
(a) At the rate of 75% of the market value for new Settlement on periodic lease, in case of land industrial or trade site .
(b) At the rate of 50% of the market value for new settlement on periodic lease, in case of land for residential sites .

II. Premium for conversion of annual land into periodic
(a) At the rate of 50% of the market value for conversion of annual patta land into periodic in case of industrial or trade side .
(b) At the rate of 30% of the market value for conversion of annual patta land into periodic in case of land other thatn industrial or trade side .

SECTION: 'B'

In case of lands within two miles of any Revenue Town(other than Gauhati and Greater Gauhati) the premium shall be -

I. Premium for settlement directly on periodic lease.
(a) At the rate of 50% of the market value for new settlement on periodic lease in case of land for trade or industrial site.
(b) At the rate of 10½% of the market value for new settlement on periodic lease in case of land for residential site .
(c) At the rate of 30% of the market value for new settlement on periodic lease in case of land for agricultural purposes .

Contd...2

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III. Premium for conversion of annual land into periodic.

(a) At the rate of 33⅓% of the market value for conversion of annual lease into periodic in case of residential sites.

(b) At the rate of 20% of the market value for conversion of annual patta land into periodic in case of residential sites .

(c) At the rate of 15% of the market value afer conversion of annual land into periodic in case of land for agricultural purpose .

The reason for excluding Gauhati and Greater Gauhati from this section is that Greater Gauhati itself spreads beyond 2 miles and upto about 8 miles from the town of Gauhati, and this Greater Gauhati has been already included in section 'A' . The receipt of this letter may kindly be acknowledge .

Yours faithfully,
Sd/-
Secy. to the Govt. of Assam .

Memo No.RSS.98/65/5 -A Dated Shillong the 29th July/66 .

Copy to :-

1. Commissioners .
2. Director of Land Records .

Sd/-
Secy. to the Govt. of Assam .

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COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. ::: ACQN. BRANCH

NO.RLA.152/66/3 Dated Shillong, the 28 Septt/66.

From : Shri J.N. Das, IAS,
Secy. to the Govt. of Assam,

To : All D.Cs./All S.D.Os.

Sub : Payment of Advance Compensation for Land Acquired under the Assam Land (Reqn. & Acqn.) Act, 1964.

Sir,

I am directed to say that it has been brought to the notice of Govt. that interested persons feel great hardship for having to wait for award and payment of compensation, as advance possession of lands are taken from them, on their lands being notified for acquisition Under Section 6 or 9 of the Assam Land (Requisition and Acquisition) Act, 1964 for works or other development measures in connection with flood control and anti-errosion measures including Embankment and drainage, particularly in those cases where the affected persons have got to shift their dwelling houses.

With a view to alleviation of such hardship to which the affected persons are put to in consequence of such acquisition, it has been decided that the Collector may make an interim payment upto 50% of the amount which in his opinion is likely to be determined as compensation. Such advance payment shall be made when the interested persons pray for such payment and the execute an in-demnity bond, as per form enclosed, and the amount so paid shall be adjusted at the time of final payment of the compensation after making the award Under Sub-Section(3) of Section-11 of the Act.

Yours faithfully,
Sd/-Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No. RLA.152/66/3(A) Dated Shillong, the 28th Septt/66.

Copy forwarded to :-

1. Secy. to the Govt. of Assam, PWD/F.C.& I. Wing, Shillong with ref. to their U/O endorsement dt. 20.9.66 in file No. RLA.152/66/
2. Commissioner of Plains Divn., Assam, Gauhati.
3. Commissioner of Hills Divn., Shillong.
4. Finance Deptt.
5. All Land Acquisition Officers.

By order etc,
Sd/-Secy. to the Govt. of Assam,
Revenue Deptt.

AR/151281/

COPY P-III

GOVT. OF ASSAM
REVENUE (LR) DEPTT. :: LAND ACQN. BRANCH

NO.RLA.152/66/11 ✓ Dt. Shillong, the 26 Feb/67.

From : Shri M.A. Rahman, MA., ACS,
Under Secy. to the Govt. of Assam.

To : The Deputy Commissioner,
Darrang., Tezpur.

Sub : Payment of advance compensation for land acquired under Sec-9 of the Assam Land(Requisition & Acquisition) Act, 1964.

Ref : Your Tel. No.XII-110/65-66/4017/RAR dt. 1.11.66.

Sir,

I am directed to say that for the purpose of making advance payment of compensation to the interested persons as envisaged in Govt. letter No.RLA.152/66/3 dt. 28.9.66, the required amount may be drawn initially from the head "U-Remittances etc., III other Remittances (b) items adjustible by PWD" and simultenecously Govt. in the PWD., F.C. & I wing may be moved for issuing post facto sanction for adjustment against the accounts of the project. Thereafter the estimate of cost of acquisition may be the submitted as early as possible for sanction by the Requiring Authority. The amount of advance compensation sanction for which has already been accordingly should be deducted from the total amount of compensation shown in the estimate quoting therein the No. and date of the relevant sanctioning letter voucher number etc.

The accounts of all such advance payments should be maintained properly to avoid double payment.

Yours faithfully,

Sd/-
Under Secy. to the Govt. of Assam.

Memo.No.RLA.152/66/11(A) Dated Shillong the 28 Feb/1967.

Copy with a copy of the Tel. under ref. is forwarded to All D.Cs. and S.D.Os. for information and guidance.

2. Secy. to the Govt. of Assam, PWD/F.C & I/ Shillong. This has a ref. to his Dep's. U/O endorsement dt. 15.12.66 in file No.RLA.152/66.

3. Finance(E.C-II) with ref. to U/O FC(1).110/66 dt. 16.2.67.

4. Commissioner of Hills Divn., Assam, Gauhati.
5. Commissioner of Hills Divn., Shillong.
6. Accountant General, Assam & Nagaland, Shillong.

By order etc.
Sd/-Under Secy.

Copy of Tel.No.XII-110/65-66/4017/RAR dt. 1.11.66 from D.C, Darrang to Secy., Revenue Deptt.Assam

R/YOUR NO RLA.152/66/3 OF 28TH SEPTEMBER LAST (.) KINDLY INTIMATE HEAD OF ACCOUNT FOR DRAWAL 50% ADVANCE FOR EA AND A PROJECTS.

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GOVERNMENT OF ASSAM
REVENUE :::::::: DEPARTMENT

NO. RLA 152/66 (

Dt Shillong the 11thé July 1967

To

All Deputy Commissioners and Subdivisional Officers,

Sub;- PAYMENTS OF ADVANCE COMPENSATION IN RESPECTOF LAND TAKEN POSSESSION OF AN AMICABLE ARRANGEMNTS.

Ref:- Govt. letter No. RLA 152/66/3 dt. 28-966 66
and memp no. RLA 152/66/11 dt. 28-2-67.

Sir,

The matter expediting the payment of compensation in all acquisition cases in order to relieve hardship has been under the actibe consideration of the Government ~~that i~~ for some time now. It has now been decided by Government that in all those cases where possession has been takenover from the pattadar before the award is made, 50% of the probable compensation should be paid to the interested persons. The acquisition may be under the Land Acquisition Act, 1894 or the Assam Land (Requisition and Acquisition) Act, 1964, but payment is to be made irrespective of the purpose of acquisition. This ad-interim compensation is to be paid provided (a) the person who is proposed to be paid is a recorded patta holder of the land (b) there is no mortgage or other charge on the land, and (c) primafacie there is no dispute as to the person entitled to receive compensation at the conclusion of the acquisition proceedings. Such advance payments shall be made if the interested parties pray for such payments and execute indemnity bonds as per form prescribed in Government letter No. RLA 152/66/3 dated 28/9/66. The amount so paid shall be adjusted at the time of final payment of compensation after the award.

The amount to be paid may be drawn initially from the Head '' U -remittance etc. II other remittance(B)'' Items adjustable by requiring department concerned, and finally to be debited against the head of the work for which land has been acquired. The accounts of all such payments should be maintained properly to avoid double payment.

Yours faithfully,

P-III / copy/

GOVERNMENT OF ASSAM
REVENUE (L REV) DEPARTMENT :: LAND ACQUISITION BN.

No. RLA 93/68/11
Dt.Shillong, the 8th April, 1968.

From :- Shri K.S.Rao, I.A.S.,
Deputy Secretary to the Govt. of Assam,
Revenue (L.Rev) Department.

To All Deputy Commissioners and
All Sub-Divisional Officers.

Sub. Acquisition of land at the instance of the private parties.

Sir,

I am directed to say that in Civil Rule No.311 of 1965 Chandra Kanta Sarmah, Vrs. the D.C. and Collector, Nowgong, it has been held by the majority Judges of the Full Bench of the High Court of Assam and Nagaland that the declaration u/s 6(10 of the L.A.Act 1894 in the acquisition case relating to the Bebejia Girls' M.E. School, at Toklai Bebejia, in the District of Nowgong, is bad in the ground that the proviso to Section 6(I) had not been fulfilled in as much as the amount of compensation awarded by the Collector, Nowgong did not come either entirely or in part from the public revenues and in the result the declaration has been quashed.

It is therefore evident from the above that unless and until the aforesaid Judgement is revised by the higher Court (i.e. the Supreme Court) it will not be possible to acquire land for the private parties such as private schools, voluntary organisations etc. as per procedure hither to followed by Govt.

I am therefore to request you not to entertain any such acquisition proposal until further orders in this regard. The incomplete cases will be kept pending till a final decision is received in the matter and the requiring parties may be informed accordingly. The amount deposited by them may be refunded if prayed for by them when these cases will be dropped.

Yours faithfully,
Sd/- K.S.Rao.
Deputy Secretary to the Govt. of Assam
Revenue (L.Rev).

Forwarded By:-

Sd/-
Superintendent
Revenue(L.Rev)Deptt.

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P-III

COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. :: LAND ACQN. BRANCH

NO. RLA.152/66/25 Dated Shillong, the 22nd April/68

From : Shri J.N. Das, IAS,
Secy. to the Govt. of Assam, Revenue Deptt.

To : All D.Cs/All S.D.Os. including Autonomous Dists.

Sub : Payment of advance compensation in respect of land taken possession of an amicable arran-ements.

Ref : Govt. letter No.152/66/18 dt. 11.7.67.

Sir,

It has been brought to the notice of Govt. that the conditions laid down in this Dept's. letter under ref. may not be of much advantage to the land owners of Autonomous Dists. where the land owners do not generally hold any patta and where there are no cadastral maps and other records of right as in the plains Dists. After careful consideration it has further been decided that in cases where advance payment has to be made for acquisition of lands in Autonomous Dists. where there is no patta system or cadastral maps and records of right, such advance payment may be made by Deputy Commissioner after satisfying himself that the land in question belongs to such interest interested person according to the customary rights of holding land in the area by the members of the tribe to which they at belong for by virtue of such custom they possess heritable and transferable right over the land. He should record this in writing in the case record. The other two conditions viz, (b) and (c) will remain in tact.

Yours faithfully,

Sd/-
Secy. to the Govt.of Assam,
Revenue Deptt.

Memo.No.RLA.152/66/25 Dated Shillong, the 22nd April/68.

Copy forwarded to :-

1. The Commissioner of Plains Division, Assam, Gauhati.
2. The Commissioner of Hills Division., Assam, Shillong.
3. The Commissioner of Division of Mizo & Cachar Dists, Silchar.
4. The Secy. to the Govt. of Assam, T.A & W.B.C.Deptt, Shilong.

By order etc.,

Sd/-
Secy.to the Govt.of Assam,
Revenue Deptt.

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COPY

GOVT. OF ASSAM
REVENUE DEPTT(L.R) ::: LAND ACQN. BRANCH

NO.RLA.152/66/26 Dated Shillong, the 10 June/68.

From : Shri J.K. Bagchi, IAS,
Deputy Secy. to the Govt. of Assam.

To : All D.Cs/ All S.DOs.

Sub : Payment of advance compensation in respect of acquisition cases where possession of lands is taken by amicable arrangement.

Ref : Govt. letters No.RLA.152/66/18 dt. 11.7.67 and No.RLA.152/66/ dated 22.4.68.

Sir,

I am directed to say that the question of advance payment of compensation has been re-examined by Govt. It is found that so long as there is budget provision for any particular project, making of 50% advance compensation would not adversely affect the budgetary position of the Govt. because such payment from the remittance head would be finally adjusted against the specific budget provision. But if there is no budget provision, payment of 50% advance compensation would not only be improper but also seriously affect the ways and means position of the State particularly in respect of big projects where large amount of money is involved.

I am, therefore, to request you that before making 50% of advance compensation for any project, you should please ascertain and satisfy yourself that a provision has been made in the budget under the appropriate head by the Requiring Authority. Other conditions remain in tact as detailed in this office letters quoted above.

Yours faithfully,

Sd/-
Deputy Secy. to the Govt.of Assam,
Revenue (L.R)Deptt.

Memo.No.RLA.152/66/26(A) Dated Shillong, the 10 June/68.

Copy forwarded to :-

1. The Commissioner of Plains Division, Assam, Gauhati.
2. The Commissioner of Hills Division, Assam, Shillong.
3. The Commissioner of Divisions for Mizo & Cachar Dist.SHLG.
4. The Secy. to the Govt.of Assam, T.A & W.B.C.Deptt.Shillong.

By order etc,

Sd/-
Deputy Secy. to the Govt.of Assam,
Revenue Deptt.

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AR/151281/

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COPY

GOVERNMENT OF ASSAM
REVENUE (L.REV.)DEPARTMENT:::LAND ACQUISITION BRANCH .

...

NO.RLA.93/68/ 14 Dt.Shillong the 3rd August,1968 .

From : Shri J.N.Das, I.A.S.
Secretary to the Govt. of Assam, Revenue Deptt.

To : All Deputy Commissioners (except D.C.Sibsagar) and
Sub-Divisional Officer .

Sub. : Acquisition of land for the private parties .

Ref. : Govt. letter No.RLA.93/68/11 dt. 8-4-68 .

Sir,

I am directed to say that there has been some confusion as to whether in consequence of the judgement of the Honourable High Court of Assam and Nagaland in Civil Rule No.311 of 1965 it would be possible to acquire land for public purposes under the Land Acquisition Act, 1894 at the instance and expense of the Local authority e.g.Municipal Board ,Town Committee, Anchalik Panchayat, Gaon Panchayat etc. Proviso to section 6(I) of the Land Acquisition Act, 1894 lays down that :-

" No such declaration (i.e.declaration under Section 6 shall be made unless the compensation to be awarded for such property is to be paid by a company of wholly or partly out of public revenues of some fund controlled or managed by a local authority".

The General Clauses Act, defines ' Local Authority as follows:

" Local Authority shall mean a body of Municipal or Station Commissioners, Local Board or any other authority entrusted by the Government with or legally entitled to, the control or management of a municipal or local fund."

The Assam Panchayat Act, defines Local Authority as follows :

" Local Authority included Gaon Sobhas, Gaon Panchayat, Anchalik Panchayats, Municipal Boards and Town Committees."

The Assam Local Fund (Accounts and Audit) Act, 1930 defines local Funds as follows :

" Local Fund means any fund vested in or under the central or management of a Municipal Board, Town Committee, Local Board, village authority or other Local authority not being a contonment authority ."

Municipal Boards, Town Committees or Panchayats are thus local authorities since these bodies manage local fund .

contd--2--

Govt. may therefore, acquire land forsuch local authorities
ovided (1) the purpose is a public purpose and (2) the compensation is paid
t of such fund control or manage by such local authority .

In view of the clarification given above, it is requested that
nd acquisition proceedings on behalf of the local authorities should not be
ld, if all conditions are duly fulfilled .

Yours faithfully,

Sd/- J.N.Das,
Secretary to the Govt. ofAssam, Revenue Deptt.

..

me No.RLA.93/68/14- A Dt.3rd August,1968 .

Copy forwarded to the Deputy Commissioner, Sibsagar , Jorhat .
is dispoces his letter No.3JL.48/68/2 dt.29-4-68 .

Copy to Principal Priate Secretary to the Chief Minister for
formation of Chief Minister .

By order etc.,
Sd/- J.N.Das
Secretary to the Govt. of Assam, Revenue Deptt.

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COPY

GOVERNMENT OF ASSAM
REVENUE(L.R)DEPTT. ::: LAND ACQN. BRANCH

NO.RLA.227/58/P/6 Dated Shillong, the 6 Aug/1969.

From : Shri R.P. Sinha, IAS,
Deputy Secy. to the Govt.of Assam,

To : All D.Cs./ All S.D.Os.

Sub : Revised procedure for obtaining Centified Copies of judgements and deposition in Court Cases adjudged against the Govt.

Sir,

I am directed to say that of late it has been noticed that appeals to the appellate courts could not be preferred in time in many cases by Govt. as no effective step was taken by the G.P. or Collector concerned for obtaining Certified copy of judgement and depositions well ahead of the expiry of the period of limitation especially in respect of those Court Cases adjudged against the Govt.

The present practice of obtaining certified copy of judgement and depositions by the G.P. on the instructions of the D.C/S.D.O. concerned has not been satisfactorily working as a result of which such lapses have become rempant.

With a view to effectively stop such instances of lapses, Govt. in partial modification of the earlier orders on the subject desire that henceforth one EAC. or S.D.C. (being the officer in charge of the L.A. branch may be entrusted with the responsibility of keeping a watch on all Court Cases and to enquire about the position of all land acquisition and other cases atleast once a week to ascertain if any case has been adjudged by the Court against the Govt. The responsibility of obtaining certified copy of judgement and deposition from the court and forwarding the same to the L.R. Assam with the views of G.P. with an intimation to Govt. sufficiently ahead of expiry of the period of limitation will devolve on the officer so deployed.

Yours faithfully,
Sd/-
Deputy Secy.to the Govt.of Assam,
Revenue (L.R) Deptt.

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GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

NO.RLA.210/6 /105 Dt. Shillong, the 15th Septt./1969.

From : Shri C.R. Krishnamurthi, IAS,
Secy. to the Govt. of Assam,
Revenue Deptt.

To : All D.Cs/ All S.D.Os of Assam.

Sub : Approval of the Land Acquisition Estimates.

Sir,

I am directed to say that it has come to the notice of the Govt, that in a no. of land acquisition estimates the value of Jirats have been highly inflated. In some cases the No. of trees, houses and other items have been so highly exaggerated that it bears no proportion with the area involved. As a result this has caused wastage of Government money.

I am therefore to request you to carefully scrutinise the Estt. and the compensation statement while certifying the estimate as fair and reasonable as required under Executive Rule of the Assam Land Acquisition Manual.

I would also add that it is the responsibility of Dy. Commissioners and S.D.Os. to fix the values(bigha rates) of different classes of lands and Jirats in each acquisition case. The estimates should be prepared on the basis of the rates approvd by you. This work of approving the land values cannot and should not be delegated to the Land Acquisition Officers.

Yours faithfully,

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

Memo.No.RLA.210/69/106(A) Dt. Shillong, the 15 Septt/1969.

Copy forwarded to the Director of Land Requisition, Acquisition and Reforms, Assam, Hemnimaidan, Gauhati-21. He is requested to examine the non-sanctioned estimates in course of his tours and point out errors if any to the Deputy Commissioner or Sub-Divisional Officer as the case may be for rectification.

By order etc.,

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

AR/M-1281/

COPY

GOVT. OF ASSAM

REVENUE DEPTT. (L.R) :: LAND ACQN. BRANCH

NO. RLA.426/69/3 Dated Shillong, the 25th Nov/1969

From : Shri C.R. Krishnamurthi,IAS,
Secy. to the Govt. of Assam., Revenue Deptt.

To : The D.Cs/The S.D.Os.

Sub : Joint verification of Jirats standing on the land acquired for the projects for flood control & anti erosion measures.

Sir,

I am directed to say that it has been brought to the notice of this Deptt. by PW(F.C & I)Deptt. that the Executive Engineers cannot very often conduct the site verification in respect of the Jirats for which substential amounts of compensation are included in the estimates of cost of acquisition while forwarding the same for sanction. This causes delay in issuing the sanction. To obviate this cause of the delay henceforth at the time of handing over possession of land the L.A staff should under-take the enumeration of the Jirats standing on the lands proposed to be acquired jointly with the representative of the PWD. and should prepare four copies of the list to be signed by the L.A. Staff and the representative of the PWD. and also the landowner if he is present at the time of enumeration. Two copies of the list are to be kept by the Collector and two copies by the PWD. where the mandals and kanungos are entrusted to prepare the said list test check should be made before preparation of the estimate either by the LAO. or the SDC. I/C. land acquisition works. Similar checks of the listed materials will be made by an officer of PWD. not below the rank of SDO. within 30 days from the date of preparation of the list. Any discrepency that might come to the notice at the time of such test checks is to be brought to the notice of the Collector before drawal of the award. In the event of any difference between the Officers of the Revenue and PWD. the decision of the Collector shall be final.

Yours faithfully,
Sd/-
Secretary to the Govt.of Assam

Memo.No.RLA.426/69/3(A) Dated Shillong the 25th Nov/1969.

Copy forwarded to the Addl. Chief Engineer and Addl. Secretary, P.W.D(EC. & I) Deptt. with ref. to his u/o No. instructed to promptly bring to the notice of the Collector concerned any discipency that might to the notice of the Collector concernel any discipency that might transpire at the time of carrying out the test check so as to enable the Collector, to verify the discripency and take necessary action before drawal of the award.

The Director of Land Requisition, Acquisition and Reforms, Kamamimaidan, Gauhati-21. for information.

By order etc,
Sd/-
Secy. to the Govt.of Assam.

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GOVT. OF ASSAM
(L.R) DEPTT. :: LAND ACQN. BRANCH

NO. [redacted] Dated Shillong, the 18 Dec/69.

From : Shri C.R. Krishnamurthi, IAS,
Secy. to the Govt. of Assam,
Revenue(L.R)Deptt.

To : All D.Cs/ All S.D.Os.

Sub : Acquisition of land and correction of land records consecuent thereto.

Sir,

It has come to the notice of the Govt. that correction of records consequent upon the acquisition of land for public purposes is not being done promptly in the offices of the D.Cs. and S.D.Os. Several cases have been brought to the notice of Govt. where the pattadars were required to pay land revenue for their patta lands even when they had parted with the possessions of their land. In order to systematise the procedure in all the Districts and for prompt correction of records, the following clarification and instructions are issued for the guidance of the Deputy Commissioners and Sub Divisional Officers.

There are 2 types of cases of acquisition with which the Collectors will be concerned at present.

(a) Direct acquisition of land under the Land Acquisition Act of 1894 or under Section 9 of the Assam Land (R & A) Act, 1964

In such cases the vital date is that of taking over of the possession of the land whereafter the owner is physically deprived of the fruits of the land. Correction of land records should take place immediately thereafter with respect to this date. The date of taking over of the possession will still remain material even if advance possession were taken under Section 17 of the Land Acquisition Act of 1894 or if the publication of the notification under Section 9 of the Assam Land (R & A) Act of 1964 is delayed. The revenue daul prepared after the possession has been taken over should exclude such lands.

(b) Lands acquired after being requisitioned earlier :-

Such cases will arise when the land is acquired under provision of Section 1 of the R.I.P. Act of 1962 or under Section 6(1) of the Assam Land (R & A) Act, 1964. In such cases the vital date is the date of publication of the notification and the owners of the land would be eligible to the land or recurring or recurring compensation for the [redacted] interventing period till the land formally vests with the Govt. on the publication of such notification.

It is, however, possible that there might be some delay

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a copy of the notification under section 6(1), as issued, would be sent to the Collectors and this should be a sufficient indication for the field staff to correct the records.

The Deputy Commissioners and Sub-Divisional Officers are requested to see that the record corrections are promptly done so that the pattadars whose land have already been taken over are not put to undue hardship of being called upon to pay the revenue of the land which is not in their possession and over which they have no legal right.

It is also requested that instructions may kindly be issued to the Revenue Officers concerned working under you.

Yours faithfully,

Sd/-
Secretary to the Govt.of Assam.

Memo. No.RLA.279/69/4(A) Dated Shillong the 18th Dec/69.

Copy forwarded to :-

1. Commissioner of Plains Division., Assam, Gauhati.
2. D.L.R.A.R., Assam, Gauhati.
3. Secy. to the Govt. of Assam, PWD(R & B), Shillong.
4. Secy. to the Govt. of Assam, PWD(F.C & I), Shillong.

By order etc,

Sd/-Secy. to the Govt. of Assam.

COPY OF THE LETTER NO.RLA.68/63/234 dt. 2ND FEB/1965 ADDRESSED TO ALL D.Cs. AND S.D.Os. FROM DEPUTY SECRETARY TO THE GOVT. OF ASSAM : REVENUE DEPARTMENT

Sub : Refund of land revenue paid by the pattadars in respect of land under the process of acquisition proceedings.

Ref : Govt. letter No.RLA.198/56 dt. 14 Aug/1964.

I am directed to say that it has been brought to the notice of Govt. that very often PWD(R & B) & (F & D) might take advance possession of land for construction of roads and buildings etc., before the land acquisition proceedings and completed and that the land records i.e, Chitha, Jamabandi etc. remain uncorrected for a very long time and that as a result, the recorded pattadars are to pay land revenue even though, they are not in possession of the land which is clearly against justice and quity.

I am therefore, to say that henceforth, in all acquisition cases where advance possession is taken before compensation is paid, land revenue, paid by the pattadars in the meantime, should be included in the estimate of acquisition cost and refuned at the time of payment of compensation.

It is needless to impress upon you again that the practice of keeping the land records uncorrected for a long time should be stoped immediately and you should ensure that as soon as the lands are taken possession of their records should be corrected then and there so that land revenue is not required to be paid by the recorded pattadars for no fault of their own.

The receipt of this letter may kindly acknowledged.

COPY f-III

GOVT. OF ASSA M
REVENUE (L.R) DEPTT. ::: LAND ACQN. BRANCH

NO.RLA.435/69/43(A) Dated Shillong, the 19 Dec/69.

From : Shri C.R. Krishnamurthi, IAS,
Secy. to the Govt. of Assam.,
Revenue(L.R) Deptt.

To : All Deputy Commissioners.

Sub : Publication of notice in Form "J"
under the R.A.I.P. Act., 1952.

Sir,

I am directed to say that of late it has been noticed that although the D.Cs. are quite competent to cause publication of the Notice in form "J" under the RAIP. Act,1952 in the Assam Gazette in accordance with Govt. of India's Notification No. 7533-WII/52 dt. 23.9.52 republished in the Assam Gazette dt. 8.10.52, a large number of such cases are unnecessarily referred to Govt. for causing publication of the same which only delays matters.

It is, therefore, requested that such publication of the Notice in Form "J" of the RAIP. Act,1952 is not referred to Govt. in future and all such outstanding cases are independantly disposed of by you.

Yours faithfully,
Sd/- Secy.to the Govt.of Assam,

Memo No.RLA.435/69/43(A) Dated Shillong,the 19 Dec/1969.

Copy forwarded to the :-

1. A.D.M.L & C, Shillong-3.
2. M.E.O., Shillong Circle, P.O: Shillong-3.
3. M.E.O,, Jorhat Circle, P.O: Jorhat.

By order etc.,

Sd/-
Secy. to the Govt. of Assam.

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AR/151281/

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COPY

MOST IMPORTANT

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. ::: LAND ACQN. BRANCH

NO.RLA.453/69/4 Dated Shillong, the 3 Jan/1970.

From : Shri C.R. Krishnamurthi, IAS,
Secy. to the Govt. of Assam,
Revenue Deptt.

To : All D.Cs/All S.D.Os.

Sub : Revised Procedure for obtaining Certified copies of judgements and depositions in Court cases adjudged against the Govt.

Ref : Govt's. Circular No.RLA.227/58/P/6 dt. 6.8.69.

Sir,

I am directed to invite a ref. to the circular quoted above and to say that the Govt. view with great displeasure that due care is not being taken to furnish the Legal Remembrancer, Assam and the Senior Govt. Advocate, Assam High Court with the Certified Copies of judgements, depositions and valuation in each case in details of the Award given by the Collector Case-wise and also the amount awarded by the Court as a result of which it has not been possible for them to adjudge the merits or otherwise of the appeal or to advise on the case in all its aspects.

Govt., therefore, desire that hereforth all the aforesaid information must be compiled while sending the case to L.R. Assam or to the Sr. Govt. Advocate, Assam High Court, Gauhati by you and any lapse in this regard will be viewed seriously by the Govt.

Yours faithfully,
Sd/-
Secy.to the Govt.of Assam,
Revenue Deptt.

Memo.No.RLA.453/69/4(A) Dated Shillong, the 3 January/1970.

Copy forwarded to the :-

1. Legal Remembrancer, Assam with ref. to this endorsement dt. 5.11.69 in Law Deptt. file No. LJR.483/69.
2. Sr. Govt. Advocate, Assam & Nagaland, High Court, Gauhati.

By order etc,
Sd/-
Secy.to the Govt.of Assam,
Revenue Deptt.

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COPY

TOP PRIORITY

GOVERNMENT OF ASSAM
REVENUE(L.R)DEPTT. :::LAND ACQN. BRANCH

NO.RLA.18/70/10 Dated Shillong the 16 Feb/70.

From : Shri R.P. Sinha, IAS,
Deputy Secy. to the Govt. of Assam,

To : All Deputy Commissioners.

Sub : Publication of Notices in Form "J" under R.A.I.P.Act,1952 in the Assam Gazette.

Ref : Govt:s letter No.RLA.435/69/72 dt. 23.1.70 and No.RLA.18/70/2 dt. 17.1.70.

Sir,

In inviting a reference to the instructions contained in the letters quoted above, I am directed to say that with a view to avoid congestion on the last date specified for publication of Notice in Form 'J' under the R.A.I.P. Act,1952 (viz, 14.3.70) it is absolutely necessary that such Notices are sent by you to the Superintendent, Assam Govt. Press, Shillong well ahead of the crucial date for publication in the Assam Gazette.

In this connection, I am to re-iterate that since the defence Ministry has made a large budget provision during the current financial year, you are requested to ensure payment of compensation to maximum extent possible to the interested persons in pursuance of the awards if possible or "on account" to the extent of the amount sanctioned by the Defence Ministry by the 31st March/1970 in order to avoid lapse of funds.

As soon as assessments are finalised, the same may be forwarded to the Requiring authority with an intimation to the Deputy Director, M.L. & C. Eastern Command, Fort William, Calcutta-21.

Yours faithfully,

Sd/-
Deputy Secy.to the Govt.of Assam,
Revenue (L.R)Deptt.

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COPY

GOVERNMENT OF ASSAM
REVENUE(LAND REVENUE)DEPARTMENT
LAND ACQUISTION BRANCH

NO.RLA.29/68/98

Dated Shillong, the 22 Septt/70

From : Shri B. Hazarika, ACS,
Deputy Secretary to the Govt. of Assam,
Revenue (L.R) Department.

To : All D.Cs/All S.D.Os.

Sub : Payment of compensation in land acquisition cases.

Sir,

I am directed to say that it has been brought to the notice of Govt. that the simple and unsophisticated villagers are being deprived of their share of compensation by the Land Acquistion staff in collusion with some unscrupulous persons who act as middlemen. I am therefore to request you to arrange payments of compensation whether in cash or by cheque in presence of a responsible Officer not below the rank of Extra Assistant Commissioner, who will be responsible for the bonafide of the payees and correctness of the amount paid.

Yours faithfully,

Sd/-
Dy. Secy.to the Govt.of Assam.

Memo.No.RLA.29/68/98(A) Dated Shillong, 22nd Sept/70.

Copy forwarded to :-

1. The Director of Land Requisition, Acquisition and Reforms, Assam, Ulubari, Gauhati.

2. Political Deptt. with reference to their U/O? No. PLA.352/68/14 dt. 16.7.70 for information.

By order etc,

Sd/-
Deputy Secy.to the Govt.of Assam
Revenue (L.R)Deptt.

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COPY

GOVERNMENT OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

No.RLA.309/69/23 Dated Shillong, the 2 April/71.

OFFICE MEMORANDUM

INSTRUCTIONS TO BE FOLLOWED IN LAND ACQUISITION CASES FROM 1ST APRIL/71

It has been observed that the requiring Deptt., in most cases do not take much interest to sanction the amount of the awards after they get possession of land from the Collectors. As a result, there has been a huge backlog of land acquisition cases where possession of the lands have been handed over but people have not been paid the compensation for it over a number of years. Hence-forth, the following procedure will be followed in case of both cheque issuing and non cheque issueing Deptts. of the State Govt.

(i) No proposal for land acquisition will be initiated unless the Requireing Deptt. issues a certificate certifying that adequate budget provision has been made in the relevant year's budget towards cost of ~~xlan~~. No. Departments should take over land for purposes by private negotiation.

(ii) On receipt of such a certificate, the Collector may cause notification under Sec-4 L.A. Act of 1894 or relvant section of LA. Act of 1964 to be publised and may make a preliminary assessment of the value of land and value of Jirats along with ~~Solatium~~ Solatium (Where applicable) and submit to the Requiring Deptt. This will be a preliminary estimate and it should be as near an approximation of the probable final cost of the lands involved in the acquisiton.

(iii) Along with the submission of the preliminary estimate the Requiring Deptt. will be requested to deposit the full value of the preliminary estimate to the Collector by a cheque or by Transfer. The Collector will keep such amount in Revenue Deptt. deposit in the names of the awardees and will maintain proper account A scheme for operating P.L.A.Cs. is under examination and further instruction would be issued seperately.

(iv) After the full amount of the preliminary estimates is deposited by the Requiring Deptt. possession of the land may be handed over (if there is no other statutory hand up). Simultaneously 50 P.C. of the compensation should be paid to the owners out of the deposits made.

(v) It should be made clear to the Requiring Deptt. that when the final estimate of the valuation of land, Jirat and Sola-

the acquisition and the attendant legal liabilities will rest on the Requiring Deptt.

(vi) The Requiring Deptt. will have to give an undertaking that if the owners go to Court for enhancement of compensation, the Requiring Deptt. will paid the enhanced award within one month and that 6 P.C. interest on the enhanced amount will be chargeable by the Collector for delay and further undertake to reimburse not only the enhanced award but the fees of the Govt. Lawyers and undertaking, other charges. If the Requiring Deptt. fails to give such an undertaking, no steps to defend the case will be taken by the Collector.

The above instructions will be applicable where land for State Govt. purposes are acquired under the provisions of L.A. Act 1894 and Assam Land (Reqn. and Acqn.) Act, 1964. The procedure in cases of acquisition for different Ministries of the Central Govt. etc., will be communicated later on.

Sd/-
Secry. to the Govt. of Assam,
Revenue Deptt.

Memo.No.RIA.309/69/23(A) Dated Shillong, the 3 April/71.

Copy forwarded to All D.Cs. and S.D.Os. in Assam for information and guidance.

All Administrative Deptts./ All Heads of Deptts.

The Director of Land Requisition, Acquisition and Reforms, Assam., Gauhati.

By order etc.,

Sd/-
Secy. to the Govt. of Assam,
Revenue Deptt.

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COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. ::: LAND ACQN.BRANCH

NO. RLA.309/69/25 ✓ Dated Shillong, the 4 May/1971.

From : Shri B. Hazarika, ACS,
Deputy Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

To : All D.Cs/ All S.D.Os.

Sub : Land acquisition and payment of compensation thereof.

Sir,

I am directed to say that it has been decided by the Govt. that the land should only be acquired after full payment of compensation including arrears.

I am therefore to request you to take action accordingly in all land acquisition cases.

Yours faithfully,
Sd/-
Deputy Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

Memo. No. RLA.309/69/25(A) Dated Shillong, the 4 May/1971.

Copy forwarded to :-

1. The Political Deptt. with ref. to RIR.149/71 dt. 29.4.71 for information.

2. The Director of Land Requisition, Acquisition and Reforms, Assam, Ulubari, Gauhati-7.

By order etc,
Sd/-
Deputy Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

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P. III

COPY

MOST IMPORTANT

GOVT. OF ASSAM
REVENUE(LR)DEPTT. : ACQN.BRANCH

NO.RLA.288/70/20 Dated Shillong, 17 July/1971.

From : Shri C.R. Krishnamurthi, IAS?
Secy. to the Govt. of Assam,

To : All D.Cs/ All S.D.Os., Assam

Sub : Ref. Cases in Law Courts in Land Acquisition Cases.

Sir,

I am directed to say that of late it has come to the notice of Govt. that in most of the ref. cases the Courts adjudge the cases against the State mainly due to (1) unrealistic assessments of the awards drawn up by the Collectors on the basis of the materials supplied by the subordinate staff, and/or (2) inadequate representation by the Govt. Advocates before the Courts.

While the onus for justifying the awards drawn by the Collectors lies primarily with the Govt. Advocates, it is felt that the Collectors also have a responsibility in the matter of justifying the awards drawn by them before the ref. courts. With a view, therefore, to properly defend the ref. cases before the ref. courts, the following instructions may please be scrupulously adhered to in future :-

(1) The Collector, on making a ref. under sec.18 of the Land Acquisition Act,1894 must inform the Govt. pleader and give him a copy of the report. The Court should also be informed suitably that the ref. report should not be treated as a written statement but being a report under sec.18 of the Land Acquisition Act, has to be rebutted if it is to be disproved. The Court should further be requested that petitions filed by the party invoking the ref. claiming higher values should be specifically referred to the Collector for filing counter statements so as to help the Court in arriving at a fair decision.

(2) In such cases, it should be the responsibility of the Govt. Pleader to obtain copies of the petition filed before the ref. court relating to the value of the land and to forward the same to the Collector for obtaining a report on the materials mentioned in the petition.

(3) To contradict the claim of the party invoking the jurisdiction of the ref. Court with facts and figures, the

the Collector should prepare a report giving facts and figures, Sketch maps showing the location of the land referred to by the party and if the sales referred be by the party are either small plots in size, or are far away from the plots acquired, or have advantageous locations not related to the plots acquired, etc. such facts must be brought to the notice of the ref. court. Your attention is invited to the judgement in the Supreme Court, Civil Appeal No.1605(N) of 1967 (The Collector of Lakhimpur- Appellant-Vs-Bhuban Chandra Dutta- Respondent)in which it has been held that the sale prices of small plots of land are not directly relatable to the acquisition costs of large plots of land. This rebuttal report must be filed in time in consultation with the Govt. Pleader .

(4) The question of producing suitable and adequate evidence in the ref. court should be carefully examined in consultation with the Govt. Advocate well ahead of the date fixed for hearing. Usually the Mandal or Superviser Kanungo concerned, on whose initial report the collector drew the award should form part of the witnesses to be examined in the ref. court. Any shift during the time of giving oral evidence by such Mandals or supervisor Kanungoes which runs counter to the earlier report supplied to the Collector, on which basis the award x was drawn, would be treated as subversive to good discipline and proceedings should be initiated by the Collector against such persons .

The Govt. Advocate should be posted with complete facts and materials connected with the decision relating to the award so that he is in a position to justify the same before the ref. court .

(5) The requiring authorities often complain that they are seldom given a chance to have their say in the ref. court before the award gets enhanced. In brief, they would like to be associated with the ref. cases. It is desirable that the Collector should keep the requiring authorities informed immediately on receipt of he notice of the ref. court so that the requiring authorities may represent the case in all its aspects if so desired by them .

It is requested that the contents of this circular may please be brought to the notice of all the Land Acquisition Officers including the subordinate staff under them and all the Govt. Pleaders so as to be scrupulously followed in ref. cases .

Yours faithfully,

Sd/-

Secy. to the Govt. of Assam,
Revenue Deptt.

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COPY

GOVT. OF ASSAM

LAW DEPARTMENT::L.R's BRANCH

.....

No.LJR.286/71/ 2 Dated Shillong the 5th August/71 .

From : Shri Md. Sadullah, M.A.L.L.B.,
Deputy Legal Remembrancer, Assam .

To : THE ~~ADDL~~ SR.GOVT.ADVOCATE, HIGH COURT OF ASSAM
AND NAGALAND .

Sub. : Production of Records to Hon'ble High Court within stipulated time in respect of returnable or non-returnable Civil Rules .

Sir,

I am directed to say that of late it has been noticed that the Hon'ble High Court of Assam and Nagaland, Gauhati even in Civil Rules not fixed for hearing directs the Govt./Collectors for production of records pertaining of Land Acquisition cases and also to show cause within 14 (fourteen) days from the date of Service of the notice .

Since the Sr.Govt. Advocate on the basis of the Para-Wise comments furnished by the Collector after studying the original records of the Land Acquisition case in also required to prepare the draft Counter Affidavit and that too is also required to be vetted by Law Deptt.after perusal of original case records, it obviously becomes difficult to arrange production of the records of the case to Hon'ble High Court within the stipulated time .

You are, therefore, requested to move the Hon'ble High Court seeking time for production of records so far the cases of Revenue Deptt.are concerned .

Yours faithfully,

Sd/- Md. Sadullah,

Dy.Legal Remembrancer, Assam .

..

Memo No.LJR.286/71/2-A Dt. Shillong the 5th Aug./71 .

Copy to Revenue (L.R)Deptt.with ref. to U/O .No.RLA.34/71/57 dt. 3-6-71 .

By order etc.,

Sd/- Md. Sadullah,
Dy. Legal Remembrancer, Assam .
SHILLONG

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P-III.

COPY

COURT CASE
IMPORTANTS

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. :: LAND ACQN. BRANCH

NO.RLA.34/71/60 Dated Shillong, 19 August/71.

From : Shri B. Hazarika,ACS,
Dy. Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

To : All D.Cs/ All S.D.Os.

Sub : Production of records to Hon'ble High Court within stipulated time in respect of returnable or non returnable Civil Rules.

Sir,

I am directed to forward herewith a copy of letter No.LJR.206/71/2 dt. 5.8.71 from the Deputy Legal Remembrancer, Assam to the Senior Govt. Advocate, High Court of Assam and Nagaland, Gauhati for your information and guidance.

Yours faithfully,
Sd/-
Dy. Secy.to the Govt.of Assam,

Enclo:As referred to above.

Memo.No.RLA.34/71/60(A) Dated Shillong,the 19 August/1971.

Copy forwarded to :-

1. Revenue(Sett) Deptt.
2. Revenue(Reforms)Deptt.
3. Revenue(Genl) Deptt.

By order etc,
Sd/-
Dy. Secy.to the Govt.of Assam,
Revenue (L.R)Deptt.

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MOST IMPORTANT

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQUN. BRANCH

No. LA.430/71/5 Dated Shillong, the 4 Oct/71.

From : Shri C.R. Krishnamurthi, IAS,
Secy. to the Govt. of Assam
Revenue Deptt.

To : All Deputy Commissioners.

Sub : Requisition of lands under the RAIP Act, 1952 with ultimate intention of acquiring the same.

Sir,

I am directed to say that of late it was come to the notice of the State Govt. that although in the opinion of the Ministry of Works, Housing and Supply, the framer of RAIP Act, 1952 as amended from time to time, it would not be proper to invoke the powers under the RAIP Act, 1952 in respect of land earlier requisitioned, possession of which is required clearly for putting up structures thereon later in accordance with Ministry's circular letter No.1549-E-II/55 dt. 18.2.65 (copy enclosed for ready ref.) and subsequent acquisition of the same under the provisions of RAIP. Act, 1952 the requiring authority (viz, the Ministry of Defence) unilaterally accorded acquisition sanction of such land in most cases under the RAIP Act, 1952 which also runs counter to the instructions of the Ministry of Works, Housing and Supply on which basis the Deputy Commissioners too start the requisition proceedings under the provisions of RAIP. Act.

Since the Govt. of India are averse to powers under the RAIP Act. being exercised to acquire lands except under very exceptional circumstances, acquisition of requisitioned lands for the purposes of construction should be initiated only under the L.A. Act, 1894 and no acquisition proceedings should be iniated under the RAIP. Act. in such cases by you without specific clearance from the State Govt.

The Govt. desire that henceforth the instructions contended above must invariably be scruplously followd by you for the cases falling with the ambit of this circular in respect of which publication of Notice in Form "I" or "J" of the RAIP. Act and the rules framed thereunder is yet to be caused by you.

This has a ref. to letter No.A3/49/ACQ/72 dt.13.9.71 from the Military Estates Officer, Tezpur to the Land Acquisition Officer, Darrang. [7]

Portion marked [... 7 for Deputy Commissioner, Darrang only.

Encl:- As referred to above.

Yours faithfully,
Sd/-
Secy. to the Govt. of Assam.

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COPY

GOVERNMENT OF ASSAM
REVENUE (LAND REVENUE) DEPARTMENT

NOTIFICATION

Dated the, 29th January/72

No.RLA.468/71/64 - In exercise of the Powers conferred by Sub Section (2) of Section 34 of the Defence of India Act, 1971(No.42 of 1971) read with the Defence of India (Requisiting and Acquisition of immovable Property)Rules,1971, the Governor of Assam is pleased to direct that all the powers conferred on the State Govt. shall also be exercised by the Deputy Commissioners within their respective jurisdictions as indicated below :-

Section	Nature of action	Authority who will take action
23,24,25, 26,27,29, 30 & 31.	Issue of order of requisitioning.	Deputy Commissionr concerned.
	Determination and payment of compensation.	-do-
	Appointment of Arbitrator under first proviso regarding amount of compensation.	Govt.in the Revenue Deptt.
	Appointment of Arbitrator under second proviso in the event of dispute regarding title to compensation or apportionment of amount of compensation.	Govt. in the Revenue Deptt.
	Optaining information and issue of directions prior to requisitioning.	Deputy Commissioners or Sub Divisional Officers as the case may be.
	Authorising persons who may inspect property prior to requisition.	-do-
	Authorising Officers who may evict persons continuing in possession of requisitioned property.	-do-
	Issue of orders releasing property from requisition or to empower persons who may do so.	Deputy Comminer.
	Serving notice of acquisition if property is to be acquired under Sub-Section(1).	Dy.Commissioner.
	Determination and payment of compensation for acquisition.	Dy. Commissioner.

Contd...2

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Section	Nature of action	Authority who will take action
	Appointment of Arbitrator under Sub-Section(2) to determine amount of compensation and under Sub-Section(4) if there is dispute as to title or apportionment of amount of compensation.	Govt. in the Revenue Deptt.

Sd/-(C.R.KRISHNAMURTHI)
Secy. to the Govt. of Assam,
Revenue Deptt.

Memo. No.RLA.468/71/64(A) Dated Shillong, 29 Jan/1972.

Copy forwarded to the :-

1. Superintendent, Assam Govt. Press, Shillong for immediate publication of the Notification in the Gazette and supplying this Deptt. with 100 spare copies of the Notification.

2. All Deputy Commissioners and Sub Divisional Officers.

3. Director of Requisition, Acquisition and Reforms, Assam, Gauhati.

4. Joint Secretary, to the Govt. of Assam, Political Deptt. (Emergency Cell).

By order etc,
Sd/-
Secretary to the Govt. of Assam,
Revenue Deptt.

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P-III

GOVERNMENT OF ASSAM

REVENUE (LAND REVENUE)DEPARTMENT:LAND ACQUISITION:BRANCH.

...

NO.RLA.309/67/ 47 Dated Shillong the 1st May,1972 .

From : Shri J.P.Rajkhowa, I.A.S.
Under Secretary to the Govt. of Assam.

To : All Deputy Commissioners and Sub-Divisional Officers.

Sub. : Application of powers conferred on the collectors under Section-9(1) of the Assam Land (Req. & Acuq) Act,1964 .

Ref. : Govt. letter No.RLA.309/69/33 dt.12-7-71 .

Sir,

I am directed to say that inspite of clear instructions issued not to make indiscriminate application of the powers conferred on the Collectors under section 9 of the Assam Land (& Requisition and Acquisition) Act, 1964 vide letter No.RLA.380/69/343 dt.30-11-1971 it has been noticed that in almost all Land Acquisition Cases relating to the works in connection with flood control and antierosion measures the provision of section 9(I) is being applied. It is not clear whether all the projects where application of the provisions of section 9(I) have been made were really of such urgent and emergent nature that the Collector concerned had no other alternative but to acquire the land speedily under the aforesaid section .

It is therefore, once again emphasised that this emergent power should be applied only in these cases where the situation demands speedy acquisition and ~~xxxxxxx~~ there are reasons to deprive the land owners of their right to challenge the propriety of acquisition of their land . For this purpose the requiring authority should be called upon to place full facts before the Collector justifying speedy acquisition of land and the Collector should satisfy himself that the circumstances demand application of his emergent powers under section 9 before issuing the order .

Yours faithfully,

Sd/-

Under Secretary to the Govt. of Assam,
Revenue (L.R)Deptt.

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Contd...2

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Memo No.RLA.309/69/47 A Dated Shillong the 1st May/1972

Copy forwarded to :-

1) Secretary to the Govt. of Assam, Brahmaputra Flood Control Commission, Chandmari, Gauhati-3 . He is requested to issue suitable instructions to the local officers to submit full facts before the Collector concerned in support of application of the powers under section 9 where it is condidered necessary to acquire land speedily.

2) Secretary to the Govt. of Assam, Public Works (Flood Control and Irrigation) Department, Chandmari. Gauhati-3 - He is requested to issue suitable instructions to the local officers to submit full facts before the Collector concerned in suppert of application of the powers under section 9 where it is considered necessary to acquire land speedily.

3) Director of Land Requisition Acquisition and Reforms,Assam, Dighlipukhuri,par East, Gauhati-1. He is requested to impress upon the Land Acquisition Officers in course of his inspection to be more careful and vigilent in exercising the powers invested on them.

4) All Land Acquisition Officers.

By order etc.,

Sd/- J.P. Rajkhowa.
Under Secretary to the Govt.of Assam,
Revenue (LR)Department.

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COPY

GOVERNMENT OF ASSAM
REVENUE (LAND REVENUE) DEPTT. LAND ACQUISITION BRANCH.
...

NO.RLA.309/69/ 51 Dated Shillong the 18th May,1972 .

From : Shri J.P.Rajkhowa, I.A.S.
Under Secretary to the Govt. of Assam,
Revenue (L.R)Deptt.

To : The Secretary to the Govt. of Assam,
F.C. & I Deptt., Chandmari, Gauhati .

Sub. : Procedure to be followed in the event of revision of estimate .

Ref. : Your letter No.FCN.133/71 dt.4-5-72 .

Sir,

I am directed to say that the procedure to be followed has been laid down in the Ex. Rule 55 of the Assam Land Acquisition Manual read with notification No. RL.12/46/53 dt. 1-12-50 . The same procedure should be followed in the land acquisition cases under the Assam Land (Requisition & Acquisition) Act, 1964, as well .Relevant extracts from the executive rule as it stood after amendment is enclosed. As regards the mode of payment, I am to add here that all payments of compensation are to be made by the Collector concerned;as such after sanction of the revised estimate funds are to be placed at the disposal of the Collector .

Yours faithfully,
Sd/- J.P.Rajkhowa
Under Secretary to the Govt. of Assam,
Revenue (L.R)Department .
....

Memo No.RLA.309/69/ 51-A Dated Shillong the 18th May,1972 .

Copy forwarded to :- (1) The Director of Land Requisition, Acquisition and Reforms, Assam, Dighilipukurir par, Gauhati-1 (2) All ~~Deputy~~ Deputy Commissioners and Sub-Divisional Officer for information and guidance .

By order etc.,
Sd/- J.P.Rajkhowa
Under Secretary to the Govt. of Assam,
Revenue (L.R)Deptt.
...

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EXECUTIVE RULES NOS.55 OF THE ASSAM LAND ACQUISITION MANUAL

The revised estimate will be signed by the District Officer and if it exceeds the preliminary estimate procedure on by more than 20 per cent. it will be revision of accompained by an explanation of the estimate excess. If it exceeds Rs. 1,000 it will be countersigned by Government in the Revenue Department. The estimate will then be forwarded to the officer requiring the land by the District officer, or Government in the Revenue Department, as the case may be, for submission to Government in the administrative department concerned. If that department decides to proceed it will accord the sanction of Government to the revised estimate and issue instructions to the Revenue Department to proceed with the acquisition or to postpone the procnedings until funds are available. If the administ ative department decides not to proceed it will ask the Revenue Department to drop the proceedings taken for acquiring the land. When the estimate exceeds Rs. 25,000 and the Revenue Department is the administrative Department, similar action on the estimate will fortwith be taken by that Department instead of it being forwarded to the Officer requiring the land. In cases where any authority subordinate to Government is empowered to sanction the cost, the revised estimate will be submitted for he sanction of such authority, who will also take simidar action add report for the information of Government what action has been taken .

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COPY

TOP MOST PRIORITY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. ::: LAND ACQN. BRANCH

NO. RLA.184/72/1 Dated Shillong, the 19 July/72.

From : Shri J.P. Rajkhowa, IAS,
Under Secy. to the Govt. of Assam,
Revenue(L.R) Deptt.

To : All D.Cs/All S.D.Os.

Sub : Acquisition of lands under the L.A. Act, 1894
R.A.I.P. Act, 1952 and the Assam Land(R & A)
Act, 1964 - Payment of compensation etc.

Sir,

I am directed to say that, it has com to the notice of Govt. that, adequate steps are generally not being taken to ascertain the position of lands held surplus to the Ceiling prescribed by the Govt. by each of the awardess whose lands are acquired under the provisions of L.A. Act, 1894, R.A.I.P. Act, 1952 and the Assam Land (R & A)Act, 1964.

It is, therefore, impressed upon you that, hence forth, it is incumbent on your part to ascertain the position of lands, surplus to the ceiling prescribed by the Govt. held by each of the awardees whose lands are proposed or decided to be acquired in pursuance of the provisions laid down under the L.A. Act, 1894, R.A.I.P. Act, 1952 or the Assam Land (R & A) Act, 1964. This should be done before forwarding the L.A.papers to the Govt. and drawing of award, including payment of compensation to the awardees.

Yours faithfully,
Sd/-
Under Secy. to the Govt.of Assam,
Revenue (L.R) Deptt.

Memo.No.RLA.184/72/1(A) Dated Shillong, the 19th July/72.

Copy forwarded to the :-

1. Director of Lands, Requisition, Acqisition and Reforms, Assam., Gauhati.
2. Asstt. Director, Military Lands and Contonments, Shillong-3.

By order etc.,
Sd/-
Under Secy.to the Govt.of Assam,
Revenue(L.R)Deptt.

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P-III.

COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. :: LAND ACQN. BRANCH

NO.RLA.394/71/38 Dated Shillong, 20 July/72.

From : Shri C.R. Krishnamurthi, IAS,
Secy. to the Govt. of Assam.,
Revenue Deptt., Shillong.

To : All D.Cs/All S.D.Os.

Sub : Ref. cases in Law Courts in Land Acquisition cases - making of the requiring authority as the 1st Respondent.

Sir,

In inviting a ref. to para (5) of the instructions contained in this Deptt's. Circular No.RLA.288/70/20 dated, 17.7.71 and also to Circular No.RLA.394/71/24 dated, 10.4.72, I am directed to say that, henceforth while forwarding the ref. petitions to the Court, the Court may be especially requested to make the requiring authority as the 1st Respondent when the requiring authority is not one of the Deptts. of the State Govt.

This will apply in respect of all Govt. of India's Ministries including Companies, Corporations etc. for which lands are acquired under various Acts by the State Govt.

Yours faithfully,
Sd/-
Secy.to the Govt.of Assam,
Revenue Deptt.

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COPY P-III

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. ::: LAND ACQUN.BRANCH

NO.RLA.184/72/3 Dated Shillong, the 5 Septt/72.

From : Shri G.K. Choudhury, ACS,
Deputy Secy. to the Govt.of Assam,
Revenue (L.R)Deptt., Shillong.

To : The Deputy Commissioner,
Darrang/Sibsagar, Jorhat/Dibrugarh/Cachar & Kamrup.

Sub : Acquisition of lands under the L.A. Act,1894,
U.A.I.P. Act,1952 - furnishing of a certificate
for the Defence projects.

Ref : Govt's. Circular No. RLA.184/72/1 dt. 19.7.72.

Sir,

In inviting a ref. to the circular quoted above, I am directed to further say that in respect of Defence projects for which Notification or Declaration is yet to be published by the Govt. steps may immediately be taken from your end furnish the Govt. with a certificate in respect of each of such Defence projects to the effect that "the land owners whose lands are covered by the acquisition do not possess land surplus to the ceiling prescribed by the Govt" so that steps for publication of Notification or the Declaration may be processed at this end.

Yours faithfully,

Sd/-
Deputy Secy. to the Govt.of Assam,
Revenue (L.R)Deptt.

Memo.No.RLA.184/72/3(A) Dated Shillong, the 5 Septt/1972.

Copy forwarded for necessary action to the -

1. Military Estate Officer, Gauhati Circle, Ganesh Sarania, P.O-Gauhati/Military Estate Officer, Tezpur Circle/ Military Estate Officer, Jorhat Circle. They are requested to get intouch with the Land Acquisition Officer concerned and take steps in the matter.

2. Asstt. Director, Military lands and Cantonments, Shillong-3 for necessary action as outlined against (1) above.

By order etc,
Sd/-
Deputy Secy.to the Govt. of Assam,

AR/101281/

COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. :: LAND ACQN. BRANCH

NO.RLA.56/73/1 Dated Shillong, the 19 March/73.

From : Shri G.R. Choudhury,
Deputy Secy. to the Govt. of Assam,
Revenue (L.R) Deptt., Shillong.

To : The Asstt. Director,
Military Lands and Contonment.
Shillong-3.

Sir,

I am directed to inform you that it has been observed that of Misc. Arbitration cases, appeals could not be filed mainly due to delay in obtaining certified copies of the Judgments of the Arbitrator and sending the same timely to the Legal Rembrancer with the opinion of the Govt. Pleader. This delay is stated to be due to non availability of the fund for obtaining certified copies. It is seen that by the time the certified copies are obtained and sent to the Govt. in the Law Deptt. with the opinion of the Govt. Pleader, and the merit or otherwise of preferring an appeal by the Law Deptt. in conjuction with the Revenue Deptt. is examined, and then the views of the Govt. is communicated to the Sr. Govt. Advocate, thirty days time for limitation is already over. This delay can be minimised if the funds for obtaining the certified copies of the judgement can be placed immediately by the concerned M.E.Os.

Again it has been observed that even when a timely decision was sent to the Sr. Govt. Advocate for preferring an appeal, the appeal could not be filed as the Sr. Govt. Advocate had not been provided with fund that may be required as costs for filing the appeal by the requiring authority, resulting eventually in the appeal being time barred.

It is therefore requested that instructions may be issued from your end to all the local M.E.Os., concerned to place immediately necessary funds to the Deputy Commissioners for obtaining certified copies of the Judgement as well as to the Sr. Govt. Advocate to incur necessary expenditure in connection with filing appeals.

This may please be treated as immediate.

Yours faithfully,

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- 2-

Memo.No.RLA.56/73/1(A) Dated Shillong, 19 March/73.

Copy to the :-

1. All D.Cs/S.D.Os. They are requested that for proving the Jirat list before the Arbitrators they should invariably cite as witness the M.E.O. or his representative who was present at the time of taking over possession of lands.

2. Joint Secy. to the Govt. of India, Ministry of Defence, New Delhi.

3. Deputy Director, Military Lands and Contonments, H.Q. Eastern Command, Fort-William, Calcutta-21.

By order etc.,

Sd/-
Deputy Secy.to the Govt.of Assam,
Revenue(L.R)Deptt.

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AR/1012818

P-III

TOP PRIORITY

COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. ::: LAND ACQN.BRANCH

NO.RLA.184/72/9 Dated Shillong, the 17 April/73.

From : Shri G.R. Choudhury, ACS,
Deputy Secy. to the Govt. of Assam,
Revenue(L.R) Deptt., Shillong.

To : All D.Cs/All S.D.Os.

Sub : Acquisition of lands under the L.A. Act, 1894, RAIP. Act, 1952 etc. - furnishing of certificate for the defence projects.

Ref : Govt. circular No.RLA.184/72/1 dt. 19.7.72 and No. RLA.184/72/3 dt. 5.9.72

Sir,

I am directed to say that in accordance with the instructions contained in the Govt's. circulars quoted above, it was incumbent on your part to ascertain the position of lands held in surplus to the Ceiling prescribed by the Govt. by each of the land owners whose lands are involved in acquisition case to the effect that "the land owners whose lands are covered by the acquisition do not possess land surplus to the Ceiling prescribed by the Govt."

Since the Govt. can not process the acquisition of lands in absence of the required certificate as indicated above, it is impressed upon you once again that adequate steps may immediately be taken from your end to expedite disposal of Ceiling cases in respect of the lands requisitioned and proposed now for acquisition.

Incidentally, it may also be that the certificate to the effect that "the land owners whose lands are covered by the land acquisition etc. is likely to fall within the Ceiling limit fixed under the Assam Land Ceiling Act of 1970 pending final verification etc". as indicated in some of the certificates furnished by the Deputy Commissioner, Darrang will not however, hold good.

Portion marked [...] relates to Deputy Commissioner, Darrang only.

Yours faithfully,
Sd/- Depyty Secy. to the Govt. of Assam
Revenue (L.R) Deptt.

Memo.No.RLA.184/72/9(A) Dated Shillong the 17 April, 1973.

Copy forwarded to the :-

1. Asstt. Director, Military Lands & Contonment, Shillong-3 for necessary action.
2. Director of Lands, Requisition, Acquisition & Reforms, Shyt
3. Revenue Reforms.

By order etc,
Sd/- Dy. Secy. to the Govt. of Assam,
Revenue(L.R) Department.

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COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LND ACQN. BRANCH

NO.RLA. 63/73/36 Dated Shillong, the 21 July/1973.

From : Shri A.K. Palit, IAS,
Secy. to the Govt. of Assam, Rev. Deptt.

To : All D.Cs. / All S.D.Os.

Sub : Estimates prepared in connection with Land Acquisition Cases.

Sir,

I am directed to say that under Executive Rule 24(b) fromed under the Land Acquisition Act, 1894 preliminary estimate of cost of acquisition for the land proposed to be acquired shoul be as accurate as possible and should be prepared with care so as to reach the nearest approximation to the final valuation in the award.

It is also mentioned in that Rule that careless estims throw out the calculation of the requiring authority and also, if they are by excess, although they are in no way binding on Govt. are likely to give rise to extravagant claims. There is a provision under Rule 25 that you, as District officer, are required to attach to the preliminary estimate a certificate to the effect that the estimate is fair and that the rates have been arrived at after local enquiry etc. and this task cannot be entrusted to the Land Acquisition Officers.

The Govt. have, however noticed that these Executive Rules are not being followed, and as a result almost all preliminary estimates are subsequently revised, and the amount mentioned in the revised estimates exceeds the amount of the preliminary estimate to a great extent. In one case Govt. noticed that the estimates were revised thrice and it increased from 1.12 lakhs to Rs.12.65 lakhs within a period of less than three years. This shows that utmost care is not taken in preparing the preliminary estimates.

I am, therefore, to request you to check whether all materials have been fully considered or not in preparing the prel minary estimate before signing the same. You are also requested to proceed or depute a responsible officer to make a detailed enquiry as to the sales, the quality of the land, the value of houses, trees and crops where large calculations are involved. In no case valuation of large blocks of Land should be determined on the basis of sale price of small strips of land. In this conn tion a copy of the judgement of the Hon'ble Supreme Court as reported in A.I.R. 1971, SC,2015(V 58 C 414) in enclosed herewith

I am also to draw your attention to Executive Rule 62(wherein it is mentioned that when the proposed award in the proce

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proceedings, whether conducted by the District Officer or by any other officer appointed to act as Collector, exceeds the sanctiond estimate by over 15 percent, the Dist. Officer will see that the award is deferred and the requiring authority informed of the facts and that further action should be suspended until the requiring authority has decided whether the acquisition should be proceeded with or not and had provided the necessary funds. It is, however, found that in some cases the Dist. Officers try to force the requiring Deptt. or other interested persons to accept the revised estimate or valuation made by him and do not give them full opportunities to have their claims considered as provided under Executive Rule 63(2). This puts the requiring Deptt. in an embarassing situation and sometimes they disagree to to sanction the revised amount, although possession of the land i is already handed over, creating further complications.

I am, thereofore, to request you to see that while preparing the estimates, the requiring Deptt. is consulted.

The instructions contained in this letter should be strictly followed so that there may not be any scope for criticism against the Deptt. and thexxoofficials in future.

The receipt of this letter may be aknowledged.

Yours faithfully,
Sd/-Secy.to the Govt.of Assam
Dated Shillong,the 21 July/73

Memo. No.RLA.63/73/37

Copy forwarded to :-

1. The Commissioner of Plains Divn., Assam, Gauhati.
2. The Director of Land Requisition Acquisition and Reforms., Assam, Gauhati for information.

By order etc.,
Sd/-Secy.to the Govt.of Assam.

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AR/181281/

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71

GOVERNMENT OF ASSAM
REVENUE(LAND REVENUE)DEPARTMENT::::::::::LAND ACQUISITION BRANCH
****

No. RLA.338/71/66 Dated Shillong, the 24th July, 1973.

From:- Shri G.R.Choudhury, A.C.S.,
Deputy Secretary to the Govt.of Assam,
Revenue (Land Revenue)Department, Shillong.

To All Deputy Commissioners
&
Sub-Divisional Officers.

Subject:- Furnishing of certified copy of Awards etc.with the opinion of Govt.Pleader in Misc.L.A.Cases or Arbitration cases proposed for filing appeals before Hon'ble High Court.

Sir,

I am directed to say that it is the responsibility of the Deputy Commissioners/Sub-Divisional Officers (as the case may be) to forward well, the certified copy of the awards,judgments etc. with views of Govt.Pleader in all Misc.L.A.cases including the Arbitration cases adjudged against the Requiring Authorities direct to the Legal Remembrancer,Assam,Shillong with an intimation to this Department. The Legal Remembrancer will decide whether merits of a case warrants an appeal before Hon'ble High Court. It is therefore necessary that all connected papers should be sent to the Legal Remembrancer well ahead of the expiry of the period of limitation.

The above instructions may, please be scrupulously followed in future.

Yours faithfully,

Sd/- G.R. Choudhary,
Deputy Secretary to the Govt.of Assam,
Revenue (L.R)Department.

...

Memo No. RLA.338/71/66-A Dated Shillong, the July, 1973.

Copy to all Assistants of Revenue (L.R)Department.

By order etc.,

Sd/- G.R. Choudhary,
Deputy Secretary to the Govt.of Assam,
Revenue(L.R)Department.

Forwarded by :-

r Secy. to the Govt. of Assam,
Revenue(L.R)Department.
.....

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MOST IMPORTANT

GOVT. OF [redacted]
REVENUE(L.R)DEPARTMENT:LAND ACQN.BRANCH

NO.RLA.338/71/64 Dated Shillong, the 24th July/73.

From : Shri G.R. Choudhury, ACS,
Deputy Secy. to the Govt. of Assam,
Revenue (L.R) Department, Shillong.

To : ALL D.Cs/ALL S.D.Os.

Sub : Ref. case in Misc. L.A. cases or
Arbitration cases Misc. instructions.

Sir,

I am directed to say that hence forth while forwarding the opinion of Govt. Pleader with the copy of the award of the Arbitrator or the Ref. Court to Govt. the Deputy Commissioners/Sub-Divisional Officers as the case may be should invariably report as to what is the total amount of compensation awarded by the Collector, and the total amount of compensation payable as per award of the Arbitrator indicating the difference that stands between the two awards.

It is also impressed upon the Deputy Commissioners/Sub-Divisional Officers that in Arbitration cases where compensation at enhanced rate is required to be paid as per award of the Abbitrator the awarded amount should be deposited in the Court with a prayer to obtain adequate surety from the awardees before payment is released. In the event of preferring appeal before Hon'ble High Court against the award either by the State Govt. of the Govt. of India and the appeal being allowed, direct payment to the awardees will lead to complications in effecting recovery of excess payments if any made; therefore direct payment to the awardees should be avoided by you.

The above instructions may, please, be followed strictly.

Yours faithfully,

Sd/-G.R. Choudhury,
Deputy Secy.to the Govt.of Assam,
Revenue(L.R)Deptt.

Forwarded by:-

Sd/-
Under Secy.to the Govt.of Assam,
Revenue (L.R) Deptt.

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COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. ::: LAND ACQN. BRANCH

NO. RLA.184/72/11 Dated Shillong, the 6 Aug/1973.

From : Shri G.R. Choudhury, ACS,
Deputy Secy. to the Govt. of Assam,
Revenue (L.R)Deptt.

To : The Deputy Commissioner,
N.Lakhimpur/Dibrugarh/Jorhat/Nowgong/Tezpur/
Gauhati/Dhubri/Silchar/Diphu/Haflong.

Sub : Acqun. of lands under Requn. under the R.A.I.P. Act, 1952 - furnishing of ceiling clearance certificate in respect of defence projects.

Ref : This Deptt. circular No.RLA.184/72/9 dt.17.4.73.

Sir,

I am directed to say that while steps are taken to ascertain the position of lands surplus to the ceiling prescribed by Govt. in respect of lands proposed or decided to be acquired under the provisions of L.A. Act, 1894, R.A.I.F. Act, 1952 or the Assam Land(R & A)Act, 1964, priority should be given in respect of lands under requisition under R.A.I.F.Act.

You are requested to apprise Govt. of the cases of land under requisition under the provisions of R.A.I.P. Act in the Proforma (in duplicate), enclosed herewith. The information should reach here within a fortnight positively. All actions in respect of Ceiling cases in this regard must be completed by you within 30th Nov.1973 positively.

Yours faithfully,

Sd/-Dy.Secy.to the Govt.of Assam
Revenue (L.R)Deptt.

Memo.No.RLA.184/72/11(A) Dated Shillong, the 6 Aug/73.

Copy forwarded to :-

1. Asstt. Director, Military Lands & Contonment, Shillong-3.
2. Director of Lands, Requn., Acqun. and Reforms, Assam.Ghy.
3. Revenue(Reforms)Deptt. Shillong.

By order etc.,

Sd/- Deputy Secy. to the Govt.of Assam, Revenue(L.R)Deptt.

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OPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. ::: LAND ACQN. BRANCH

O.RLA.24/73/5 Dated Shillong, the 16 Aug/73.

rom : Shri G.R. Choudhury, ACS,
Deputy Secy.to the Govt. of Assam,
Revenue (L.R) Deptt., Shillong.

o : The Deputy Commissioner, Kamrup, Gauhati.

ub : Payment of awarded amount of Misc.
(A) Case No.115/70 and 54 others.

ef : Your No.RQ.XII.96/73/42/2576 dt. 3.4.73.

ir,

I am directed to say that the Military Estate fficer, Gauhati may be requested to provide necessary fund t your disposal for the purpose of deposit of the same nto the Court in satisfaction of the Court's award. In ase the court decides to release the payment to the awardees prayer may be made to the Court to obtain adequate surety n that behalf.

Regarding competance of the Arbitrator's Court n the matter of granting execution of the award, views of aw Deptt. are given below :-

"The Dist. Judge who acts as an Arbitrator on being appointed under the RAIP. Act, 1952 have all the powers f a Civil Court in respect of the matters as laid down nder section 12 of the Act. It thus appears that the Dist. Judge while acting as an Arbitrator has not given the power f granting execution of the award so passed by him".

Yours faithfully,
Sd/-
Deputy Secy.to the Govt.of Assam
Revenue (L.R) Deptt.

emo. No. RLA.24/73/5(A) Dated Shillong, the 16 August/73.

opy forwarded to :-

1. All Dy. Commissioners and Sub-Divisional Officers of Assam for information and guidance in respect of last para above.
2. Military Estate Officer, Gauhati Circle, Gauhati-3.

By order etc,
Sd/-
Deputy Secy.to the Govt.of Assam
Revenue (L.R)Deptt.

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IMMEDIATE

NO.19012(2)/71-Pol.IV
Government of India(Bharat Sarkar)
Ministry of Works & Housing
Directorate of Estates(Sampada Nideshalya).

New Delhi, the 17th August, 1973.

OFFICE MEMORANDUM

Sub : Requisitioning and Acquisition of Immovable Properties under the Act of 1952.

The Requisitioning and Acquisition of Immovable Property Act, 1952 empowers the Central Govt. to requisition immovable properties for the purposes of the Union and to acquire. Act came into force on the 14th March, 1952 and has since been made ~~properties could be retained under~~ a permanent measure but the period for which the requisitioned properties could be retained under requisition has been restricted.

2. Section 3 of the Act empowers the "competent authority" to requisition and immovable property which is needed or is likely to be needed for any public purposes, being a purpose of the Union, after giving a proper show cause notice to the party concerned as contempleted therein.

A "competent authority" means any person or authority authorised by the Central Govt. by notification in the Official Gazette to perform the functions of the competent authority under the Act for such area as may be specified in the notification.

Section 6 of the Act deals with release from requisitioning, Section 7 relates to power to acquire requisitioned property. Section 8 lays down the principles and method of determining compensation. Section 10 relates to appeals from orders of requisitioning. Section 17 of the Act relating to delegation of powers provides that "The Central Govt. may be notification in ~~authority in such circumstances~~ the Official Gazette, direct that the powers exercisable by it by or under this Act shall, in such circumstances and under such conditions if any, as may be specified in the notification be exercisable also by an officer subordinate to that Govt. or the State Govt."

3. It may be recalled that, in the course of the debates in Parliament in connection with the Requisitioning and Acquisition of Immovable Property legislations, there were persistent demands from some of the Members of Parliament that the

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while piloting the Requisitioning and Acquisition of Immovable Property (Amendment)Bill,1973 in the Rajya Sabha, that when no longer needed these properties would be derequisitioned.

4. Although a competent authority is authorised to requisition an immovable property, to obviate any criticism in Parliament on the indiscriminate use of the powers under the Act, it is felt that the need for requisitioning/acquisition of a house/land be established at the level of the Minister incharge of the Ministry or of the Secy. in the administrative Ministry concerned. Similarly, while derequisitioning a building, it would be appropriate to obtain the orders of the Minister/Secy. incharge of the Ministry. Necessity for requisitioning/acquisition having been established, the agency of the State Govt./Union Territory, etc. be utilised for the purpose as per instructions issued from time to time. It may be stated that the policy of the Govt. of India is to resort to requisitioning only when it is absolutely essential and inevitable and as a rule the Govt. of India is averse to invoking the power to requisition under the Act to meet individual needs. Residential accomodation is normally requisitioned by Govt. for the augmentation of the general pool resources in Delhi, Bombay, Calcutta etc. and not for the benefit of individual officers unless extraordinary circumstances exist in this regard. The State Govt./ Union Territories may, therefore, be requested not to requisition any building under the Act unless a request has been made to them by a Ministry or a Deptt. of the Govt. of India.

5. In the case of Union Territories without legislatures, when properties are proposed to be requisitioned/acquired, or requisitioned by them for meeting their own purposes, being the purposes of the Union, orders of the Administrators or of such authority as the rules of business may require, should invariably be obtained.

6. Since this Ministry is mainly concerned with requisitioning, etc, it should be kept in touch with the activities of the other Ministries/Deptts. in the matter of requisitioning of immovable properties.

Receipt of this Office Memorandum may kindly be acknowledged.

Sd/- (R.B.GAUR)
Deputy Director of Estates and Ex-Officio
Under Secy. to the Govt. of India.

To: All the ~~Ministeries/Deptts.~~ of the Govt. of ~~India.~~

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COPY

F.J.305

H.Q. Eastern Command(CI (C),
Fort William, Calcutta-21.

Dated 21st Septt./1973.

To : The Secretary,
Land and Lad Revenue Deptt.
Covernment of Assam., Shillong.

Sub : Payment of Acquisition cost of the Lands acquired under the RAIP. Act,1952-Agreement in Form 'K'.

Sir,

I am to abring to your notice that u/s 7 of the RAIP. Act,1952, compensation payable is to be fixed by agreement failing which an arbitrator is to be appointed. Under Rule 9(5) (1) of the RAIP Rules,1953 every person within interested to whom an offer is made under Rule 9(3) ibid shall and him fifteen days of the receipt of the offer, communicate in writting to the competent authority his acceptance or otherwise of the offer. If he accepts the offer, the competent authority shall enter into an agreement within him on behalf of the Central Govt. in Form 'K'. If the competent authority makes on 'on account' payment under Clause 9(5)(ii) of the above Rules, he shall enter into an agreement with the person to whom payment is made on behalf of the Central Govt. in Form 'L' with such modification as the nature of the case may require.

2. It has come to our notice that the Deputy Commissioners in Assam have paid the cost of acquisition of the lands acquired under the RAIP. Act,1952 or made 'On account' payment to the interested persons but have neither entered into the agreements in Form 'K' nor in Form 'L' as required vide para 1 above. Thus they have not followed the procedure prescribed in the RAIP Rules,1953. It is considered that such procedural Lacuna can cause under financial damage to the Govt. by way of references to Arbitration at a later stage.

3. The Deputy Commissioner/LA.Os in Assam may, therefore, please be instructed to strictly comply with the provisions of the RAIP. Act and Rules framed thereunder to avoid the interestd persons taking advantage of the lacuna, if any, and loss to the Govt. Copy of your instructions to the Deputy Commissioners L.A.Os may be endorsed to us.

Yours faithfully,

Sd/-

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COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. ::: LAND ACQN. BRANCH

NO.RLA.24/72/19 Dated Shillong, the 1st Nov/73.

From : Shri G.R. Choudhury, ACS,
Deputy Secy.to the Govt. of Assam,
Revenue(L.R)Deptt., Shillong.

To : ALL D.Cs./ ALL S.D.Os., Assam.

Sub : Ref. cases in Law Courts in Land Acquisition cases.

Ref : This Dept's. Circular No.RLA.288/70/20 dt. 17.7.71.

Sir,

In inviting your attention to the circular letter cited above, I am directed to impress upon you once again for strict observance of the instructions contained therein most particularly item 5 of the circular regarding close association of the Requiring Authorities in respect of ref. cases. The Requiring Authorities should invariably be informed of the position of such cases right from the receipt of notice of the Reference Courts so that they can represent their cases inall its aspects.

Yours faithfully,

Sd/-
Deputy Secy.to the Govt.of Asm.
Revenue(L.R)Deptt.

Memo.No.RLA.24/72/19(A) Dated Shillong, the 1st Nov/1973.

Copy forwarded to :-

1. Legal Remembrancer, Assam, Dispur, Gauhati.
2. Asstt. Director of Military Lands and Contonments, Assam, Shillong-3.

By order etc,

Sd/-
Deputy Secy.to the Govt.of Asm.
Revenue (L.R)Deptt.

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COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. ::: LAND ACQN. BRANCH

NO. RLA.502/67/117 Dt. Shillong, the 1st Nov/1973.

From : Shri G.R. Choudhury, ACS,
Deputy Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

To : 1. The Director of Land Reqn., Acqun. & Reforms, Assam., Gauhati.
2. All D.Cs/ All S.D.Os of Assam.

Sub : Realisation of charges on account of Estt. and Contingencies in respect of acquisition of lands.

Ref : This Deptt's. circular letter No.RLA.502/67/74 dated, the 11.11.71.

Sir,

It has come to the notice of Govt. that there has been certain amount of confusion in the matter of application of the instruction contained in the Govt. circular cited above in its proper spirit. In that context, I am directed to lay down the decision of the Govt. in clear terms in the matter of realisation of charges on account of Estt. and contingencies at the rates prescribed (reproduced below) in all land acquisition cases including those financed by Deptts. of the State Govt./Ministries of the Central Govt. except where special staff is provided by the Requiring Authority. Where special staff is provided charges are to be realised at the rate of 5% and 2½% of the ultimate acquisition compensation(i.e, estimated compensation plus enhanced compensation in case of enhanced award given by the courts).

Where special staff is not provided for the purpose, rates prescribed are as follows -

Estt. Charges.		Contingency charges of the ultimate acquisition compensation plus enhanced compensation in case of enhanced award given by the courts
(1) Rs.10,000/- and below	15%	5%
(2) Rs.10,000/- and below (Rs.20,000/-)	12%	3%
(3) Rs.20,000/- and above	8%	2%

It is obviously necessary that above charges are to be realised on the land acquisition cost which coprises the cost estimated by the collector and the cost further assessed, if any, by the courts. Extra amount of work is involved and time and attention of officers and staff are devoted in Preparation

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by the courts is a part of the ultimate acquisition compensation which can not be separated from the whole and establishment charges and contingency charges should be realised on the enhanced compensation.

The above instruction should be followed in all current and future cases of acquisition.

Yours faithfully,

Sd/-
Deputy Secy.to the Govt.of Assam,
Revenue (LR) Deptt.

Memo.No.RLA.502/67/117(A) Dated Shillong,the 1st Nov/1973.

Copy forwarded to :-

1. Asstt. Director of Military Land and Contonments, Shillong-3 with ref. to his No.Gau/Gen/3/Acq/513 dt. 29.8.73.
2. General Manager, N.F. Railways, Maligaon, Gauhati.
3. Secy. to the Govt. of Assam, PWD(R & B),Shillong.
4. Secy. to the Govt. of Assam, PWD(F.C & I), Chandmari., Gauhati-3.

By order etc.,

Sd/-
Deputy Secy.to the Govt.of Assam,
Revenue (LR) Deptt.

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COPY

GOVERNMENT OF ASSAM
REVENUE (L.R)DEPTT. :::::::AND ACQUISITION ETC. BRANCH

NO.RLA.468/71/105 Dated Dispur,the 18 March/1974.

From : Shri G.R. Choudhury,ACS,
Deputy Secy. to the Govt. of Assam,

To : All D.Cs/ All S.D.Os.

Sub : Payment of acquisition cost of the lands acquired under the RAIP. Act,1952 - Agreement in Form "K".

Sir,

In forwarding herewith a copy of letter No.AS/115/AQQ, dt. 21.9.73 received from the Deputy Director, Military Lands and Contonments, Eastern Command, Fort William, Calcutta. 21, I am directed to request you to strictly comply with the instructions contained therein and the provisions of the RAIP. Act and Rules framed thereunder to avoid procedural lacund which may cause less to Govt. in Ref. Courts in the event of adverse Judgement.

Yours faithfully,

Sd/-
Deputy Secy. to the Govt. of Assam,
Revenue (L.R)Deptt.

Memo.No.RLA.468/71/105(A) Dated Dispur,the 18 March/1974.

Copy forwarded to :-

1. Deputy Director, Military Lands and Contonments, Eastern Command, Fort William, Calcutta-21.
2. Asstt. Director, Military Lands and Contonments, Assam, Shillong-3.
3. Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati.

By order etc,

Sd/-
Deputy Secy. to the Govt.of Assam,
Revenue(L.R)Deptt.

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COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. :: LAND ACQN. BRANCH

NO. RLA.468/71/103 Dated Dispur, the 18 March/74.

From : Shri G.R. Choudhury, ACS,
Deputy Secy. to the Govt.of Assam,

To : All D.Cs/ All. S.D.Os.

Sub : Requisition and acquisition of Immovable properties under the Act,1952.

Sir,

In forwarding herewith a copy of letter No.19012 (2)/71/Pol-IV dt. 17.8.73 received from the Deputy Director of Estates and Ex-Officio under Secy. to the Govt. of India, I am directed to say that in the circumstances stated therein, restrictions imposed by the Govt. of India in the in the matter of requisition of immovable property(Land and Building) should be followed strictly in future. Similarly in the matter of derequisitioning of properties, specific order from the Govt. of India will also be necessary hereafter. It should also be borne in mind that requisitioned properties do not remian under requisition indefinitely. These properties either be acquired or derequisitioned as per instructions of the Central Govt. as early as possible. In respect of buildings, unless a request is made by a Ministry or Deptt. of the Govt. of India, no stops should be taken to requisition any building.

Yours faithfully,

Sd/-
Deputy Secy.to the Govt.of Assam,
Revenue (L.R)Deptt.

Memo.No.RLA.468/71/103(A) Dated Dispur, the 18 March/74.

Copy forwarded to :-

1. Deputy Director of Estates and Ex-Officio, Under Secy. to the Govt. of India, Ministry of Works and Housing., New Delhi.

2. Asstt. Director, Military Lands and Contonments, Assam Shillong-3.

3. Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati.

Yours faithfully,
Sd/-
Deputy Secy.to the Govt.of Assam
Revenue (L.R) Deptt.

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COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. ::: LAND ACQN. BRANCH

NO.RLA.91/72/52 / Dated Dispur, the 10 June/1974.

From : Shri G.R. Choudhury, ACS,
Deputy Secy. to the Govt. of Assam.

To : All D.Cs/ All S.D.Os. of Assam.

Sub : Undertaking from Requiring Authorities in respect of fund for compensation etc. of lands acquired.

Sir,

I am directed to say that in order to avoid delay in payment of land compensations and also other related complications, you are requested to obtain a written undertaking from all the Requiring Deptts. whether State Govt. or Central, Company or any Public Sector/Private Sector undertakings to the effect that they will deposit all the money as estimated by the Collector preliminarily and then finally and also to deposit any decretal amount awarded by any competent Court.

Such an undertaking should be obtained henceforth in each case of acquisition with due intimation of this position to the Requiring Authorities concerned.

Yours faithfully,

Sd/-
Deputy Secy. to the Govt. of Assam
Revenue(L.R) Deptt.

Memo.No.RLA.91/72/52(A) Dated Dispur, the 10 June/1974.

Copy forwarded to the Director, Land Requisition, Acquisition and Reforms, Assam, Gauhati for information.

By order etc.,
Sd/-
Deputy Secy. to the Govt. of Assam,
Revenue (L.R)Deptt.

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GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

NO.RLA.166/73/59 Dated Dispur, the 20 June/74.

From : Shri A.K. Palit, IAS
Secy. to the Govt. of Assam.
Revenue Deptt.

To : The Jt. Secy. to the Govt. of India,
Ministry of Defence, New Delhi.

Sub : Payment of Requisition/Acquisition Compensation including enhanced compensation, decretal cost, interest etc. as per orders of competent Courts on account of lands requisitioned/ acquired for Defence purpose.

Ref : Your D/O. No.27(2)63/D(Lands) dt. 3.12.63.

Sir,

I am directed to say that the payment of land compensation etc. from the "Remittance" head of the State Govt. has been discontinued since 30.6.73 vide this Deptt's. circular letter No.RLA.106/72/11 dt. 8.3.73 (Memo. of which has been issued to the Addl Secy. to the Govt. of India, Ministry of Defence).

The State Govt. has since examined your proposal for drawal of funds from Local Treasuries under Rule-14, Appendix 6 of the Central Treasury Rules, Volume-II for the purpose of meeting your requirements in respect of the Defence Acquisition projects. But due to stringent position of the State exchequer, State Govt. declines to introduce the above procedure which will badly affect the ways and means of the State.

I am therefore to request you to release fund as and when necessary and place the same at the disposal of District Collectors for payment of requisition/acquisition compensation including enhanced compensation, decretal cost, interest etc. as per orders of competent courts on account of lands requisitioned/acquired for Defence purpose.

You are already award of the fact that in a number of cases the decretal amounts have been lying outstanding for non-payment. As such you are requested to see that necessary fund for the purpose is made available within a short time.

Kindly acknowledge receipt of this letter.

Yours faithfully,
Sd/-
Secretary to the Govt. of Assam
Revenue (L.R) Deptt.

COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. :: LAND ACQN. BRANCH

Dated Dispur, the 20 June/74.

NO.RLA.166/73/59

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Revenue Deptt.

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You are already award of the fact that in a number of cases the decreatal amounts have been lying outstanding for non-payment. As such you are requested to see that necessary fund for the purpose is made available within a short time.

Kindly acknowledge receipt of this letter.

Yours faithfully,

Sd/-
Secretary to the Govt. of Assam
Revenue (L.R) Deptt.

P III

Memo .No .RIA .166/73/59(A) Dated Dispur, 20 June/1974.

Copy forwarded to :-

1/ Deputy Director, Military Lands and Contonments, H.Q. Eastern Command(M.L. & C)Fort William, Calcutta-21.

2/ Asstt. Director, Military Lands and Contonments, Shillong-3.

3/ Military Estates Officer, Gauhati-3/Tezpur/Jorhat/ Dibrugarh/Silchar.

4/ Deputy Commissioners and Sub-Divisional Officers of Assam. They are hereby requested to apprise the M.E.Os. of the position of each case and requirement of fund for each purpose from their end.

5/ Director, Land Requisition, Acquisition and Reforms, Assam, Gauhati.

6/ Finance(E.C-II) with reference to their endorsement dt. 11.6.74 in this Deptt. File No.RLA.166/73.

By order etc,

Sd/-
Secy.to the Govt.of Assam,
Revenue(L.R)Deptt.

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COPY

GOVT.OF ASSAM
REVENUE(L.R)DEPTT::LAND ACQN.BRANCH

NO. RLA.184/72/71 Dated Dispur, the 8th Aug/74.

From : Shri G.R. Choudhury, ACS,
Dy. Secy. to the Govt. of Assam,

To : The Deputy Commissioner, North Lakhimpur/
Dibrugarh/Tezpur/Jorhat/Nowgong/Gauhati/
Dhubri/Silchar.

The S.D.Os., Dhemaji/Tinsukia/Mangaldai/Sibsagar/
Golaghat/Marigaon/Nalbari/Barpeta/Kokrajhar/
Goalpara/Hailakandi/Karimganj.

Sub : Furnishing of Ceiling Clearance Certificate in respect of lands under Requisiton/ Acquisition.

Ref : Govt. circular No.RLA.184/72/11 dt. 6.8.73 addressed to all Deputy Commissioners.

Sir,

I am directed to request you to take immediate steps, if not done in the meantime, to ascertain the position of lands surplus to the Ceiling prescribed by Govt. in respect of lands proposed or decided to be acquired under the provisions of RAIP. Act,1952, L.A. Act,1894 or Assam Land(R & A)Act,1964.

Lands under requisition prior to 11.3.70 under the provisions of RAIP.Act,1952 could be retained under requisition upto 10.3.75 only. Hence you are requested to sort out such cases of requisition at least before 30.9.74 so that acquisition proceedings can be started soon. For this purpose Ceiling Clearance Certificate on such lands should be sent alongwith L.A. papers to this Deptt. on top priority basis.

In respect of other cases also, lands surplus to the Ceiling prescribed should be determined quickly and Ceiling Clearance certificate in each case of acquisition sent to this Deptt. alongwith LA. papers as necessary.

Yours faithfully,
Sd/-Dy.Scy. to the Govt.of Assam,
Revenue Deptt.

Memo.No.RLA.184/72/71(A) Dated Dispur, the 8 August/1974.

Copy forwarded to :-

1. Asstt. Director, Military Lands & Contonments, Shillong-3 for necessary action.
2. The Director of Land Requisition Acquisition & Reforms, Assam, Gauhati. } for necessary action.
3. Revenue(Reforms)Deptt.

By order etc,
Sd/-Dy.Scy.to the Govt.of Assam,
Revenue (L.R)Deptt.

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COPY

GOVT.OF ASSAM
REVENUE(L.R)DEPTT:LAND ACQN.BRANCH

NO. RLA.184/72/71 Dated Dispur,the 8th Aug/74.

From : Shri G.R. Choudhury,ACS,
Dy. Secy. to the Govt. of Assam,

To : The Deputy Commissioner, North Lakhimpur/ Dibrugarh/Tezpur/Jorhat/Nowgong/Gauhati/ Dhubri/Silchar.

The S.D.Os., Dhemaji/Tinsukia/Mangaldai/Sibsagar/ Golaghat/Marigaon/Nalbari/Barpeta/Kokrajhar/ Goalpara/Hailakandi/Karimganj.

Sub : Furnishing of Ceiling Clearance Certificate in respect of lands under Requisiton/ Acquisition.

Ref : Govt. circular No.RLA.184/72/11 dt. 6.8.73 addressed to all Deputy Commissioners.

Sir,

I am directed to request you to take immediate steps, if not done in the meantime, to ascertain the position of lands surplus to the Ceiling prescribed by Govt. in respect of lands proposed or decided to be acquired under the provisions of RAIP. Act,1952, L.A. Act,1894 or Assam Land(R & A)Act,1964.

Lands under requisition prior to 11.3.70 under the provisions of RAIP.Act,1952 could be retained under requisition upto 10.3.75 only. Hence you are requested to sort out such cases of requisition at least before 30.9.74 so that acquisition proceedings can be started soon. For this purpose Ceiling Clearance Certificate on such lands should be sent alongwith L.A. papers to this Deptt. on top priority basis.

In respect of other cases also, lands surplus to the Ceiling prescribed should be determined quickly and Ceiling Clearance certificate in each case of acquisition sent to this Deptt. alongwith LA. papers as necessary.

Yours faithfully,
Sd/-Dy.Scy. to the Govt.of Assam,
Revenue Deptt.

Memo.No.RLA.184/72/71(A) Dated Dispur,the 8 August/1974.

Copy forwarded to :-

1. Asstt. Director, Military Lands & Contonments,Shillong-3 for necessary action.
2. The Director of Land Requisition Acquisition & Reforms,Assam,Gauhati. } for necessary action.
3. Revenue(Reforms)Deptt.

By order etc,
Sd/-Dy.Scy.to the Govt.of Assam,
Revenue (L.R)Deptt.

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GOVT. OF ASSAM
REVENUE(L.R) DEPTT. :: LANND ACQN. BRANCH

NO.RLA.96/75/9 Dated Dispur, the 24 May/75.

From : Shri J.E. Badshah,
Under Secy. to the Govt. of Assam.

To : The Deputy Commissioner,
Cachar., Silchar.

Sub : Acquisition of land requisition under Act.XV of 1964 for construction of Road from Borkhola to Natanpur at the instance of P.W.D. Assam.

Ref : NO. SQA.2/72-73/24 dt. 7.8.74 from D.C, Cachar.
NO. D/O.SQA.2/72-73/25 dt. 30.12.74 from D.C, Cachar.
No. SQA.2/72-73/26 dt. 12.2.75 from D.C., Cachar.

Sir,

I am directed to refer to the correspondence mentioned above and to say that the land settlement Implementation Advisory Committee of the Assam Legislative Assembly recommended that the Assam Fixation of ceiling on Land Holdings Act and the Land Acquisition Acts are not necessarily complementary to each other and where exigencies of public interests to need, compulsory acquisitions would have to be recported to. It is however to be expected that where large scale acquisitions under the L.A. Acts take place of lands simultaneously under the ceiling proceedings, the latter proceedings should first be completed before acquisitions under compulsory acquisitions procedures are resorted to. If this principle is violated, the reasons for such violations should ordinarily be given in great detail so that it becomes clear that the acquisitions under the L.A. Acts proceedings over acquisitions of any land under the ceiling Act do not monetarily aid specific group of persons.

In the light of the above recommendation the policy followed by the Govt. is not to acquire ceiling surplus land at market value before acquisition under the ceiling Act. When a small area of land is urgently required for a public purpose and the same land is under ceiling proceedings finalisation of which will take time and for which the project or scheme can not wait, it is permissible to acquire it at market rate with the specific and prior approval of Gat. While forwarding such proposals to Govt. you may give reasons in detail as to why the acquisition can not wait till the finalisation of the ceiling proceedings. The following informations should be furnished with each such proposal :-

1. Area of land covered by ceiling proceedings which is proposed to be acquired under L.A. Act on requisition and acquisition Act or RAIP. Act.

2. Total holding of the person/company owining the land.

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P-III

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In view of the above you are requested to give reasons in details as to why the acquisition can not wait till finalisation of the ceiling proceedings and also state the exigencies of public interest which justify acquisition of land immediately. You are requested to furnish the acute information.

Yours faithfully,

Sd/-
Under Secy.to the Govt.of Assam

Memo. No.RLA.96/75/9(A) Dated Dispur, the 20 May/75.

Copy forwarded to the :-

1. The Director of Land Requisition Acquisition and Reforms., Assam, Gauhati(for information)
2. The Deputy Commissioner (")
3. The Sub-Divisional Officer (")

- for information and guidance.

By order etc.,

Sd/-
Under Secy.to the Govt.of Assam
Revenue (L.R) Deptt.

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P — III

COPY

IMMEDIATE/CONFIDENTIAL

No.7(1)/75/30.I/D(W.I)/D(Land)
Ministry of Defence,
Govt. of India.,

New Delhi, the 30th June/1975.

To : The Chief Secy.,
All State Govts.

The Chief Commissioners,
All Union Territories.

Sub : Procedure for Acquisition of Land for the Defence Services.

Sir,

I am directed to refer Govt. of India, Ministry of Defence Letter No.10/393/REQN/ACQN/MIC/8217-L/D(Lands) dt. 28th June, 1964 (copy enclosed) under which State Govts. were requested to issue instructions that acquisition proceedings for lands required by Ministry of Defence are initiated by Deputy Commissioners only at the instance of the Military Estates Officer of the Circle concerned. However further instance where acquisition proceedings were stated at the instance of Local Military Authorities without prior administrative sanction from Govt. of India and without provision of funds have come to the notice of Govt. I therefore requested that instructions may again please be issued to Deputy Commissioners/Collectors/Land Acquisition Officers not to procees any case of acquisition of land for Ministry of Defence unless a request has been received to this effect from the Military Estates Officer concerned, who will only make such request after the Govt. of India has accepted the necessity for acquisition and accorded approval for the same.

It is requested that a copy of your instructions issued to the Deputy Commissioners/Collectors/Land Acquisition Officers may please be forwarded to this Ministry for record.

Yours faithfully,

Sd/-(NACHHATTAR SINGH)
Under Secy. to the Govt. of India.

Copy to:-

(1) DML & C
(2) D(Works)
(3) D(Air-II)
(4) QMG Br.
(5) D(Q & C)
(6) D (N.IV).

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COPY

GOVT. OF ASSAM
REVENUE (L.R)DEPTT. ::: LAND ACQN.BRANCH

NO. RLA.283/75/9 Dated Dispur, the 5 Septt./1975.

From : Shri J.E. Badshah,
Under Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

To : All D.Cs/ All S.D.Os.

Sub : Reference cases in Law Courts in Land Acquisition Cases.

Ref : This Deptt. letter No. RLA.288/70/20 dt. 17.7.71.

Sir,

I am directed to refer to instruction under item No.5 of this Deptt. letter quoted above and to say that reports have been received that the requiring authorities are not given a chance to have their say in the reference Court before the award gets enhanced.

I am, therefore, to request you once again to follow the above instructions and issue necessary instruction to all concerned officers under your control so that such omission may not occur in future.

Please acknowledge receipt of this letter.

Yours faithfully,

Sd/-
Under Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

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P-III

COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. :: LAND ACQUN.BRANCH

NO.RLA.205/74/23 ✓ Dated Dispur, the 29 Nov/75.

From : Shri J.F. Badshah,
Under Secy.to the Govt.of Assam,

To : All Deputy Commissioners.
All Sub-Divisional Officers.

Sub : Acquisition of land-issue of ceiling clearance certificate under the Assam Fixation of ceiling on land holdings(Amendment)Act,1975.

Ref : Govt. letter No.RRT.288/75/3 dt. 21.10.75.

Sir,

I am directed to say that while issuing ceiling clearance certificates for acquisition of land it may please be borne in mind that the limit has been lowered to 50 bighas (54 bighas in cases of persons having orchard cultivation)of land under the Assam Fixation of Ceiling on Land Holding (Amendment) Act,1975. In this connection extract of this Deptt's. letter quoted above is reproduced below -

"Meanwhile, the Assam Fixation of Ceiling on Land Holding (Amendment)Act,1975(Assam Act-IX of 1975) has been enacted on 17.9.75 providing, amongest others, lower the ceiling limit to 50 bighas (54 bighas in cases of persons having orchard cultivation".

You are, therefore, requested to issue suitable instructions to all concerned.

Please acknowledge receipt of this letter.

Yours faithfully,
Sd/-Under Secy.to the Govt.of Assam,
Revenue(L.R)Deptt.

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P — III

COPY

GOVT. OF ASSAM
REVENUE(L.R)DEPTT. : LAND ACQN. BRANCH

NO.RLA.166/73/251 Dated Dispur, the 3 June/1976.

From : Shri J.E. Badshah,
Under Secy. to the Govt. of Assam.

To : The Deputy Commissioner,
.....
The Sub-Divisional Officer,
.....
The Land Acquisition Officer,
.....

Sub : Procedure of Acquisition of Land for the Defence Services.

Sir,

I am directed to say that it has come to the notice of Govt. that in some cases Acquisition Proceedings have been initiated at the instances of local Military Authorities for Acquisition of land for Defence purposes. Govt. of India, Ministry of Defence have instructed the State Govt. vide their letter No.7(1)/75/SC.I/D(W.P)/D(Lands) dt. 30.6.75 (copy enclosed) that no Acquisition proposal for Defence purpose is to be entertained unless a formal request is received from the Military Estates Officer concerned in this regard.

I am therefore, to say that henceforth the above instruction should be strictly adhered to while proceesing Acquisition proposals concerning Defence Deptt.

Yours faithfully,

Sd/-
Under Secy. to the Govt. of Assam,
Revenue(L.R)Deptt.

Memo.No.RLA.166/73/251-A Dated Dispur, the 3 June/1976.

Copy forwarded to :-

1. The Director of Land Requisition, Acquisition & Reforms, Assam., Gauhati.
2. The Under Secy. to the Govt. of India, Ministry of Defence, New Delhi.
3. The Addl. Director of Military Land & Cantonment, Shillong-3.
4. The Deputy Director of Military Land and Cantonment, Fort William, Calcutta-21.

By order etc,

Sd/-
Under Secy. to the Govt. of Assam,
Revenue (L.R) Deptt.

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P- III

GOVERNMENT OF ASSAM
REVENUE(LR)DEPARTMENT:::LAND ACQUISITION BRANCH.
****

NO.LAA.253/75/310-311 Dated Dispur, the 26th April,197

From :- Shri A. C. Sarma, A.C.S.
Deputy Secy. to the Govt. of Assam.

To :- The Deputy Commissioner, (all)

The Sub-Divisional Officer, (all)

Sub :- Land Acquisition cases of Irrigation Deptt.

Sir,

I am directed to say that the Secretary, Irrigation Deptt. has reported to this Deptt. that there are as many as 92 L.A. Cases pending at different levels in different stages. One of the problems towards finalisation of the cases as enumerated by him is that some of the Collectors are hesitant in applying Section 9 of th Assam Land (Reqn. & Acqn.) Act, 1964 though they proposed for speedy acquisition for construction of canal etc. As a rule, you are competent to apply your own discretion in each case on its merit as to whether application of urgent procedure is essential to achivee acquisition as well as execution of the Scheme speedily. The requiring authorities are obviously anxious to get such works executed speedily as they relate to accelerate agricultural production which is so vital for the states economy. If however, you are convienced that a particular Scheme does not warrent application of urgent procedure invoking section 9(1) of the said Act, you will exercise your discretion accordingly. It must however be borne in mind that a preleminary estimate should invariably be submitted to the Requiring authorities in all cases to enable them to provide for fund and to make it avabable to you so that the possession of the land may be delivered to them with the

Contd.....2..

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the publication of the notification and 50% payment of the acquisition cost may also be made by you to the affected paddaders entitled to it if such demands are received.

This procedure will eliminate the difficulty in issuing possession certificate which is insisted upon at Govt. level.

Further you are requested to submit the final L.A. estimates with all connected papers in quadruplicate for final sanction. Immediate steps for payment of compensation may, please be taken soon after the acquisition notice is published in the Gazette and deposit of L.A. cost by the Irrigation Deptt. in order to avoid any trouble from the pattadars in execution of the Irrigation works.

The Secretary, Irrigation Deptt. has also offered suggestion for providing special staff from their side in prior consultation with you as and where it is considered unavoidable in view of urgency of the work from their side and ~~inkmost~~ lack of adequate qualified L.A. staff at your level. This question may please be examined locally with the officers of the Requiring Deptt. when necessity a-rises.

Yours faithfully,

26/4/78

Deputy Secretary to the Govt. of Assam,
Revenue(LR)Department.

MEM O.NO.RIA.253/75/310-311A 24/4/78 ..... Dated Dispur, the 26th April/1978.

Copy forwarded to the Secretary to the Govt. of Assam, Irrigation Deptt., Chandmari, Gauhati-3 for information with reference to his D.O. No.IGF(W)215/77/Pt/207, dt. 14-2-78. As regard appointment of L.A.O. he is requested to take up the matter with the Deptt. of Personnel & Administrative Reforms, Personnel 'A' as posting of such officer is done by them.

By order etc.,

26/4/78

Deputy Secretary to the Govt. of Assam,
Revenue(LR)Department.

24/4/78 .....

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GOVERNMENT OF ASSAM
REVENUE (L.R.) DEPARTMENT :::: LAND ACQUISITION BRANCH.
****

ASSAM SACHIVALAYA
BLOCK 'C'
DISPUR GAUHATI-781006.

NO. RIA.42/78/15, Dated Dispur, the 19th August, 1978.

From : Shri A.C. Sarma, A.C.S.,
Deputy Secy. to the Govt. ofAssam.

To 1) The Deputy Commissioner,

2) The Sub-Divisional Officer,

Sub : Expeditious disposal of pending L.A. cases.

Sir,

I am directed to say that large number of acquisition cases are pending at different levels without finalisation and as a result persons whose lands were acquired could not get their due compensation in time. In this connection circulars were also issued from time to time for early disposal of the pending L.A. cases. The matter was also discussed in details in the meeting of Senior Administrative Co-Ordination Committee held on 17th June, 1978. Following decisions were taken for expeditious disposal of the pending L.A. cases -

1) Collector should initiate action for handing over possession of the land only after receipt of acquisition cost from the requiring Deptt.

2) The Requiring Departments should take necessary interest to contest the cases before Reference courts against prayer for enhancement of compensation fixed by the Collector.

3) Concerning Departments and Collectors should immediately examine the case where acquisition cost hasbeen drawn and kept in the Revenue deposit for unduly long periods and finalise the cases.

4) Collectors should take special care to ix issue ceiling clearance certificate quickly, as in many instances L.A. cases could not be disposed of for want of such certificates.

5) The Local seniormost Officer of the Requiring Deptt. particularly of P.W.D., Flood Control and Irrigation should have quarterly meetings with the concerned Deputy Commissioner and Sub-Divisional Officer to sort out difficulties experienced in finalising L.A. cases.

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You are, therefore, requested to please take necessary steps in the line suggested above and inform Govt. from time to time regarding action taken in the matter.

Yours faithfully,

19/8/78

Deputy Secretary to the Govt. of Assam,
Revenue (L.R.) Department.

....

Memo No.RIA.42/78/15-A,- Dated Dispur, the 19th August,1978.

Copy to :-

1) The Commissioner of Lower Assam Division, Gauhati for information.

2) The Commissioner of Upper Assam Division, Jorhat for information.

3) The Director of Land Requisition Acquisition and Reforms, Assam, Bamunimaidan, Gauhati for information.

4) To all Requiring Departments.

By order etc.,

19/8/78

Deputy Secretary to the Govt. of Assam,
Revenue (L.R.) Department.

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P— III

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GOVERNMENT OF ASSAM
REVENUE (L.R.)DEPARTMENT: LAND ACQUISITION BRANCH .

ASSAM SACHIVALAYA
BLOCK 'C'
DISPUR GUWHATI-781006 .

NO.RLA.253/78/3, Dated Dispur the 14th September,1978 .

From : Shri S.P.Hazarika, I.A.S.
Secy. to the Govt. of Assam,
Revenue Department .

To : The Secretary to the Govt. of Assam.
. . . . . .
. . . . . .

Sub. : Constitution of High Level Committee at State Level on L.A.Cases .

Sir,

I am directed to say that it has come to the notice of Govt. that there are still quite a large number of L.A.cases pending at different levels for various reasons. Instructions issued from time to time for early disposal of such cases have not helped in improving the matter as is normally desired .

Govt. have therefore decided to constitute a Committee at State Level for early finalisation of such pending L.A.cases with the following Officers-

1) Secy, to the Govt. of Assam, Revenue Department . - Chairman.
2) Secy. to the Govt. of Assam, Flood Control Deptt. - Member
3) Secy. to the Govt. of Assam, P.W.Deptt. - Member
4) Secy. to the Govt. of Assam, Irrigation Deptt. - Member
5) Deputy Secy. to the Govt. of Assam- Revenue (LR)Deptt. - Convener

The Committee should sit once in each month and suggest immediate measures for early finalisation of the pending cases .

Yours faithfully,

Sd/- S.P.Hazarika
Secretary to the Govt. of Assam, Revenue Deptt.

Memo No.RLA.253/78/3-A Dated Dispur the 14th September,1978 .

Copy to :-1. Private Secy. to the Minister Revenue, Assam, Dispur.
2. Private Secretary, to Chief Secretary, Personnel(A)Deptt.This refores to Chief Secretary's endoresment on 13-9-78 in file No.RLA.253/78 .
3. To all members concerned .
4. Deputy Secy., Revenue (LR)Department.

By order etc.

P- III

COPY

GOVT. OF ASSAM
REVENUE (L.R) DEPTT. : LAND ACQUN. BRANCH

No. RLA.1/77/10 Dated Dispur, the 29 Septt./78.

From : Shri S.P. Hazarika, IAS,
Secy. to the Govt. of Assam.

To : All D.Cs/ All S.D.Os.

Sub : Acquisition of land covered by short Lease
Payment of comensation of thereof.

Sir,

The Deputy Commissioner, Goalpara, made a reference to Govt. seeking clarification as to whether short- lease holders were entitled to get compensation for their land(under short-leases) proposed to be acquired for public purposes. The Judicial Deptt. has been consulted in the matter and they are of the view that land covered by short lease is as much a land as the one covered by periodic lease and that compensation for acquisition of land covered by short lease has to be paid according to the principles which are applied in finding out the market value of the types of lands.

In view of the above, you are requested to make assessment of compensation for land under short lease involved in acquisition proceedings accordingly.

Yours faithfully,

Sd/-
Secy. to the Govt. of Assam
Revenue Deptt.(L.R)

Memo. No.RLA.1/77/10A Dated Dispur, the 29 Septt./1978.

Copy to all Departments.

By order etc.,

Sd/-
Under Secy. to the Govt. of Assam
Revenue Deptt(L.R).

[redacted]

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(COPY)

GOVERNMENT OF ASSAM

REVENUE (L.R) DEPARTMENT :::LAND ACQUISITION BRANCH.

ASSAM SACHIVALAYA
BLOCK 'C'
DISPUR GAUHATI-781006 .

No.RLA.410/73/ 7 Dated Dispur the 28th April/79 .

From : Shri G.C.Rajkonwar, A.C.S.,
Deputy Secy. to the Govt. of Assam.

To : 1) The Deputy Commissioner,
. . . . . .
2) The Sub-Divisional Officer,..... . . . . .

Sub. : Provision of fund to meet the expenditure in connection with Railway Court Cases .

Sir,

I am directed to say that it has been observed that in cases for acquisition of Land for Railway appeals where necessary could not be filed in time mainly due to delay in obtaining certificated copies of the judgments of the court and sending the same to legal Remembrancer with the opinion of Govt. Pleader of Senior Govt. Advocate as the case may be. This delay was due to non-availibility of fund for obtaining certified copies from the requiring Deptt.

In order to obviate this difficulty, State Govt. in consultation with Railway Ministry have decided to meet the expenditures for obtaining certified copies of the relevant judgments for ~~obtaining certified copies of the relevant judgments~~ in respect of Railway land acquisition court cases from the State Head of Account at the first instance and subject to raising necessary debit against Govt. of India under appropriate head for reimbursement .

In this connection a sum of Rs. 2,000/-(Rupees two thousand) has been provided in the budget 1979-80 under the head "229-Land Revenue-IA Direction and Administration (C) District Administration-26 other charges" to meet the expenditure relating to the probable cost of Rs obtaining certified copies of judgment in connection with Railway Land Acquisition court cases .

You are therefore requested to meet the necessary expenditure relating to the probable cost of obtaining certified copies of judgment from the aforesaid head of account as and when necessary with intimation to Govt. in the Revenue (L.R) Deptt. Necessary fund for the propose will be sanctioned by Revenue (L.R)Deptt.on receipt of the proposal from your end .

Yours faithfully,
Sd/- G.C.Rajkonwar

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Memo No.RLA.410/75/7-A Dated Dispur the 28th April/79 .

Copy to :-

1. Finance (Budget)Deptt.with reference to their U/O.endorsement dt. 8-2-79 in this Deptt. file No.RLA.410/75 .
2. Revenue (Reforms) Department for information .
3. Finance Control (II) for information .

By order etc.,

Sd/-

Deputy Secretary to the Govt. of Assam,
Revenue (L.R)Deptt.

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P- III

GOVERNMENT OF ASSAM
REVENUE (LAND REVENUE) DEPARTMENT
LAND ACQUISITION BRANCH.

NO.RLA.134/79/4 Dated Dispur, the 28th Feb'80

From : Shri S. P. Hazarika, IAS,
Secretary to the Govt. of Assam.

To : The Deputy Commissioner,

The Sub-Divisional Officer,

Sub : Enhancement of Collector's award by the courts in L.A. Cases.

Sir,

It has come to the notice of the Government that the L.A.estimates in many cases were not prepared with due care as a result of which the affected land owners sought redress U/S 18 of the L.A. Act, 1894 before the court of law. In most of the reference cases, the courts were pleased to decide the cases in favour of the land owners resulting in enhancement of claims for compensation, mostly on land, by several times of the award made by the Collector. In some cases the enhancement by the reference courts goes so high that the requiring authorities particularly the Companies and Non-Government agencies find that they would not have perhaps gone in for the land had the possibility of such enhancement been earlier known to them.

Since the courts come to a decision in a reference case as per procedure laid down in the law, it should be the endeavour of the Collector and his staff to collect irrefutable materials and all relevant evidence for determination of the market value of land involved in the L.A. proceedings for the purpose of preparation of L.A.estimate in a manner so that no better evidence can be adduced subsequently. It is very often seen that the D.Cs & S.D.Os assess the land value on the basis of certain set of sale deeds which show the rate either on low or on very high side. The reasons for not considering the rate of those documents are not recorded in the award. If the D.Cs/S.D.Os consider all the available materials in fixing the award and put on record appropriately that it has been done, the appellants will be left with no other material for pressing their cases for revision of bigha rate by the Court.

Cont.2/-

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While fixing value of existing jirats proper assessment does not seem to have been made and as a result sufficient grounds are made out for reference cases. Care should be taken to make proper verification of 'jirats' & value of such 'jirats' need be properly assessed.

It is also noticed that the Collector's side is not always properly represented by the L.A.O. or a responsible Officer in course of hearing of reference cases by the Court, as a result of which the land owners find it easier to establish their claims as the evidences adduced by them remain to a great extent unchallenged. It is also observed that our officers do not take sufficient steps in the reference cases. It should be possible for them to brief the lawyers not only with all the available materials to defend the reference cases but also to establish that no other better or more appropriate evidence can be adduced and in that case it should be possible for the lawyers to establish to the satisfaction of court that any other material adduced by the opposite party is inapplicable in the case.

It is, therefore, impressed upon you that utmost care should be taken in preparing L.A.Estimate strictly in accordance with sections 23 and 24 of the L.A.Act 1894 read with the relevant paragraphs of the executive instructions embodied in the L.A. Manual. In case the Courts enhance the award/ bigha rate substantially our officers should take timely steps for filing appeal against such decisions, award etc within the period of limitation.

Yours faithfully

Secretary to the Govt. of Assam
Revenue Department.

P- III

CONFIDENTIAL.

GOVERNMENT OF ASSAM
REVENUE (LR) DEPARTMENT :::::: LAND ACQUISITION BRANCH.
****

ASSAM SACHIVALAYA
BLOCK 'C'
DISPUR GAUHATI-781006.

NO. RLA. 138/79/46, Dated Dispur, the 23/Sept., 1980.

From : Shri S. P. Hazarika, I.A.S.,
Secretary to the Govt. of Assam.

To 1) The Deputy Commissioner,

2) The Sub-Divisional Officer,

Sub : Acquisition of land belonging to mosques and graveyards under L. A. Act I of 1894.

Sir,

I am directed to say that on the 4th January, 1978, the Lucknow Bench of Allahabad High Court delivered a judgement upholding the constitutional Validity of the provisions of L.A. Act (I of 1894), permitting Acquisition, for a public purpose, of land, including that which may be the subject matter of wakf in which a mosque or a graveyard is located.

This ruling of Allahabad High Court has created considerable misgivings amongst Muslims. The matter has been examined by the Govt. of India in details and it is felt that acquisition of property of a religious denomination, particularly of a minority, especially when a mosque or graveyard is located therein might give rise to resentment from the followers of that denomination.

Govt. of India therefore decided that while acquiring land for public purposes under L.A. Act I of 1894, places of worships belonging to minority community may not acquired as far as practicable.

Contd....2/-

Govt. of India has also pointed out principle contained in second proviso to the Article 31 (2) of the Constitution and stated that when a law provides for the compul-sory acquisition of any property of an educational institution established & administered by a minority community, the State Govt. shall ensure that the amount fixed by or determined under such law for acquisition of such property, is such as would not restrict or revoke the right guaranteed under that clause.

If the aforesaid principle is followed in acquisition of places of religious worships or consecrated ground, the opposition to such acquisition will be minimised considerably.

In view of above, you are requested to scrupulously follow the instructions in para 7 of the Ex. Instructions in the L.A. Manual and to take utmost care while acquiring land under L.A. Act 1894, so that places of religious worships belonging to minority community are not acquired as far as practicable.

Yours faithfully,

Secretary to the Govt. of Assam,
Revenue Department.

Memo No. RIA.130/79/46-A, Dated Dispur, the 23rd Sept., 1980

Copy to :-

The Joint Secretary, Govt. of India, Ministry of Home affairs, New Delhi with reference to his letter No. II-14034/39/78/NID(B), dt. 6.8.79.

By order etc.,

Secretary to the Govt. of Assam,
Revenue Department.

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P- III

COPY

GOVT. OF ASSAM
REVENUE (L&)DEPTT. :: LND ACQN. BRANCH

Dt. Shillong the 17 Nov/1969.

NO.RLA.277/60/12

From : Shri S. Khosla, IAS,
Under Secy. to the Govt. of Assam, Revenue Deptt.

To : The D.Cs/ The S.D.Os. of Plains Districts.

Ref : Govt. letter No.RLA.277/60/2 dt. 20.6.69.

Sir,

I am directed to say that the deduction of Rs.5/-(Rupees Five)only per bigha from the compensation admissible to the pattadars of /nnual lands will apply only in the case of lands in rural areas where the premium for conversion is Rs.5/- (Rupees Five) only per bigha. In the case of town lands and lands lying near the the town where a higher rate of premium is chargeable for coversion, it is obviously necessary to deduct this higher premium which would have been charged for conversion. You are requested to keep this in mind while preparing the preliminery estimates in respect of annual lands and your specific proposals for premuim may be included in the estimates giving details of the market value of the land, the use to which it is out, etc. in orderto enable Govt. to approve in premium proposed.

In cases in which acquisition proceedings in respect of annual lands in or near towns have already been started, you are requested to make necessary deduction for premium while fixing the compensation for annual lands. The premium so deducted may be credited to Govt. under the Head "VII Land Revenue" as already instructed in Govt. letter No.RLA.277/60/9 dt. 20.9.1960.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-
Under Secy. to the Govt. ofAsm
Revenue Deptt.

Copy to All Departements.

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AR/181281/

PART IV

Part-IV

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(COPY)

ORDERS BY THE GOVERNOR.

26-11-58.

RRT. 5/58/2 - In exercise of the powers conferred by Sub-Section (C) of Section 5 of the Assam Fixation of Ceilingen Land Holdings Act, 1956 (Assam Act I of 1957), the Governor of Assam is pleased to declare the Sub-Divisional Officers of all the Seven Plains Districts of Assam as Collectors under the above mentioned Act within their respective jurisdiction.

Sd/-
Secretary to the Govt. of Assam,
Revenue Deptt.

...

ORDERS BY THE GOVERNOR.

The 2ND January, 1960.
15TH Pausa 1881.

No.RRT.5/58/10 - In exercise of the powers conferred by Sub-Section (C) of Section 5 of the Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act I of 1957), the Governor of Assam is pleased to authorise the Additional Deputy Commissioners of all the seven Plains Districts of Assam to perform the function of a Collector under the said Act within their respective jurisdictions.

Sd/- R.S. Paramashivan,
Secretary to the Govt.of Assam,
Revenue, Forest, Relief and Rehabilitation Department.

...

P-12

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COPY

GOVERNMENT OF ASSAM
REVENUE (SETTLEMENT)DEPARTMENT::SETTLEMENT BRANCH.

NO.RSS.192/59/51 Dated Shillong the 18th Dec'1964.

From : Shri J.C.Nampui,I.A.S.,
Joint Secretary to the Govt.of Assam.

To : All Deputy Commissioners and Sub-divisional Officers of the Plains Districts.

Sub : Policy on settlement of land with tribal people in the non-Transferred areas and Transferred areas,Assam.

Sir,

I am directed to say that the policy as to the settlement of land with Tribal people in the Transferred areas of Assam has been engaging the attention of Govt. for a long time. The land settlement system in these areas, according to the customs was different and the people used to enjoy land according to those customs. Govt. therefore consider it inadvisable to give effect to the 1958 Resolution in those areas except in the case of fresh settlement. Whatever land those people possessed before should be given settlement subject to the overall ceiling of 150 bighas. As a matter of fact, the lands settled according to original practice do not come under the purview of the Govt. land policy Resolution of 1958 .

2. I am also to say that among certain communities like Miris, Dewris, Abors, Akas and Daflas, according to their cumtoms, many families live together in one house. The application of ceiling under the 1958 Resolution in the matter of settlement of land would not permit enough land for them. It has, therefore, been decided that in case of such Tribes in the Transferred areas as well as non-Transferred areas who live in community houses according to their customs, they should be treated as more than one family although living in one 'Chung' and for the purpose of calculating of ceiling the basis should be that every 5(five) member of the 'Chung' should be treated as forming a family unit.

3. I am therefore to request you to take action as per Govt. instructions given above so far as you areas are concerned and issue necessary instruction to the Officers under you accomdingly.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/- J.C.Nampui,
Joint Secretary to the Govt.of Assam,

...

Dated Shillong the 18th December,1964.

Memo.No.RSS.192/59/52,
Copy forwarded to :-
1. Commissioner of Divisions.
2. The Director of Land Records,Assam.
3. The Settlement Officers.

Sd/- J.C.Nampui,
Joint Secretary to the Govt.of Assam.

...

C.B

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 84/71/1 Dated Shillong, September 4, 1971

To : All Deputy Commissioners of Plains Districts.
All Sub-divisional Officers of Plains Districts.

Director of Land Records, Assam, Gauhati.
Director of Land Reforms, Assam, Gauhati.

Sub : Procedure for acquiring surplus land under amended provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956.

Sir,

I am directed to state that in view of the amendment of the Assam Fixation of Ceiling on Land Holdings Act, 1956 and the Rules made thereunder, it has become necessary to clarify the procedure to be followed to finalise the future cases for acquiring excess land as per amended provisions of the Act. Accordingly the following further instructions are laid down for guidance of all

1. In regard to cases which are still under finalisation in collector's office at various stages, a fresh proceedings will have to restarted as per amended provisions of the Act and the Rules copies of which have since been forwarded under this Deptt letter No RRT 157/70/98 dt 12th June, 1971 and No RRT 8/70/pt/81 dt. 1-7-71. In other words a denove proceedings to determine the excess over 75 bighas should be initiated by dropping earlier proceedings initiated on the basis of 150 bighas as if all these are new cases.

2. As regards those cases where a person will be found holding more than 75 bighas, a proceeding will have to be initiated on the basis of returns or sue motto as the case may be according to amended provisions of the Act and the Rules made thereunder. But in respect of those cases, where excess area has already been notified for acquisition earlier by allowing the retention of 150 bighas or more, it will be necessary to start another proceedings to determine the excess on the basis of existing limit of 75 bighas. Here it may so happen that the excess area earlier notified for acquisition on the basis of excess 150 bighas may not have been taken possession of or records not corrected or acquired land not distributed as per provisions of the Act and the Rules. In such cases steps will have to be taken to complete these stages, but such

Contd .. 2

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incomplete work will not stand as a bar to start the new proceedings under amended provisions of the Act to acquire the excess over 75 bighas.

5. In respect of those cases where partition or transfer has taken place on or after 1-4-70 with a view to defeat the purposes of this Act or where transfer is not liable to be recognised for the purposes of this Act, the Collector shall proceed to determine the excess area as per amended provisions of Sub-section (6) of Section 4 of the Act as if no partition or transfer took place. It should be clearly understood that here transfer will not be taken into consideration for the purposes of Ceiling Act only and such refusal has nothing to do with the validity or other wise of the transfer under the Transfer of Property Act or any other Act. The provisions under Sub-section (6) in fact envisages that the Collector should first of all determine the excess without taking into consideration of any transfer. Thereafter the Collector is to proceed to acquire the surplus so determined. First he should acquire the surplus area as determined from the land in possession of the transferor and if his requirement falls short of the excess determined then from the area transferred to transferee and in his possession. The position is further clarified with the help of illustrations below :-

i) A is the owner of 150 bighas of land. After 1-4-70. A transfers 40 bighas of land to B with a view to

Contd .. 3

circumventing the provisions of the Ceiling Act and A retains 110 bighas with him. In this case the Collector should determine the excess on the basis of A's original area of 180 bighas and not on the basis of 110 bighas after the transfer . Thus the excess will be 75 bighas and not 35 bighas. This excess areas should be acquired from A who is in possession of 110 bighas not withstanding of the fact that the sty A will be left with only 35 bighas against the allowable area of 75 bighas.

(ii) A is the owner of 180 bighas of land. After 1-4-76 A transfers by way of partition an area of 140 bighas to B which in the opinion of Collector is not liable to be recognised for the purpose of Ceiling Act only. Here Collector should determine the excess at 105 bighas without taking into consideration the transfer. Since A is in possession of only 40 bighas as at the time of acquiring the 105 bighas , the Collector should acquire the entire 40 bighas from A and thereafter he should acquire the balance area of 65 bighas from B out of the areas transferred to him by A.

(iii) A is the owner of 150 bighas . A transfers 60 bighas to B and 40 bighas to C. and A is left with 50 bighas. Here excess area is to be determined at 75 bighas. At the time of acquiring, the Collector should first of all acquire 50 bighas from A . Then he should proceed to acquire the balance 25 bighas proportionately from B and C, i.e. 15 bighas from B. and 10 bighas from C

(B - 15)(C - 10)

$\frac{60 \times 25}{100}$ $\frac{40 \times 25}{100}$

(60-$\frac{40}{40}$) (60 minus 40)

Contd ...p/6

4. In respect of those cases where it is found that no excess land is available, the Collector should forward his final order along with the case records to Govt. as per amended provisions under Section 7(2) of the Act.

5. In respect of those cases where excess land of a person (other than lands held and utilised for special cultivation of tea) is found in more than one sub-division, but within the same district, in such cases the Deputy Commissioner shall act as Collector. But where the total holding and excess land falls in more than one district, in such case the Director of Requisition, Acquisition and Land Reforms shall act as Collector for which necessary Notification is being issued. The Director of Land Requisition, Acquisition and Reforms will also issue instructions separately in this regard.

In respect of lands held for special cultivation of tea following instructions may be kept in view : -

1) Where land meant for special cultivation is found not utilised for tea or the purposes meant for the grant, in such cases ceiling will be 75 bighas. In other words the entire area covered by the grant should be acquired allowing the retention of 75 bighas only.

2) Where land meant for special cultivation is being utilised for tea, in such cases ceiling will be the actual area under the tea and the lands necessary for specified ancillary purposes. In other words a tea company is allowed to retain that much of land which is under actual plantation of tea plus an area that is actually used for factory, staff quarters, roads etc. as defined in the amended Act. Here it may be made clear that a tea company will not be entitled to retain 75 bighas over and above the allowable area for special

Contd ...p/5

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cultivation of tea and purposes ancillary thereto but will be allowed additional areas for increase of special cultivation and ancillary purposes as per rule 5A.

5) In view of what have been stated in sub-para 2 above, even inrespect of Company holding more than one gardens, the total ceiling can be fixed by determining the ceiling in each individual garden and adding the total area arrived thereby. It should be carefully noted that the ancillary purposes specified in the Act may not necessarily exist in each tea garden. In particular only one play ground will be allowed for each tea company and each tea company will be allowed to hold a maximum of 50 bighas as Rambo Pari. If more than one play ground exist, it is permissible to acquire them and keep them reserved for use as play ground for public. The actual area under tea and the actual area used for the first ten specified ancillary purposes should be computed inrespect of each garden. Thereafter the provision of Rule 5(A)(2) should be applied inrespect of each T.E. to determine the additional area to be allowed. After this, the choice of retention under specified ancillary purpose, No. 11 being obtained should be made applicable pursuant to the Company (as distinct from the T.E.). Thereafter where factory buildings, staff buildings, labour lines, hospitals and dispensaries do not exist, the discretionary power under Rule 5(A) (1) should be exercised. It should be noted that the allowance under Rule 5(A) (1) is for the whole company and not for each individual T.E. by adopting the above procedure the total area to be allowed to be retained by each, T.E. would be arrived at . The provision of item 10 of ancillary purpose is meant to maintain the compactness of the T.E. . But where necessary it may be unavoidable to divide a T.E. into compact blocks not exceeding 3 in number. It is made clear here that a T.E. should not be allowed to use item 10 of ancillary purpose

Contd ..P/ 6

for retaining all intervening area on the alleged excuse of maintenance of compactness unless it is willing to adjust this against item against item 9 and excess allowed under Rule 5(A) (1) and (5(A) (2).

If after determination of the total permissible area of a T.E. it is found that there are surpluses in one or more T.E. belonging to a Company then the Tea company should be given the option to indicate which area of each of such T.E. should be acquired against this surplus determined by the Collector. The provisions of Rule 5(A) (2) is not transferable from one T.E. to another even though belonging to same company. An illustrated example is given in the Annexure 'A' .

4) In respect of these tea gardens where surplus land has already been determined and acquired on the basis of 1 : 2 formula, fresh cases should started in the light of amended provisions of the Act and the rules made thereunder as amended.

5) In respect of the proceedings under this Act to determine the exdess for tea companies having tea gardens located in more than one District, the Director of Requisition, Acquisition and Land Reforms shall perform the duties of Collector for which necessary notification is being issued.

6) At the time of allowing the land used for factory buildings, staff buildings etc. the Collector should exercise his discretion to allow a reasonable area as compound.

7) In respect of these gardens where surplus land have been notified for acquisition on the basis of 1 : 2 formula but the owner has challenged the validity of such acquisition in the High Court/Supreme Court which are sub-judice, separate instruction will follow .

Necessary forms as amended for submission of return by the tea estates are being sent seprately.

Contd ...P/7

Receipt of this matter may please be acknowledged.

Yours faithfully,

Sd/- C R Krishnamurthy
Secretary to the Govt. of Assam,
Revenue (R) Deptt.

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Annexure 'A'

Name of the Company - M/S Barry & Co.

(In Hectares)

	T.E. No. 1	T.E. No. 2	T.E. No. 3
	1200	800	350
1. Total Area	400	150	250
2) Area under Tea	10	12	5
3) Area under Factory			
4) Area under Staff building & Labour Lines	15	8	7
	25	37	25
5) Area under Road, Bridges etc.	5	15	10
6) Area under Nurseries & shade Trees.	8	6	3
7) Area under Hospitals dispensaries etc.	12	7	9
8) Area under Religious Institution etc.	-	-	-
9) Area under statutory obligations.	10	-	-
10) Area under Seed Bari			
Sub-Total (Item 2 to 10)	485	222	307
11) Area claimed for Rotational cultivation @	10	15	15
12) Area claimed for boundary etc. *	150	25	28
13) Area claimed for Bamboobari-(f)	10	10	10
Area to be allowed against item 11	30	11'25	18.75
Area to be allowed against item 13	5	2	-
	520	235.25	325.75
Area to be allowed under Rule 5(A)(1)	-	-	-
Area to be allowed under Rule 5(A)(2)	80	45	75
	600	280.25	400.75

@ check here whether the area claimed is with in the statutory maximum limit of 7½ P.C. for Planted area.

(*) Check the map to see if the area can be divided into compact blocks not exceeding 3.

(f) Total admissible area for all tea estates under one company is 6.60 Hectares.

T.E. can retain these areas against it if they so desire. The T.E. No. 1 may have to be divided into 2 blocks to take out 300 hectares from within intervening area.

Therefore the T.E. No. 1 will have surplus of 600 hectares.
T.E. No. 2 will have surplus of 519.75 " and
T.E. No. 3 will have no surplus

1119.75 hectares.

Now as a tea Company the total surplus would be 1119.75 hectares.

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 84/71/Pt/92 Dated Dispur, the 25th Nov., 1974.

To : The Deputy Commissioner, Goalpara, Dhubri.

Sub : Implementation of the Assam Fixation of Ceiling on Land Holdings Act 1970.

Ref : Your letter No DRC 4/74/17 dt 4-10-74.

Sir,

With reference to your letter quoted above, I am directed to furnish below the clarification on the points raised therein.

1) Acquisition of Ceiling Surplus lands belonging to individuals as per Amendment of 1970.

The Govt circular No RRT 84/71/81 dt 9-8-72 prescribing the guideline to be followed in finalising the Ceiling Cases of idividuals having land more than 50 bighas was issued in view of the amendment of the Act lowering the Ceiling limit to 50 bighas. But it was found that it would take some time to implement the said amended Act for some reasons, and so the Collectors were requested vide this Deptt letter No RRT 84/71/Pt/14 dt 25-1-75 to proceed with finalisation of ceiling cases on the basis of 1970 amendment i.e. taking the limit as 75 bighas. In fact many Collectors have already finalised a number of cases accordingly.

The Ceiling cases of individuals may be finalised as per 1970 amendment. But, you should keep an account of such proceedings so that you can complete fresh ceiling proceedings of these individuals as soon as an amendment Act further lowering the retainable limit is brought into force.

2) Acquisition of tenanted land below Ceiling limit :

As there is no such provision in the Ceiling Act for such acquisition, Govt cannot agree to your proposal. But if the tenant personally cultivating the land applies under section 24 of the Assam (Temporarily Settled Areas) Tenancy Act, 1971 action may be taken as per provisions of the Tenancy Act 1971.

P-IV

3) Settlement of land acquired under the Ceiling Act :

The manner of disposal of land acquired under the Ceiling Act has been specifically mentioned in Section 17 of the Act. It has clearly been stated that the ceiling surplus land which has not been disposed of under Section 16 of the Act may be disposed of the same manner as any other land which is at the disposal of Govt under Section 12 of the Assam Land & Revenue Regulations. Thus settlement of land will automatically come under the purview of the Govt Land Policy of 1970.

For homestead purpose, homestead land of ½ bigha to 1 bigha may, however, be given to those who belong to the State of Assam and who are landless and homeless.

Kindly acknowledge receipt of this letter.

Yours faithfully,

Sd/- B.L. Pore,
Deputy Secretary to the Govt of Assam.
...

Memo No PRT 84/71/Pt/82-A Dated Dispur the 25th Nov., 1974.

Copy to :-
1) (All) Deputy Commissioners and Sub-Divisional Officers.
2) The Director of Land Reorn, Assam and Reforms, Assam, Gauhati-1.

They are also requested to take action on the lines mentioned above. Receipt of the communication may please be acknowledged.

By order etc.,

Sd/- B.L. Pore,
Deputy Secretary to the Govt of Assam.
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12

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT

NO. RRT. 288/75/1 Dated Dispur, the 22nd September 1975.

To

The Director of Land Requisition, Acquisition and Reforms, Assam Gauhati.

The Deputy Commissioners.

The Sub-Divisional Officer.

Sub:— Action Calender Regarding Acquisition of Ceiling Surplus land.

Sir,

I am directed to say that it has been decided to finalise the acquisition and distribution of the Ceiling surplus land by June, 1976 in a time bound programme as follows:—

A. The Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1970.

1. Collection of Returns u/s 5 & 6, verification of Returns and publication of Draft Statement — by 31st October 1975.
2. Disposal Objection & passing of final order u/s 7(2) in all cases. — by 15th December 1975.
3. Publication of Final Statement and submission of Draft Notification to Government for all cases — by 31st January 1976

B. The Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1975.

1. Collection of Returns u/s 5 & 6 of all cases .. by 31st December 1975.
2. Verification of Returns and publication of Draft Statement of all cases. ... by 31st January 1976.
3. Disposal of Objection and passing of final order u/s 7(2) in all cases. ... by 31st March 1976.
4. Publication of Final Statement and submission of Draft Notification to Government for all cases. ... by 15th May 1976. Revised as 15-4-76 vide signal RRT—2887115, dated 27-12-75 (enclosed)

I am, therefore to request you to strictly adher to the above programme and finalise the acquisition of ceiling surplus land without delay.

The receipt of this letter may please be acknowledged.

Yours faithfully;

Sd/- J. CHANGKAKATI,
Joint Secretary to the Government of Assam,
Revenue (R) Department.

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18

13 W.T. MESSAGE

27-1 -75

FROM SECRETARY REVENUE

TO DEPCOM (OF ALL PLAINS DISTRICTS OF ASSAM
SUBDIVISIONAL (
(
(OF ALL PLAINS
(DISTRICTS ASSAM

INFO : SETTLEMENT OFFICER (
SENIOR ASSTT. SETTLEMENT OFFICER(
(

RRT? 2187515 GOVERNMENT DECIDED THAT ALL CEILING PROCEEDINGS INCLUDING DISPOSAL OF APPEALS SHOULD BE COMPLETED BY THIRTIENTH APRIL SEVENTYSIX AND DISTRIBUTION OF ACQUIRED CEILING SURPLUS LANDS WITH LANDLESS PEOPLE COMPLETED WITHIN THIRTIENTH JUNE SEVENTYSIX AAA KINDLY TAKE NECESSARY STEPS ACCORDINGLY AND FURNISH DRAFT NOTIFICATION FOR PUBLICATION WITHIN FIFTEENTH APRIL SEVENTYSIX POSITIVELY ON COMPLETION OF REQUISITE FORMALITIES AAA KINDLY ACKNOWLEDGE RECEIPT AAA

P-12

14

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT

No. RRT. 288/75/3 Dated Dispur, the 21st October 1975.

To

The Director of Land Reforms, Assam, Gauhati 1.

(All) Deputy Commissioners Sub-Divisional Officer.

Sub :— Implementation of Ceiling Act on Land Holdings. The Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1975.

Ref :— This Department letter No. RRT. 288/75/1, dated 22nd September 1975 and Signal No. RRT. 288/75/3, dated 22nd September 1975.

Sir,

I am directed to say that the Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1970 came into force on 27th March 1971 and the last day for submission of Returns under section 5 of the Act was also over by 31st December 1971 but a large number of Ceiling cases under the Assam Fixation of Ceiling on Land Holdings Act, 1956 as amended upto 1970 are yet to be finalised by the Collectors under section 7(2) of the Act Meanwhile, the Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1975 (Assam Act IX of 1975) has been enacted on 17th September 1975 providing, amongst others lower the ceiling limit to 50 bighas (64 Bighas in cases of persons having orchard cultivation). Now a question has arisen whether all cases pending finalisation u/s 7(2) (excluding the Tea Garden cases) on the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1975 are required to be started de novo or not. The Law Department was consulted in the matter and their advice is quoted below :—

"(1) The existing ceiling proceedings which are nearing completion may be finalised allowing the holders of land to retain 75 bighas of land within the ceiling limit fixed under the Law as amended prior to October 13, 1972. [Date of enactment of Assam Fixation of ceiling on Land Holdings (Amendment) Act, 1972, since repealed.] The Assam Fixation of Ceiling on Land Holdings Act, 1956 as amended upto 1970 should be specifically mentioned in the notification issued as discussed. The rest of the lands may be acquired subsequently by a fresh proceeding under the Principal Act as amended upto 1975.

(2) Alternatively, a notice may be issued to the holder of land explaining the position about the reduction of ceiling limits directing him at the same time to indicated the area selected by him for retaining the lands within the limits fixed under the principal Act as amended upto 1975. In the notice itself he should be asked to appear before the appropriate authority if he wants to be personally heard in support of his objections, if filed, on a date fixed. It should also be indicated therein that unless he files the objcetion on or before the date fixed and also appears, if he so chooses to be heard personally, before the appropriate authority on the date fixed, the selection will

P-12

be made by the appropriate authority which shall be final. Special care should be taken for proper service of notices to the persons concerned."

In view of the above, it has been decided that in all pending proceeding under the ceiling Act as amended upto 1970, where the Collectors have passed orders Under Section 7(2) of the Act, the procedure suggested at para one of the Law Department's endorsement quoted above should be followed and where they have not as yet passed order under section 7(2), the procedure suggested at pare two should be followed Proceeding in respect of cases involving less than 75 bighas but more than 50 bighas should not be dropped under section 7(2) under the 1970. Amendment but proceeded under 1975 Amendment of the Ceiling Act. Returns under 1975 Amendment Act received in respect of finalised cases should also be proceeded without further delay.

In this connection I am also to invite a reference to clause 3 of the Assam Fixation of Ceiling on Land Holding (Amendment) Act, 1975 and request that in view of the Withdrawal of exemption previously granted under/section 2 of Act to Religious Instituting, Mechanised Farms and Citrus cultivation, proceedings in respect of land hereinbefore exempted should be initiated as per provision of the Act and amended up-to-date.

I am, therefore, to request you to follow the above instructions and finalised the acquisition of ceiling surplus lands expeditiously.

Copies of Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1975 and the Assam Fixation of Ceiling on Land Holdings (Amendment) Rules 1975 have already been supplied to you separately.

The receipt of this letter may please be acknowledged.

Yous faithfully,

Sd/- A. K. PALIT,
Secretary to the Government of Assam,
Revenue Department.

P-IV

W. T. MESSAGE

3-5-76

FROM : SECRETARY REVENUE

TO : ALL DEPCOMS
ALL SUBDIVISIONALS

IN THE PLAINS DISTRICTS

RRT. 21376 PT THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS (AMENDMENT) ORDINANCE 1976 CAME INTO FORCE WITH EFFECT FROM 3RD MAY 1976 (.) MAIN FEATURES OF ORDINANCE ARE :—

(1) TIME FOR FILING OBJECTIONS AGAINST DRAFT STATEMENT UNDER SECTION 7 REDUCED TO 15 DAYS FROM 30 DAYS (.).

(2) NO APPEAL SHALL LIE AS A MATTER OF COURSE AGAINST COLLECTOR'S ORDERS DETERMINING CEILING SURPLUS LAND (.)

(3) EXISTING SECTIONS 8, 9 AND 10 DELETED (.)

(4) THE COLLECTOR SHALL FINALISE THE DRAFT STATEMENT IN TERMS OF HIS ORDERS DETERMINING THE CEILING SURPLUS LAND. AS SOON AS THE FINAL STATEMENT IS SO SIGNED BY THE COLLECTOR AFFIXING THE DATE THERETO THE CEILING SURPLUS LAND SHALL STAND TRANSFERRED TO AND VEST IN GOVERNMENT, FREE FROM ALL ENCUMBRANCES (.)

(5) THE FINAL STATEMENT SHALL BE PUBLISHED IN THE SAME MANNER AS THE DRAFT STATEMENT IS PUBLISHED UNDER SUB-SECTION 2 OF SECTION 7 (.)

ALL ACQUISITION PROPOSALS AND APPEALS PENDING BEFORE GOVERNMENT WILL BE RETURNED NOW FOR DISPOSAL AS PER PROVISIONS OF THE ORDINANCE (.) SOME COPIES OF ORDINANCE POSTED TO-DAY (.)

Memo. No. RRT. 213/76/Pt-A, dated Dispur, the 3rd May, 1976.

Copy by post in confirmation to :—

1. Deputy Commissioner .....

2. Subdivisional Officer.....

10 copies of the Ordinance are enclosed herewith. The receip of this communication may please be acknowledged.

By order etc.,

P. C. MAHANTA,
Deputy Secretary to the Govt. of Assam,
Revenue (R) Deptt.

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17 22

Memo. No. RRT. 213/76/Pt/B, dated Dispur, the 3rd May 1976.

Copy with a copy of the Ordinance forwarded to :—

1. Land Reforms Commissioner, Assam, Gauhati.
2. Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati.
3. Director of Land Records, Assam, Gauhati.
4. Commissioner of Plains Division, Gauhati.
5. Secretary to the Chief Minister, Assam, Dispur.
6. P. S. to Minister of State for Revenue, Dispur.
7. All Settlement Officers.
8. P. S. to All Ministers/All Secretaries to the Government of Assam.
9. Copy to O/C., A. P. R. O., Dispur for transmission of the above message.

By Order etc.,

P. C. MAHANTA,
Deputy Secretary to the Government of Assam,
Revenue (R) Deptt.

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23 (18

W. T. MESSAGE

4th May, 1976

FROM : SECRETARY REVENUE

TO : ALL DEPCOMS/SUBDIVISIONALS.

NO. RRT.21376 PT AS PER PROVISION OF SUB-SECTION 2 OF SECTION 7 OF THE AMENDMENT MADE IN THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS (AMENDMENT) ORDINANCE 1976, THE PERIOD OF SUBMISSION OF OBJECTIONS HAS BEEN REDUCED TO 15 DAYS (.) IN CASES WHERE NOTICES HAVE BEEN SERVED GIVING 30 DAYS IF THE NOTICE EXPIRES WITHIN NEXT 15 DAYS FRESH NOTICE NEED NOT BE ISSUED (.) BUT IN CASES WHERE NOTICES HAVE BEEN SERVED RECENTLY AND THERE IS TIME FOR MORE THAN 15 DAYS FOR SUBMISSION OF OBJECTIONS FRESH NOTICES MAY BE SERVED GIVIN ONLY 15 DAYS TIME (.) MATTER MOST URGENT (.) REPORT COMPLIANCE.

Memo No. RRT. 213/76/Pt-I Dt. Dispur, the 4th May, 1976.

Copy to O/C, A. P R. O., Dispur for transmission of the above message.

Post copy in confirmation to :

All Deputy Commissioners/Sub-Divisional Officers.

2. Land Reforms Commissioner, Gauhati-1.

3. Director of Land Requisition, Acquisition & Reforms, Assam Gauhati, for information.

By order etc.,

P. C. MAHANTA.
Deputy Secretary to the Govt. of Assam,
Revenue (R) Deptt.

P-IV

W.T. MESSAGE.

000 19

FROM : SECRETARY REVENUE
TO : DEPCOM NORTH LAKHIMPUR

NO.RRT.8174 PT . PLEASE REFER YOUR D.O. NO.LRS/VI/16/76/23 DATED MAY IST 1976 AND W.T. MESSAGE NO.3/334/2/II OF 18TH APRIL 1976 (.) (A) PATTADAR HAVING LANDS IN HIS OWN NAME SHOULD BE TREATED AS ONE UNIT AND NO ALLOANCE IS PERMISSIBLE FOR MARRIED DAUGHTERS AND SONS(.) BUT LANDS HELD UNDER SEPARATE PATTA BY MARRIED SONS AND DAUGHTERS NEED NOT POOLED WITH PATTADAR PROVIDED SUCH LANDS ARE ACTUALLY HELD SEPARATELY BY MARRIED SONS AND UNMARRIED DAUGHTERS AND POSSESSION IS NOT JOINT POSSESSION (.) (B) TRANSFER AND VESTING OF CELING SURPLUS LAND IN THE STATE GOVERMENT IS COMPLETE ON THE DATE OF SIGNING STATEMENT BY COLLECTOR UNDER SECTION 7(4) AND ON VESTING STATE GOVERNMENT CAN TAKE POSSESSION UNDER SECTION 11(.) SECTION 19 IS ONLY AN ALTERNATIVE ENABLING PROVISION(.) IF COLLECTOR PROCEEDS UNDER SECTION 11 COMPENSATION SHALL BE PAID AND IF COLECTOR PROCEEDS UNDER SECTION 19 PAYMENT OF COMPENSATION CAN BE AVOIDED AND HENCE PROCEDURE LAID DOWN IN SECTION 19 (1) OF THE CELLING ACT IN TAKING OVER POSSESSION OF VESTED ANNUAL PATTA LANDS SHOULD BE FOLLOWED TO AVOID PAYMENT OF COMPENSATION (.) (C) ALL CASES PENDING FOR GAZETTE NOTIFICATION ALREADY RETURNED (.) PLEASE ACKNOWLEDGE RECEIPT (.)

No.RRT.81/74/pt -A Dated Dispur the 5th June.1976.

Copy to Officer in Charge, Assam Police Radio Organisation, for transmission of the above message.

Post copy in confirmation to:-
1. The Deputy Commissioner ,North Lakhimpur.
2. The Deputy Commissioner,.....
4. The Sub- Divisional Officer, ...
5. The Director of Land Requisition, Acquisition and Reforms , Assam, Gauhati-21

By order etc.

Sd/-

Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.

P.T.O.

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(COPY) 000 20

TELEX MESSAGE

15-7-76

FROM : SECRETARY REVENUE

TO : DEPCOM NOWGONG

NO.RRT 81 74 PT 15 (.) PLEASE REFER YOUR TELEGRAM NO NRC 15275 OF 5TH JULY(.) AS SCON SUB- SECTION (.) OF SEC 7 OF THE ASSAM FIXACTION OF CEILING ON LAND HOLDING ACT COLLECTOR SHALL HAVE NO JURISDICTION TO HEAR OBJECTION (.) PLEASE NOTE THAT DRAFT STATEMENT SHALL BE MADE FINAL IN TERMS OF FINAL ORDER (.) GENUINE GRIEVANCES / MISTAKES ETC. MAY HOWEVER BE REFERRED TO GOVT. FOR PROCESSING UNDER SEC 7(6) OF THE ACT.(.)

Memo NoRRT/81/74/pt/15-A Dated Dispur ,the 16th July 1976

Copy to :- 1. The O/C A.P.R.O, Dispur , Gauhati for favour transmission of the above message urgently.

2. Post copy in conformation to the Deputy Commissioner, Newgong .

3. Copy to all concerned for information and necessary action .

By order etc.

Sd/- P.C.Mahanta,

Deputy Secretary to the Govt. of Assam,

Dispur, Gauhati-6

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C.S. 21

Registered with A/D

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 144/75/139 Dated Disour, the 20th July 1976.

To : All Deputy Commissioners,
All Sub-divisional Officers. | In the plains

Sub : Action in regard to lands transferred after April 1, 1970.

Sir,

I am directed to say that Govt have come across quite a number of cases to shew that persons having agricultural lands in excess of the ceiling limit sold out certain portions of such lands to other despite the restriction imposed in Sec.4(5) (6) of the Ceiling Act. The returnees in such cases generally shew such transferred lands as part of the land determined as surplus and surrender the same to the utter detriment of the interests of the purchasers. Normally, such purchasers cannot be said to have been fully aware of the legal snag in the matter of such transfers. It cannot be said that they knew full well that the sellers in question had lands beyond the ceiling limit or that the lands purchased by them would some day be taken away on the ground of any contravention of the Ceiling Act. This is a matter which calls for some serious consideration.

2. The law on the issue is very clear as is evinced in sub-Section 6 of Sec. 4 ibid, - the relevant portion of which is extracted below :-

"If any persons transfers or partitions in contravention of the provision of Sub-section of Section 5, ... then the area so transferred or partitioned shall be taken into account in calculating the area which that person is entitled to hold, and land exceeding in-area the area so calculated shall be deemed to be in excess of the limit fixed under Sec.4 notwithstanding that the land remaining with him may not, in fact, be in excess of such limit."

Contd .. 2

other wards, the land illegally transferred or partitioned all be included in the land retainable by the concerned nd holder, Such being the position, such land should be allowed be surrendered by the concerned land holders and the collector so should not take the same over.

3. You are requested to keep the above legal provision in nd while taking over excess lands from the returnees and at the me of distributing the acquired ceiling surplus lands. In short, e purchasers are to be allowed to retain the lands purchased by them as although such lands should be taken in to count while calculating lands of persons involved in ceiling ses. The cases in which you may have any doubts may, however, reported with full facts to Govt. for decisions.

Receipt of this circular may kindly be acknowledged.

Yours faithfully,

Sd/- P.C.Mahanta.
Deputy Secretary to the Govt.of Assam.

....

no No. RRT 144 /75/139-A Dated Dispur, the July, 1976.
py to :-

1) The Land Reforms Commissioner, Assam, Gauhati-1.
2) The Director of Land Requn. Acqun. & Reforms, Assam, Gau.-1.
3) The Director of Land Records, Assam, Gau.-21.
4) All Settlement Officers.

By order etc.,

Sd/- P.C.Mahanta.
Deputy Secretary to the Govt.of Assam.

....

P-IV (COPY)

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT::TENANCY BRANCH
...

NO.RRT.274/78/ 34 Dated Dispur the 16th August, 1978 .

To : All Deputy Commissioners of the Plains Dists.
All Sub-Divisional Officers of the Plains Dists.

Sub. : Prosecution of defaulters u/s 34(2) of the Assam Fixation of Ceiling on Land Holdings Act, 1956 as amended .

Sir,

In continuation of this Deptt. Memo No.RRT.274/78/25 dated the 27-7-78, I am directed to request to take appropriate steps for prosecution of the persons who failed to submit required return u/s 5 and 22 of the Assam Fixation of Ceiling of Land Holdings Act, 1956, as per provisions u/s 34(2) of the said Act .

I am further to request you to initiate proceedings u/s 6 of the aforesaid Act in respect of the persons who failed to submit return u/s of the said Act .

Please acknowledge the receipt of this letter .

Yours faithfully

Sd/- S.D. Ahmed,
Deputy Secretary to the Govt. of Assam,
Revenue (R)Deptt.
...

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENENCY BRANCH

No RRT 184/76/25 Dated Dispur, the October 21st, 1980.

From : Shri S.P. Hazarika, IAS.,
Secretary to the Government of Assam,
Revenue Department.

To : 1) (All) Deputy Commissioners of the Plains District.

2) (All) Sub-divisional Officers of the Plains District.

3) The Director of Land Records, Assam, Gauhati-21.

4) The Director of Land Recon.Acqun. & Reforms, Assam, Gauhati-1.

Sub : Ceiling Surplus land - Procedure for taking over possession and distribution.

Sir,

In forwarding herewith a copy of letter No 18011/3/80-IRD dt.23-5-80 from Govt of India which will speak for itself, I am directed to say that the procedure as outlined therein should be adhered to.

2. Till 31-7-80 an area of 17,20,475 bighas of land has been required as ceiling surplus land out of which an area of 9,38,403 bighas has been distributed. But there is no confirmation that the physical possession of the entire remaining area of 7,82,072 bighas of ceiling suplus land whichvested to Govt on publication of the final statement u/s 8 of the Act has been actuallyttaken over. Section 11 of the Act empowers the Collectors to take over possess'on of the vested land at any time and for this purpose the Collectors may also use such force as many be necessary. You are therefore requested to check up the circle-wise figures of actual vesting and the confirmation about the taking over possession as well as correcting of records immediately and submit a report to Govt by not later than 30-11-80. Where any opposition is seen in taking over possession, there should be no hesitation to use such force as may be necessary.

Contd - 2

3. Complaints are often received that the tenants in occupation of the land which have vested in Govt as ceiling surplus are still being compelled by previous land-lords to pay rent to them. Such tenants are entitled u/s 16(1) to get settlement of the on application and payment of the prescribed compensation. In any case there is no question of the tenants requiring to pay to the original land-lord any rent for the land which vested in Govt. This can be ensured by confirming that pending settlement, formal allotment is made and T.P. revenue is assessed on the occupants. There should be a test check about the undisturbed possession of such occupants and the fact that no rent is being realised or demanded by the previous landlords.

4. As regards steps for ensuring the physical possession and use of the allotted ceiling surplus land by the allottees, I am to state that the Collectors were requested to take up test checks in the field vide this Deptt letter No RRT 199/75/72 dt 8-2-77. Instructions should be issued to the Revenue Staff at all levels to conduct an extensive test checking of the allotments of land to the landless persons, especially the tribals and the Scheduled Castes and to see that (i) the alloted land is actually in possession of the allottees and (ii) that the names of the allottees have been entered correctly in the relevant land records. Action taken in this respect may also please be intimated to this Deptt within 30-11-80. The report should also separately cover the cases of those who were given assistance under the centrally sponsored scheme.

5. There should be wide publicity about the details of acquired lands with the dates of their vesting in Govt, the statutory right of the tenants who were in possession of the land on the date of vesting as well as the right of the allottees to undisturbed possession and their obligation to pay only the land revenue to Govt. The Circle

Contd - 5

3. Complaints are often received that the tenants in occupation of the land which have vested in Govt as ceiling surplus are still being compelled by previous land-lords to pay rent to them. Such tenants are entitled u/s 16(I) to get settlement of the on application and payment of the prescribed compensation. In any case there is no question of the tenants requiring to pay to the original land-lord any rent for the land which vested in Govt. This can be ensured by confirming that pending settlement, formal allotment is made and T.R. revenue is assessed on the occupants. There should be a test check about the undisturbed possession of such occupants and the fact that no rent is being realised or demanded by the previous landlords.

4. As regards steps for ensuring the physical possession and use of the allotted ceiling surplus land by the allottees, I am to state that the Collectors were requested to take up test checks in the field vide this Deptt letter No RRT 199/75/72 dt 8-2-77. Instructions should be issued to the Revenue Staff at all levels to conduct an extensive test checking of the allotments of land to the landless persons, especially the tribals and the Scheduled Castes and to see that (i) the alloted land is actually in possession of the allottees and (ii) that the names of the allottees have been entered correctly in the relevant land records. Action taken in this respect may also please be intimated to this Deptt within 30-11-80. The report should also separately cover the cases of those who were given assistance under the centrally sponsored scheme.

5. There should be wide publicity about the details of acquired lands with the dates of their vesting in Govt, the statutory right of the tenants who were in possession of the land on the date of vesting as well as the right of the allottees to undisturbed possession and their obligation to pay only the land revenue to Govt. The Circle

Contd - 3

Pt-IV

C 26

Officers may be instructed to make these Gaon Panchayat-wise details available to the Panchayats concerned. They may also be firmly instructed to deal with any complaint that might be received on these matters from the tenants or the allottees.

6. A copy of this letter is also being sent to all Mahkuma Parishads for their information with a request to inform the Gaon Panchayats from their end to suitably inform the peopele about these rights.

Yours faithfully,

Secretary to the Government of Assam, Revenue Department.

Memo No RRT 184/76/23-1 Dated Dispur, the October 21st 1980.

Copy to the Commissioner, Lower Assam Division/Upper Assam Division, Gauhati/Jorhat for information.

By order etc.,

Secretary to the Government of Assam, Revenue Department.

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT...TENANCY BRANCH

No. RRT. 199/75/52 Dated Dispur, the 9th October, 1975

To

(1) Commissioner of Plains Divisions, Gauhati

(2) (All) Deputy Commissioner,
Subdivisional Officer,
Settlement Officer,
Sr. Assistant Settlement Officer,

Sub:—Note on Land Policy Distribution of Ceiling surplus Land, etc.

Ref:—This Department Signal No. RRT. 144/75/110, dated 30th July 1975.

Sir,

In continuation to this Department Signal No. RRT. 141/75/110, dated 30th July 1975, I am directed to furnish herewith a "Note on Land policy" for information and necessary action.

The receipt of this letter may please be acknowledged.

Yours faithfully,

P. C. MAHANTA,
Deputy Secretary to the Government of Assam,
Revenue (Reforms) Department.

Memo No. RRT. 199/75/52—A ... Dated Dispur, the 9th October, 1975.

Copy to:—

(1) The Director of Land Requisition, Acquisition & Reforms, Assam, Gauhati.

(2) Deputy Secretary, Political (A) Department.

By order etc.,

P. C. MAHANTA,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

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28 A NOTE ON LAND POLICY

Government enunciated their land policy in a resolution dated 21st July 1972. Under this resolution settlement of Government agricultural land for ordinary cultivation was stopped on individual basis or co-operative basis and it was announced that henceforth all available Government lands suitable for cultivation would be amalgamated and allotted to Corporations formed of landless eligible cultivators of the villages concerned. It was also announced that it would be the endeavour of Government to provide suitable homestead land in rural areas varying between ½ to 1 bigha per family to all those who belong to the State of Assam and who do not possess homestead land.

Government have so far acquired under the Ceiling Act, about 4 lakhs Bighas of surplus land from individuals and tea gardens. All this and is not tenanted. Most of the untenanted land is under encroachment.

The question of disposal of acquired Ceiling surplus land was discussed at length in the meeting of the State Land Reforms Committee under the Chairmanship of the Chief Minister held on 27th July 1975. It is proposed that to expedite allotment of acquired Ceiling surplus land instructions should be issued to Deputy Commissioners and Subdivisional Officers on the following lines :—

(1) To whom land will be given ?

Agricultural land will be allotted to the landless cultivators only. The erosion affected people will be given special consideration.

(2) Who is a landless person ?

A cultivator who has no land either as tenant or as an owner or a cultivator who has up to 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 landless person.

(3) How much land will be given ?

(i) **Tenant** : A cultivating tenant who has acquired tenancy right under the Tenancy Act or is eligible to acquire such right or a tea garden labourer who has been cultivating land acquired from the tea estate under a licence obtained from the management shall be allowed to retain his lands. Till they obtain settlement, it is proposed to issue a certificate of allotment to them.

(ii) **Encroachers** : Where the acquired ceiling surplus land is under encroachment, the encroacher has no right to get settlement or allotment.

In 1970 a decision was taken by the Government to regularise the encroachment of Government land by eligible landless agriculturists upto a limit of 8 bighas if such encroachment had taken place from prior to 1st January 1967. On the similar analogy encroachments in the acquired ceiling surplus lands from before 1st January 1967, by landless actual cultivators may be regularised upto

9 bighas (8 bighas for agricultural purpose and one bigha for homestead purpose) including the land already held in each case. Such regularisation may be done by issuing a certificate of allotment on condition that the allottee would join Agricultural Farming Corporation as and when constituted. Encroachmen's by person having more than 9 bighas of land as tenant or owner or both and encroachments after 1st January 1967 may be removed. Encroachmen's by eligible persons in excess of 9 bighas should also be removed. Encroachments in tribal belts and blocks may be regularised only if the encroachers are eligible to get the protection Chapter X of A. L. R. R.

(iii) Agricultural Farming Corporation.

Agricultural Farming Corporations may be constituted in all large blocks of 1000 bighas or more of untenanted land. No certificate of allotment may be given to the encroachers in such blocks. If such blocks are free from encroachments or after encroachments have been removed, they may be handed over to Agricultural Department for formation of Agricultural Farming Corporations.

(iv) Subject to the above all vacant plots of acquired ceiling surplus land or lands from which encroachments have been removed may be allotted to landless actual cultivators upto a limit of 9 bighas.

4. All allotments made to landless actual cultivators other than tenants will be conditional and will require them to join Agricultural Farming Corporation as and when formed. When an Agricultural Farming Corporation is formed the allotment may be subject to revision or alteration. The allottees will be allowed to use the allotted land for their personal residence and cultivation by themselves. Transfer of the land will not be allowed. Transfer by inheritence will be allowed with the permission of Deputy Commissioners and Sub-Divisional Officers concerned. If any allottee is found to be not a landless actual cultivator or if he violates any of the terms of allotment he may be evicted.

5. Homested land.

As enunciated in the Land Policy Resolution of 21st July 1975, homestead lands may be allotted in rural areas varying between ½ to 1 bigha per family to all those who belong to State of Assam and who do not possess homestead land. In making allotment preference may be given to persons belonging to Scheduled Castes and Scheduled Tribes and to those affected by flood and erosion.

6. How will the list of landless persons be prepared:

The list of landless persons prepared through G. Ps. in 1969 shall be the basis for this purpose. The list should be brought up-to-date by a Committee constituted for the purpose at the G. P. Level by making an enquiry from village to village. Then after the list should be published in the office of the G. P., in Mouzadar's office and a copy in the office of the Sub-Deputy Collector concerned inviting objections.

The Committee will dispose of the objections received and finalise the list in a public meeting held under the chairmanship of the president of the said Committee. After the list is finalised it will be authenticated by the President of the Committee and 3 copies of it will be submitted to Sub-Deputy Collector concerned. The Sub-Deputy Collector will make necessary enquiry about the landless character of the listed persons and make necessary corrections. He will send one copy of the list to Sub-Divisional Officer/Deputy Commissioner concerned and 2 copies to the Sub-Divisional land Reforms Committee to be constituted.

The Sub-Divisional Officer or the Deputy Commissioner concerned shall take into considerations the views of the Chairman of Sub-divisional/District land Reforms Committee before finally approving the list. A copy of the list as finalised will be published in the office of the G. P. and the Sub-Deputy Collector concerned.

As regards tea grants which are outside the jurisdiction of the G. Ps. adequate representation shall be given of tea garden workers at all levels.

(7) Selection of allottees:

All allotments of Government lands shall be made to landless actual cultivators listed as above unless such allotments are made under any of the above mentioned paragraphs. The list of the allottees will be finalised by Deputy Commissioners/Sub-Divisional officers concerned in consultation with respective Circle Level Land Reforms Committee which will be constituted shortly.

It is expected that while alloting lands to the landless cultivators, the right that has been conferred upon the cultivating tenants under the Ceiling Act will not stand in the way as most of the cultivating tenants are generally found to occupy and cultivate lands measuring less than 9 bighas. In that case, it will be in conformity with the latest decision of the Government. Where it is found that a cultivating tenant under the Ceiling Act has occupied lands more than 9 bighas, than such cases should be specially dealt with and appropriate action taken there as because such cases should be very few.

W/T MESSAGE O/E (CRASH)

TO :: DEPCOM /SUBDIVISIONAL

INFO :: SETTLEMENT OFFICER /SR. A S O

COMMR PLAINS DIVN. GHTY.

FROM :: SECY REVENUE CAMP JORHAT

NO. RRT. 14475 DATED 17/7/75 (.) CHIEF MINISTER DESIRES THAT SETTLEMENT/ALLOTMENT OF ACQUIRED CEILING SURPLUS LAND ALREADY VESTED IN GOVT. MUST BE MADE EXPEDITIOUSLY AND HAS FIXED TARGET TO BE COMPLETED IN A PHASED MANNER UPTO 9TH AUGUST 1975, UPTO 15TH AUGUST 1975 AND 2ND OCTOBER 1975 (.) HIGH POWER LAND REFORM COMMITTEE HAVE DISCUSSED THE MATTER IN THEIR MEETING AT JORHAT ON 17TH INSTANT (.) GOVT. HAVE NOW DECIDED TO FIX TARGETS FOR YOUR DISTRICT AND SUBDIVISIONS AS FOLLOWS (.) FOR SUBDIVISION FAMILIES UPTO 9TH AUGUST, 1975 AND FAMILIES UPTO 15TH AUGUST 1975 (.) FOR SUBDIVISION FAMILIES UPTO 9TH AUGUST 1975 AND FAMILIES UPTO 15TH AUGUST 1975 (.) FOR SUBDIVISION FAMILIES UPTO 9TH AUGUST 1975 AND FAMILIES UPTO 15TH AUGUST 1975 (.) FOR SUBDIVISION FAMILIES UPTO 9TH AUGUST 1975 AND FAMILIES UPTO 15TH AUGUST 1976 (.) TARGET FIXED FOR 2ND OCTOBER 1975 WILL BE INTIMATED LATER (.) PARA (.) ALLOTMENT OF UNTENANTED LAND FREE FROM ENCROACHMENT MAY BE MADE TO ELIGIBLE LANDLESS ACTUAL CULTIVATORS UPTO NINE BIGHAS (.) THAT IS ONE BIGHA FOR HOMESTEAD PURPOSE AND UPTO EIGHT BIGHAS FOR CULTIVATION IN A PLANNED MANNER BY MAKING SURVEY AND DEMARCATION OF EACH PLOT OF LAND (.) PARA (.) AS REGARDS CULTIVATING TENANTS ON TENANTED LANDS WHO HAVE NOT YET BEEN GIVEN SETTLEMENT UNDER SECTION 16 OF THE CEILING ACT ON REALISATION OF PREMIUM YOU MAY FOR THE PRESENT GRANT ALLOTMENT CERTIFICATE UPTO NINE BIGHAS OF SUCH LANDS TO EACH OF THESE TENANTS IF FOUND TO BE IN HIS POSSESSION AND CULTIVATION (.) PARA (.) CERTIFICATE FOR ALLOTMENT OF UNTENANTED LANDS FREE FROM ENCROACHMENT AND THAT FOR ALLOTMENT OF TENANTED LANDS WILL BE DIFFERENT AND PRINTED FORMS FOR BOTH VESTED CEILING SURPLUS LANDS UNDER ENCROACHMENT COMPLETE LIST OF ENCROACHERS, PERIOD OF OCCUPATION OF EACH ENCROACHER, AREA UNDER ENCROACHMENT WHETHER EACH ENCROACHER IS BONAFIDE LANDLESS ACTUAL CULTIVATOR OR NOT AND HIS ELIGIBILITY OTHERWISE SHOULD BE COLLECTED (.) FURTHER INSTRUCTION IN THIS MATTER WILL BE ISSUED SEPARATELY (.) SETTLEMENT OFFICERS AND SENIOR ASSISTANT SETTLE-

Pt. IV

MENT OFFICERS WILL RENDER ALL NECESSARY ASSISTANCE TO DEPOOMS AND SUBDIVISIONALS BY DEPUTING STAFF UNDER THEIR CONTROL ON TOP PRIORITY BASIS FOR SURVEY, DEMARCATION, PREPARATION OF PLANS, PREPARATIONS OF LIST OF ALLOTEES ETC. (.) ALL OFFICERS ARE REQUESTED TO TAKE MOST EARNEST AND VIGOROUS STEPS FOR FULFILLING THE TARGETS FIXED (.)

Not To Be Radiogrammed :

Memo. No. RRT. 144/75/ : Dated Jorhat, the 17th July, 1976.

Copy to .—The O/C., P. R. O., Jorhat for immediate transmission of the message.

Post copy in confirmation forwarded to :—
(2) All Deputy Commissioners/Sub-Divisional Officers,

Copy to :—

(3) The Settlement Officer/Sr. Asstt. Settlement Officers/Commissioner of Plains Division, Assam, Gauhati—1.

R. L. BORA,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.
Camp : Jorhat.

W. T. MESSAGE
O/E. (CRASH).

FROM : SECRETARY REVENUE

TO : DEPCOM / SUBDIVISIONAL

INFORM : SETTLEMENT OFFICER/SR. A.S.O. | ALL PLAINS DISTRICTS OF ASSAM.

NO. RRT. 14475. (.) PLEASE REFER TO GOVERNMENT MESSAGE SENT FROM JORHAT CAMP UNDER NO. RRT. 14475 DATED 17TH INSTANT AND MESSAGE SENT FROM DISPUR UNDER RRG.2975 DATED 17TH INSTANT (.) CHIEF MINISTER DESIRES THAT SETTLEMENT / ALLOTMENT OF ACQUIRED CEILING SURPLUS LAND ALREADY VESTED IN GOVERNMENT MUST BE MADE EXPEDITIOUSLY AND HAS FIXED TARGET TO BE COMPLETED IN A PHASED MANNER UPTO 9TH AUGUST 1975, UPTO 15TH AUGUST 1975 AND 2ND OCTOBER 1975 (.) HIGH POWER LAND REFORM COMMITTEE HAVE DISCUSSED THE MATTER IN THEIR MEETING AT JORHAT ON 17TH INSTANT (.) GOVERNMENT HAVE NOW DECIDED TO FIX TARGETS FOR YOUR DISTRICT AND SUBDIVISION AS FOLLOWS (.) FOR DIBRUGARH DISTRICT ONE THOUSAND FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND SEVEN HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR JORHAT SUBDIVISON ONE THOUSAND TWO HUNDRED FAMILIES UPTO NINTH AUGUST AND TWO THOUSAND FAMILIES UPTO FIFTEENTH AUGUST (.) FOR SIBSAGAR SUBDIVISION THREE UNDRED FAMILIES UPTO NINTH AUGUST AND FIVE HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR GOLAGHAT SUBDIVISION FOUR HUNDRED FAMILIES UPTO NINTH AUGUST AND SEVEN HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR NOWGONG DISTRICT SIX HUNDRED FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND FAMILIES UPTO FIFTEENTH AUGUST (.) FOR TEZPUR SUBDIVISION ONE THOUSAND FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND SEVEN HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR MANGALDOI SUBDIVISION FOUR THOUSAND TWO HUNDRED FAMILIES UPTO NINTH AUGUST AND SIX THOUSAND FIVE HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR GAUHATI SUBDIVISION TWO THOUSAND FAMILIES UPTO NINTH AUGUST AND THREE THOUSAND FIVE HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR BARPETA SUBDIVISON ONE THOUSAND FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND SEVEN HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR NALBARI SUBDIVISION SIX HUNDRED FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND FAMILIES UPTO FIFTEENTH AUGUST (.) FOR DHUBRI SUBDIVISION ONE HUNDRED FAMILIES UPTO NINTH AUGUST AND TWO HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR KOKRAJHAR SUBDIVISON TWO HUNDRED FAMILIES UPTO NINTH AUGUST AND FOUR HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR SILCHAR SUBDIVISION SIX HUNDRED FAMILIES UPTO NINTH AUGUST

AND ONE THOUSAND FAMILIES UPTO FIFTEENTH AUGUST (.) FOR HAILAKANDI SUBDIVISION ONE THOUSAND FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND SEVEN HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) FOR KARIMGANJ SUBDIVISION EIGHT HUNDRED FAMILIES UPTO NINTH AUGUST AND ONE THOUSAND FOUR HUNDRED FAMILIES UPTO FIFTEENTH AUGUST (.) TARGETS FOR LAKHIMPUR DISTRICT AND GOALPARA SUBDIVISION WILL BE COMMUNICATE LATER (.) TARGET FIXED FOR 2ND OCTOBER 1975 WILL BE INTIMATED LATER (.) PARA (.) ALLOTMENT OF UNTENANTED LAND FREE FROM ENCROACHMENT MAY BE MADE TO ELIGIBLE LANDLESS ACTUAL CULTIVATORS UPTO NINE BIGHAS (.) THAT IS ONE BIGHA FOR HOMESTEAD PURPOSE AND UPTO EIGHT BIGHAS FOR CULTIVATION IN A PLANNED MANNER BY MAKING SURVEY AND DEMARCATION OF EACH PLOT OF LAND (.)PARA (.) AS REGARDS CULTIVATING TENANTS ON TENANTERD LANDS WHO HAVE NOT YET BEEN GIVEN SETTLEMENT UNDER SECTION 16 OF THE CEILING ACT ON REALISATION OF PREMIUM YOU MAY FOR THE PRESENT GRANT ALLOTMENT CERTIFICATE UPTO NINE BIGHAS OF SUCH LANDS TO EACH OF THESE TENANTS IF FOUND TO BE IN HIS POSSESSION AND CULTIVATION (.) PARA (.) CERTIFICATE FOR ALLOTMENT OF UNTENANTED LANDS FREE FROM ENCROACHMENT AND THAT FOR ALLOTMENT OF TENANTED LANDS WILL BE DIFFERENT AND PRINTED FORMS FOR BOTH CATEGORIES ARE BEING SENT SHORTLY (.) PARA (.) AS REGARDS VESTED CEILING SURPLUS LANDS UNDER ENCROACHMENT COMPLETE LIST OF ENCROACHERS, PERIOD OF OCCUPATION OF EACH ENCROACHER, AREA UNDER ENCROACHMENT WHETHER EACH ENCROACHER IS *BONAFIDE* LANDLESS ACTUAL CULTIVATOR OR NOT AND HIS ELIGIBILITY OTHERWISE SHOULD BE COLLECTED (.) FURTHER INSTRUCTION IN THIS MATTER WILL BE ISSUED SEPARATELY (.) SETTLEMENT OFFICERS AND SENIOR ASSISTANT SETTLEMENT OFFICERS WILL RENDER ALL NECESSARY ASSISTANCE TO DEPCOMS AND SUBDIVISIONALS BY DEPUTING STAFF UNDER THEIR CONTROL ON TOP PRIORITY BASIS FOR SURVEY, DEMARCATION, PREPARATION OF PLAN, PREPARATIONS OF LIST OF ALLOTTEES ETC. (.) ALL OFFICERS ARE REQUESTED TO TAKE MOST EARNEST AND VIGOROUS STEPS FOR FULFILLING THE TARGETS FIXED (.)

Copy to :—Officer-in-charge, A. P. R. O., Dispur for immediate transmission of the message.

R. L. BORA,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

Memo. No. RRT: 144/75/ :Dated Dispur, the 19th July, 1975.

Copy to :—

1. Commissioner of Plains Division, Assam, Gauhati—1 for information.
2. P. S. to Chief Minister. | for information of Minister concerned.
3. P. S. to Minister Revenue & Minister State Revenue |
4. P. S. to Chief Secretary for information of Chief Secretary.

Post copy in confirmation to:—

5. (All) Deputy Commissioners and S. D. Os.
6. Director of Land Records, etc., Assam, Gauhati—21.
7. Director of Land Requisition. Acquisition and Reforms, Assam, Gauhati—1.
8. Settlement Officers / Senior Assistant Settlement Officers.

By order, etc.,

R. L. BORA,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

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FROM : SECRETARY REVENUE
TO : DEPCOM/SUB-DIVISIONAL
INFORM : SETTLEMENT OFFICER/SENIOR ASSTT. SETTLEMENT OFFICER.

ALL PLAINS DISTRICTS OF ASSAM

NO. RRT. 14475/10 (.) PLEASE REFER TO GOVERNMENT MESSAGE SENT FROM JORHAT CAMP UNDER NO. RRT. 14475 DATED 17TH JULY 1975 AND MESSAGE SENT FROM DISPUR UNDER NO. RRT. 14475 DATED 19TH JULY 1975 REGARDING DISTRIBUTION OF ACQUIRED CEILING SURPLUS LAND BOTH TENANTED AND UNTENANT (.) FOLLOWING IMPORTANT POINTS MAY BE CAREFULLY NOTED AND ACTION TAKEN ACCORDINGLY (.) PARA (.) AGRICULTURAL LAND MAY BE ALLOTTED TO LANDLESS ACTUAL CULTIVATORS ONLY AND EROSION AFFECTED PEOPLE GIVEN SPECIAL CONSIDERATION (.) PARA (.) A CULTIVATOR WHO HAS NO LAND EITHER AS A TENANT OR AS AN OWNER OR A CULTIVATOR WHO HAS UPTO THREE BIGHAS REPEAT THREE BIGHAS OF LAND AS A TENANT OR OWNER OR BOTH AND HAS NO MEANS OF LIVELYHOOD OTHER THAN CULTIVATION WILL BE REGARDED AS LANDLESS PERSON (.) PARA (.) A CULTIVATING TENANT WHO HAS ACQUIRED TENANCY UNDER THE TENANCY ACT OR IS ELIGIBLE TO ACQUIRE SUCH RIGHT OR A TEA GARDEN LABOURER WHO HAS BEEN CULTIVATING LAND ACQUIRED FROM THE TEA ESTATE UNDER A LICENSE OBTAINED FROM THE MANAGEMENT SHALL BE ALLOWED TO RETAIN HIS LANDS (.) A CERTIFICATE OF ALLOTMENT FOR THE LAND MAY BE ISSUED TO HIM AS ALREADY INSTRUCTED TILL HE OBTAINS SETTLEMENT AS PROVIDED UNDER THE CEILING ACT (.) PARA (.) WHERE THE ACQUIRED CEILING SURPLUS LAND IS UNDER ENCROACHMENT THE ENCROACHER HAS NO RIGHT TO GET SETTLEMENT OR ALLOTMENT (.) BUT ENCROACHMENT OF ACQUIRED CEILING SURPLUS LAND BY AN ELIGIBLE LANDLESS AGRICULTURIST BELONGING TO THE STATE UPTO A LIMIT OF TOTAL HOLDING OF EIGHT BIGHAS FOR AGRICULTURE PURPOSE AND ONE BIGHA FOR HOMESTEAD PURPOSE MAY BE REGULARISED IF YOU ARE SATISFIED THAT HE IS LANDLESS AND IF HIS ENCROACHMENT HAD TAKEN PLACE FROM PRIOR TO 1ST JANUARY 1967 (.) ENCROACHMENTS BY PERSONS HAVING MORE THAN NINE BIGHAS OF LAND AS TENANT OR OWNER OR BOTH AND ENCROACHMENTS MADE AFTER 1ST JANUARY 1967 ARE TO BE REMOVED EVEN IF SUCH ENCROACHMENTS ARE MADE BY ELIGIBLE PERSONS (.) IN TRIBAL BELTS/BLOCKS PROVISIONS OF CHAPTER X OF THE A. L. R. R. AND RULES MADE THEREUNDER SHOULD BE STRICTLY FOLLOWED (.) PARA (.) ALL LARGE BLOCKS OF ONE THOUSAND BIGHAS OR MORE OF ACQUIRED CEILING SURPLUS UNTENANTED LAND, IF FREE FROM ENCROACHMENT OR AFTER REMOVING ENCROACHMENT THEREFROM MAY BE HANDED OVER TO

AGRICULTURE DEPARTMENT FOR FORMATION OF AGRICULTURAL FARMING CORPORATION AND NO CERTIFICATE OF ALLOTMENT SHOULD BE GIVEN IN SUCH BLOCKS (.) SMALL BLOCKS OF VACANT PLOTS OF ACQUIRED CEILING SURPLUS LAND OR LANDS FROM WHICH ENCROACHMENTS HAVE BEEN REMOVED MAY BE ALLOTED TO LANDLESS ACTUAL CULTIVATORS AS DEFINED UPTO A LIMIT OF NINE BIGHAS AS INDICATED ABOVE (.) PARA (.) HOMESTEAD LANDS MAY BE ALLOTTED IN RURAL AREAS AS PER LAND POLICY RESOLUTION OF 21ST. JULY 1972 AND IN MAKING SUCH ALLOTMENTS PREFERENCE MAY BE GIVEN TO PERSONS BELONGING TO SCHEDULED CASTES AND SCHEDULED TRIBES AND TO THOSE AFFECTED BY FLOOD AND EROSION (.) PARA (.) REGARDING PREPARATION OF LIST OF LANDLESS ACTUAL CULTIVATORS AND SELECTION OF ALLOTTEES FOR ALL VACANT PLOTS OF ACQUIRED CEILING SURPLUS AND UNTENANTED LAND AND LANDS FROM WHICH ENCROACHMENTS HAVE BEEN REMOVED A SEPARATE COMMUNICATION FOLLOWS (.) MESSAGE ENDS (.)

12

W. T. MESSAGE

38

5th August, 1975

FROM : SECRETARY REVENUE

TO : DEPCOM SUBDIVISIONAL

INFO SETTLEMENT OFFICER SENIOR ASSTT. SETTLEMENT OFFICER

ALL PLAINS DISTRICTS OF ASSAM

NO RRT. 14475126 (.) REFERENCE GOVERNMENT MESSAGE SENT UNDER NO. RRT. 14475110 DATED 30TH JULY, 1975 (.) IN CONNECTION WITH DISTRIBUTION OF CERTIFICATE OF ALLOTMENT OF ACQUIRED CEILING SURPLUS TENANTED LAND SUBDIVISIONAL OFFICER MANGALDOI SEEKS CLARIFICATION ON FOLLOWING TWO POINTS (.) POINT NUMBER ONE IS THAT THE CULTIVATING TENANT IS FOUND TO OCCUPY ACQUIRED CEILING SURPLUS TENANTED LAND IN EXCESS OF WHAT WAS TENANTED TO HIM BY AN OWNER WHOSE SURPLUS LAND HAD BEEN ACQUIRED UNDER THE CEILING ACT (.) POINT NUMBER TWO IS THAT THE PERSON WHO IS NOW FOUND IN POSSESSION OF THE WHOLE OR A PORTION OF THE ACQUIRED TENANTED LAND IS DIFFERENT FROM THE TENANT WHOSE NAME WAS RECORDED IN CEILING PROCEEDINGS ETC. AS THE TENANT OF THE OWNER (.) PARA (.) WHEN A NOTIFICATION ACQUIRING THE CEILING SURPLUS LANDS OF AN OWNER WAS ISSUED BY GOVERNMENT ALL LANDS SHOWN IN THE NOTIFICATION WHERE MADE SARKARI NOTING THE FACT OF ACQUISITION IN CHITHAS AND JAMABANDI OF VILLAGES CONCERNED (.) THERE EXISTED NO RAIYATI KHATIYANS IN FAVOUR OF THE TENANTS IN RESPECT OF THE TENANTED LANDS OR IF THERE WERE SUCH KHATIAN THESE WERE CANCELLED AS THERE COULD BE NO TENANT UNDER GOVERNMENT (.) SECTION 16 OF THE CEILING ACT PROVIDES HOW SETTLEMENT OF THE TENANTED LAND ACQUIRED FROM AN OWNER AND FOUND IN POSSESSION OF A CULTIVATING TENANT IS TO BE GRANTED (.) ACCORDINGLY THE CULTIVATING TENANT IS ENTITLED TO GET SETTLEMENT OF THE ACQUIRED TENANTED LAND UNDER CERTAIN CONDITIONS (.) LAND RECORDS SHOULD HAVE BEEN KEPT PROPERLY AND MAINTAINED UP-TO-DATE SPECIALLY WITH REGARD TO ACQUIRED CEILING SURPLUS TENANTED LANDS SO THAT NO PROBLEM ARISES AT THE TIME OF GRANTING SETTLEMENT UNDER SECTION 16 WITH A CULTIVATING TENANT (.) NON-MAINTENACE OF LAND RECORDS PROPERLY HAS NOW CREATED PROBLEMS (.) PARA (.) FOLLOWING ACTION MAY THEREFORE BE TAKEN NOW (.) SUBPARA ONE (.) REGARDING POINT NUMBER ONE ( ) THE AREA OF ACQUIRED TENANTED LAND FOR WHICH CERTIFICATE IS TO BE GRANTED SHOULD BE LIMITED TO NINE BIGHAS OR TO THE AREA ORIGINALLY TENANTED BY AN OWNER WHOSE LANDS WERE ACQUIRED OR TO THE AREA IN OCCUPATION OF THE CULTIVATING TENANT WHICHEVER IS LESS (.) SUBPARA TWO (.) REGARDING POINT NUMBER TWO (.) IN ORDER TO GRANT A CERTIFICATE OF ALLOTMENT WITHIN LIMITATIONS MENTIONED

AGAINST POINT NUMBER ONE ABOVE THE CULTIVATING OCCUPANT WHO HIMSELF ACQUIRED TENANCY UNDER THE TENANCY LAWS THEN IN FORCE OR WHO IS ELIGIBLE TO ACQUIRE SUCH RIGHT OR WHO HAS BEEN FINALLY RECORDED AS A TENANT IN TENANTS RECORD OF RIGHTS OPERATION NOW IN PROGRESS SHALL BE ALLOWED TO RETAIN HIS LAND (2) IF THE CULTIVATING OCCUPANT WAS NOT A TENANT AS PER RECORDS OF CEILING PROCEEDINGS AT THE TIME OF ACQUISITION OF THE LAND OR THIS OCCUPANT WAS NOT FINALLY RECORDED AS A TENANT AT TENANTS RECORD-OF-RIGHTS OPERATION THEN SUCH A CULTIVATING OCCUPANT SHOULD NOT BE GIVEN CERTIFICATE OF ALLOTMENT TILL HE ESTABLISHES HIS RIGHTS BEFORE REVENUE COURT OR CIVIL COURT."

Memo No RRT. 144/75/126-A Dated Dispur, the 5th August 1975

Copy to :-

The Officer-in Charge, Assam Police Radio Organisation Dispur for transmission of the above message.

Post copy on confirmation to :-

1. The Deputy Commissioners/Sub-Divisional Officers.
2. The Settlement Officer, Sr. Assistant Settlement Officer
3. The Director of Land Requisition, Acquisition & Reforms,.
4. Director of land Records.
5. Commissioner of Plains Divisions.

By order etc.

ILLEGIBLE

Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

14 PH- IV

40 W. T. MESSAGE
3-5-76

FROM : SECRETARY REVENUE

TO : DEPCOM .. (ALL)

SUBDIVISIONAL (ALL)

INFO : SETTLEMENT OFFICER

SR. ASSTT. SETTLEMENT OFFICER

PLAINS DISTRICTS

NO. RRT. 228765/(.) GOVERNMENT DECIDED THAT THE TENANTS OCCUPYING CEILING SURPLUS LANDS IN RURAL AREAS WOULD BE GIVEN ALLOTMENT UPTO NINE BIGHAS INCLUSIVE OF ANY OTHER LAND HELD BY THEM (.) PLEASE TAKE ACTION ACCORDINGLY WHILE ALLOTING ACQUIRED CEILING SURPLUS LAND TO EXISTING CULTIVATING TENANTS (.) ALLOTMENT CERTIFICATES TO SUCH TENANTS IN RESPECT OF LAND IN EXCESS OF NINE BIGHAS MAY NOT BE DISTRIBUTED UNTIL FURTHER ORDERS (.) THIS MODIFIES GOVERNMENT INSTRUCTION COMMUNICATED UNDER MEMO NO. RRT. 144/75/126-A DATED 5TH AUGUST, 1975 (.)

Memo No. RRT. 228/76/5-A Dated Dispur the 5th May, 1976.

Copy to O/C.: A. P. R. O., Dispur, Gauhati for transmission of the above message.

Post copy in confirmation to:—

1. The Deputy Commissioner
2. The Sub-Divisional Officer
3. The Settlement Officer/Sr Settlement Officer

Copy forwarded to:—

1. The Commissisoner Land Reformes, Assam, Gauhati.
2. The Director of Land Reqn.: Acqn., & Reforms; Assam Gauhati.
3. The Director of Land Records., Assam, Bamunimaidan, Gauhati-21

Copy for favour of information to:—

1. Secretary to the Chief Minister.
2. Private Secretary, to the Minister
3. All Secretaries to the Government of Assam.

By order etc.,

P. C. MAHANTA,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.

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Pt IV 41

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W. T. MESSAGE.
15th May 1976

FROM : SECRETARY REVENUE (.)

TO : DEPCOM — (ALL)
SUBDIVISIONAL — (ALL) } PLAINS DISTRICTS.

INFO : SETTLEMENT OFFICER
SR. ASSTT. SETTLEMENT OFFICER

NO. RRT. 228767 (.) IN CONTINUATION OF THIS DEPTT'S MESSAGE NO. RRT. 228765 OF FIFTH INSTANT REGARDING ALLOTMENT OF ACQUIRED CEILING SURPLUS LAND TO EXISTING CULTIVATING TENANTS (.) THE EXPRESSION "ANY OTHER LAND HELD BY THEM" MEANS LAND HELD BY THEM ELSEWHERE EITHER AS TENANTS OR AS OWNERS OR AS BOTH (.) NO CULTIVATING TENANT OVER ANY ACQUIRED CEILING SURPLUS LAND IN RURAL AREAS SHOULD BE ALLOTTED ANY LAND EXCEEDING 9 (NINE) BIGHAS INCLUSIVE OF ANY OTHER LAND HELD BY HIM ELSEWHERE EITHER AS A TENANT OR AS AN OWNER OR AS BOTH .

Memo No. RRT. 228/76/7-A Dated Dispur, the 10th May, 1976.

Copy to O/C., A. P. R. O., Dispur, Gauhati for transmission of the above message.

Post copy in confirmation to :

1. The Deputy Commissioner
2. The Sub-Divisional Officer
3. The Settlement Officer
4. The Sr. Asstt. Settlement Officer

Copy forwarded to :-
1. The Commissioner, Land Reforms, Assam, Gauhati.
2. The Director of Land Requisition, Acquisition & Reforms, Assam, Gauhati.
3. The Director of Land Records, Assam, Bamunimaidan, Gauhati—21.

Copy for favour of information to :-

1. Secretary to the Chief Minister, Assam.
2. Private Secretary to the Minister
3. Secretary _____ Deptt.

By order etc.,

P. C. MAHANTA,

Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.

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P4 - IV

No. RRT. 144/75/Pt/1 Dated Dispur the 23rd October., 1975.

To

The Deputy Commissioner
(All)
The Sub-Divisional Officer

Sub: Distribution of acquired ceiling surplus lands.
Ref:— This Dept. letter No. RRT. 144/75/110, dt. 30th July 1975.

Sir,

I am directed to say that from the reports received it appears that so far about 47000 families have been allotted with acquired ceiling surplus lands by issuing allotment certificates and ceremonial distribution of allotment certificates were also arranged in some places. It is, however not clear from the reports if all the allotment certificates are actually distributed to the allottees concerned and whether the possession of lands so allotted was physically handed over to the allottees by the local Land Record staff. Land Records also require correction in the following manner.—

(a) All such distributed lands should be constituted in separate Dags and marked by hard pencil in the village Map.

(b) Entries should be made of all such allotment in the remarks column of the Chitha indicating the number of allotment certificate the name of the allottee and other relevant details.

It is also necessary that Mauza wise Allotment Registes for the lands distributed by issuing allotment certificates should be maintained in the following from allotting different pages to different villages:—

(a) Allotment Certificate No. ... .
(b) Name of the allottee ... .
(c) Community (Scheduled castes/Schedled Tribes, Muslims, others)
(d) Area allotted .. ..
(e) Details of land allotted (Dag No.) — ...
(f) T. B. Revenue payable ... ..

I am, therefore, to request you to take action as instructed above and to confirm that all allotment certificates have actually been distributed to the allottees concerned and possession of lands so allotted have also been physically handed over to the allottees by the local land Record staff.

The receipt of this letter may please be acknowledged.

Yours faithfully,
P. C. MAHANTA,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.

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Pt- IV

GOVERNMENT OF ASSAM
REVENUE (REFORMS)DEPARTMENT: TENANCY BRANCH.

. 00 43

NO.RRT.144/75/Pt./1 Dated Dispur the 23rd Oct.1975.

To (All) The Deputy Commissioner,
The Sub-divisional Officer,

Sub :- Distribution of acquired ceiling surplus lands.
Ref :- This Deptt. letter No.RRT.144/75/110 dated 30-7-[illegible]

Sir,

I am directed to say that from the reports received it appears that so far about 47000 families have been allotted with acquired ceiling surplus lands by issuing allotment certificates and ceremonial distribution of allotment certificates were also arranged in some places. It is, however, not clear from the reports if all the allotment certificates are actually distributed to the allottees concerned and whether the possession of lands so allotted was physically handed over to the allottees by the local Land Record Staff. Land Records also require correction in the following manner :-

a) All such distributed lands should be constituted in separate Dags and marked by hard pencil in the village Map.

b) Entries should be made of all such allotment in the remarks column of the Chitha indicating the number of allotment certificate the name of the allottee and other relevant details.

It is is also necessary that Mauza wise Allotment Register for the lands distributed by issuing allotment certificates should be maintained in the following forms allotting different pages to different villages :-

a) Allotment Certificate No.....

b) Name of the allottee.....

c) Community (Scheduled Castes/Scheduled Tribes, Muslims,others)

Contd- 2/-

Pt-2

d) Area allotted.....

e) Details of Land allotted (Dag No.).....

f) T.E.Revenue payable .....

I am, therefore, to request you to take action as instructed above and to confirm that allotment certificates have actually been distributed to the allottees concerned and possession of lands so allotted have also been physical handed over to the allottees by the local land Record staff

The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/P .C.Mahanta
Deputy Secretary to the Govt.of Assam,
Revenue(Reforms)Deptt.

...

Memo.No.RRT.144/75/pt./1-A. Dt.Dispur, the 23rd Oct.'75.

Copy for information and necessary action to :-

1. Revenue (Settlement)Department.
2. The Director of Land Records ,etc., Ass m, Gauhati-21.
3. The Director of Land Requn.Acqun. & Reforms,Assam,Gauhati-1.
4. (All) The Settlement Officer,
   The Sr. Asstt. Settlement Officer.
5. All Zonal Commissioners for favour of information .

By order etc.,

Sd /- P.C.Mahanta,
Deputy Secretary to the Govt.of Assam,
Revenue (Reforms)Deptt.

...

C.Bharali
27-11-81.

Pt-IV

45

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT

NO.RRT.171/75/Pt./35 Dated Dispur, the 27th August, 1975.

To :- (All)The Deputy Commissioner.
(All) Sub-divisional Officer,

Sub :- Settlement/Allotment of land acquired under ceiling Act falling within Town.

Sir,

I am directed to say that the Assam (Temporrilly Settled Areas)Tenuncy Act, 1971 does not apply to lands included in town land, and "Town land" has been defined in the Act as any land within an area declared or deemed to be a Municipality or Notified Area under the Assam Municipal Act, 1956. Certain agricultural lands included in town land have been acquired under the provision of the Assam Fixation of ceiling on Land Holdings Act, 1956. As tenancy right does not accrue in lands included in town lands, no person is entitled to get settlement of such lands U/S 16 of the Assam Fixation of ceiling on Land Holdings Act, 1956.

I am, therefore, to request you to ensure that no person is given settlement of any land included in town land U/S 16 of the Ceiling Act.

(As regards lands falling within the jurisdiction of the Gauhati City Corporation but outside the perimeter of the erstwhile Gauhati Municipality, I am to state that due to the rapid urbanisation of the area, it is intended to allot/ settle the acquired ceiling surplus land in a planned manner. Settlement/Allotment of acquired ceiling surplus land in this area should, therefore, be kept in abeyance till receipt of further instruction from Govt.).

(For Deputy Commissioner, Kamrup Only).

Yours faithfully,

Sd/-A.K.Palit
Secretary to the Govt.of Assam,
Revenue Department.

...

Memo.No.RRT.171/75/Pt/35-A, Dt. Dispur, the 27th August/75.
Copy for information and necessary action to :-

1. The Commissioner of Plains Division, Assam, Gauhati-1.
2. The Director of Land Records, Assam, Gauhati-21.
3. The Director of Land Requisition, Acquisition & Reforms, Assam, Gauhati-1.
4. (All) The Settlement Officer.
5. (All) The Senior Assistant Settlement Officer.
6. P.S. to Chief Minister/P.S. to Minister, REVENUE /P.S. to Minister State for Revenue .

By order etc.,
Sd/-
Secretary to the Govt.of Assam
Revenue(Reforms)Deptt.

...

469

470

Copy of W. T. Message No. 539/75 S, dated 24th Decem /r 1975 addressed to all Deputy Commissioners and Subdivisional Officers.

RRT. 9/75. IT HAS BEEN EXPERIENCED THAT CONSIDERABLE AREAS OF CEILING SURPLUS LAND ARE NOT FIT FOR AGRICULTURE (). KINDLY FURNISH FOLLOWING INFORMATION IN RESPECT OF AREA ALREADY AQUIRED UPTO 31ST DECEMBER 1975 REACHING THIS DEPARTMENT BY 15TH JANUARY 1976 POSITIVELY. () (1) AREA ACQUIRED FROM INDIVIDUALS AND TEA GARDENS SEPARATELY (2) AREA FIT FOR IMMEDIATE CULTIVATION AREA REQUIRING RECLAMATION TO MAKE IT FIT FOR CULTIVATION (4) AREA REQUIRING IRRIGATION TO MAKE IT FIT FOR CULTIVATION (5) AREA FIT FOR HORTICULTURE CASH CROPS ETC. (6) AREA FIT FOR CONSTITUTION OF FOREST RESERVES (7) AREA FIT FOR IMMEDIATE USE AS FISHERY (8) AREA REQUIRING RECLAMATION FOR USE AS FISHERIES (). A PROFORMA POSTED SEPARATELY. () THIS IS REQUIRED AS PER DECISION OF THE LAND REFORM COMMITTEE (2) THIS STATEMENT MAY BE SUBMITTED ON MONTHLY BASIS STARTING WITH THE FIRST STATEMENT AS ON 31ST DECEMBER 1975 () FOR NOWGONG DISTRICT () INFORMATION SHOULD BE KEPT READY AND PRODUCED BEFORE THE MEETING OF STATE LAND REFORM COMMITTEE TO BE HELD ON 16TH JANUARY 1976 AT NOWGONG.

Copy of W. T. Message No. RRT. 539/75/6. dated 24th Decemb 1975 addressed to All Deputy Commissioners and Subdivisional Officers.

RRT 539/75/6 CHIEF MINISTER AND ALSO MEMBERS OF STATE LAND REFORM COMMITTEE DESIRE TO HAVE AN IDEA OF LAND EXPECTED TO BE ACQUIRED UNDER THE CEILING ACT AND THE BROAD CATEGORIES OF SUCH LANDS . . YOU ARE THEREFORE REQUESTED KINDLY TO FURNISH FOLLOWING INFORMATION IMMEDIATELY BY FIFTEENTH JANUARY 1976 AT THE LATEST (.) (1) AREA LIKELY TO BE ACQUIRED THAT IS EXCLUDING THE LAND ACTUALLY ACQUIRED SO FAR (2) AREA FIT FOR CULTIVATION (3) AREA THAT WOULD REQUIRE RECLAMATION BEFORE CULTIVATION (3) AREA UNFIT FOR CULTIVATION (.) FOR NOWGONG DISTRICT (.) THIS INFORMATION MAY BE COLLECTED AND KEPT READY FOR THE MEETING TO BE HELD AT NOWGONG ON 11TH JANUARY 1976.

Statement showing the categories of land expected to be acquired under the Ceiling Act, Subdivision.

(Area in Bighas)

Name of District Subdivision Circle G. P	Area likely to be Acquired (i. e. excluding the area actually acquired so far)	Area fit for cultivation.	Area that would require reclamation before cultivation.	Area unfit for cultivation.	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)

Pt-IV

GOVERNMENT OF ASSAM - 000 48
REVENUE (REFORMS) DEPARTMENT ::: GENERAL BRANCH

NO.RRG. 84/76/7 Dt.Dispur, the 15th. Sept/76.

To:- The Settlement Officer, Kamrup, Gauhati/Goalpara, Dhubri/ Darrang, Tezpur/Lakhimpur, North Lakhimpur/Dibrugarh/ Sibsagar, Jorhat/Nowgong/Cachar, Silchar/Karimganj.

Sub:- Preparation of Tenants Record-of-Rights -correction of Records in respect of Tenanted lands acquired undre the Ceiling Act- maintenance of record regarding Tenants possession of acquired Ceiling surplus lands.

Sir,

I am directed to say that after the Tenants' Record-of-Rights Operation was initiated in the State vast area of tenanted lands were involved in the proceedings for acquisition of ceiling surplus lands, acquired and vested in the State involving considerable number of tenants already recorded at various stages of the Operation. Although tehancy is not an encumbrance, even then there can not be a tenant within the meaning of the Assam (Temporarily Settled Areas)Tenancy Act, 1971 under the State Government .The records regarding tenants possession in respect of the lands acquired are, however, required to be maintained to facilitate follow-up action in respect of acquisition.To size up the problem it has, therefore, been necessary to ascertain the area of land and the number of tenants involved in the ceiling proceedings.

I am, therefore to request you kindly to furnish the particulars as per proforma enclosed at as early a date as possible.
This may please be treated as Most Important.

Yours faithfully,
15/9/76
(P.C.Mahanta)
Deputy Secretary to the Govt.of Assam.

Contd 2/-

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Pt-IV

-2-

Memo.No. RRG. 84/76/7-A Dt. Dispur, the 15th Sept./76.

Copy for information and necessary action to :-

1. The Land Reforms Commissioner, Assam, Gauhati-1.
2. The Director of Land Records, Assam, Gauhati-21.
3. The Director of Land Requn. Acqun. & Reforms, Assam, Gauhati-1.
4. The Deputy Commissioner
5. The Sub-divisional Officer _____
6. The Senior Asstt. Settlement Officer ____.

By order etc.,

15/9/76

Deputy Secretary to the Govt. of Assam,
Revenue (R) Deptt.

Three

PROFORMA

STATEMENT SHOWING THE CIRCLE WISE POSITION OF TENANTS IN THE ACQUIRED CEILING SURPLUS LANDS

NAME OF THE DISTRICT _____ POSITION AS ON 31 ST AUGUST, 19[illegible]

Name of the Sub-Division	Name of the Circle	Records before Acquisition under ceiling Act.		Effect of the Acquisition under Ceiling Act.		Position after Acquisition under Ceiling Act.		Remarks
		No of tenants	Area under tenants	No of Tenants	Area under tenants	No. of tenants	Area under tenants	
1	1.							
	2.							
	3.							
	Sub-Division Total							
2.	1.							
	2.							
	3.							
	Sub-Divisional Total							
3.								
District Total :-								

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CONFIDENTIAL.

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT
TENANCY BRANCH
@@@@@

No.RRT.590/76/11, Dated Dispur, the 9th August, 1976.

To :-
All Deputy Commissioner,
Sub-Divisional Officer,

Sub:- Distribution of acquired ceiling surplus lands-Handing over possession to allotees.

Sir,

I am directed to say that after issue of allotment certificates distributing the acquired ceiling surplus lands to the landless people when the allottees would now go to occupy the allotted lands, ~~if~~ it is apprehended that there might be brea-ch of peach in certain cases. It is, therefore, necessary that the possession of all the distributed acquired ceiling surplus lands in respect of which allotment certificates have been issued should be delivered physically by the Revenue Staff on the spot.

I am, therefore, to request you to ensure that possession of all the distributed ceiling surplus lands in respect of which allotment certificates have been issued should be delivered physically by the Revenue Staff on the spot positively without any ~~delay~~ delay.

The receipt of this letter may please be acknowledged.

Yours faithfully,
(P. C. MAHANTA).
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

Memo No. RRT.590/76/11-A, Dated Dispur, the 9th August, 1976.

Copy for information and necessary action to:-

1) The Land Reforms Commissioner, Assam, Gauhati-I.
2) The Director of Land ~~Reforms~~ Records, Assam, Gauhati-21.
3) The Direc-tor of L and Reforms, Assam, Gauhtiti-1.

By Order etc.,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

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TE-12

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT ::: TENANCY BRANCH .
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C 52

NO.RRT. 169/75/Pt/36 Dated Dispur the 12 th Jan/77.

From - Shri B.C. Thakuria, I.A.S.,
Officer-on-Special Duty,
Revenue Department.

To - The Deputy Commissioner _____ of Plains Districts.
The Sub-Divisional Officer _____

Sub : Allotment/Settlement of acquired Ceiling Surplus lands with existing tenants beyond the limit of nine bighas.

Ref : Govt. message No. RRT. 223/76/Pt dt. 15.6.76.

Sir,

I am directed to say that the matter regarding allotment of acquired Ceiling Surplus land with the existing cultivating tenants beyond the limit of 9 (nine) bighas has been under consideration of the Govt. for some time past. It is now decided that a cultivating tenant in occupation should get allotment of land to the extent of the Ceiling Limit of 50 bighas inclusive of his other lands that he might be holding either as owner or tenant or both, as laid down u/s 16 of the Assam Fixation of Ceiling on Land Holdings Act, 1956. The new allottees would however, continue to get allotment to the extent of 9 (nine) bighas only inclusive of other lands held by him either as owner or tenant or both as hitherto.

You are accordingly requested to accelerate and complete the programme of distribution of the Ceiling Surplus land in your Sub-Division on the basis of the above Govt. orders.

This supercedes the earlier instruction contained in Government message under reference.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Officer-on-Special Duty, Revenue Department.

Contd ...p/2

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Memo No.RRT. 169/75/Pt/36-A Dated Dispur the 12 th Jan /77.

Copy forwarded to the :-

1. Secretary to the Chief Minister, Assam.
2. Private Secretary to the Minister Revenue/ P.W.D./ Forest/Industries/Irrigation/Law & Housing etc/ Supply etc./ Social Welfare/Fishery/Transport/ Health & Family Planning/Flood Control/ Khadi and Village Industries/ Minister State for Revenue/ Minister State for Transport/Finance/Deputy Minister Agriculture.
3. Commissioner of Plains Division, Assam, Gauhati.
4. Commissioner of Land Reforms, Assam, Gauhati.
5. Director of Land Records, Assam, Gauhati.
6. Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati.

By order etc.,

Officer-on-Special Duty,
Revenue Department.
12/1/77.

GD

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT :: TENANCY BRANCH .

No.RRT. 81/74/PT/19 Dated Dispur the 26 th July'77.

To

The Commissioner of Lower Assam Division, Gauhati.
The Commissioner of Upper Assam Division, Camp Dispur.
(All) Deputy Commissioners of the plains Districts.

Sub : Disposal of acquired Ceiling surplus land occupied for home-steads.

Sir,

I am directed to say it has been brought to the notice of Govt. that difficulties are being experienced to settle the acquire ceiling surplus lands which are under occupation of the non-agriculturist tenants like school-teachers and shopkeepers as home-stead lands. The attention of Govt. was also drawn to the fact that sub-section (1) of section 16 of the Assam Fixation of Ceiling on Land Holdings Act, 1956 provides for settlement of acquired ceiling surplus land with the cultivating tenants in occupation of such land. As there is an obvious difference between the cultivating tenants and non-agriculturist tenants in occupation of home-stead lands, it is apprehended that the provisions under sub-section (1) of section 16 cannot be invoked if it is decided to settle the acquired ceiling surplus land in favour of the non-agriculturist tenants.

I am now to say that Govt. after careful examination and having regard to the legal opinion in this matter have decided as follows :-

Acquired ceiling surplus land is available for disposal as per provisions under Chapter III of the Assam Fixation of Ceiling on Land Holdings Act, 1956. Section 16 of the said Act provides for the procedure for the disposal of the excess land whenever cultivating tenants are in occupation of the acquired land. In case any land which has not been disposed of under

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C 55

Section 16 of the Act as referred to above, the State Govt. or any officer empowered in this behalf may settle such land under Section 17 of the Act in the same manner as any other land which is at the disposal of Govt. under Section 12 of the Assam Land and Revenue Regulation, 1886 and in conformity with Govt. resolution on land Policy, 1972.

In view of what have been stated above, the home-stead land in occupation of the non-agriculturist tenants may be settled with the occupants under the ordinary land settlement policy on the merits of individual cases.

Yours faithfully,

P.C. Mahanta 26/7/77

(P. C. MAHANTA),
Deputy Secretary to the Govt. of Assam,
Revenue Department .

Memo No. RRT. 81/74/Pt/194 Dated Dispur the 26 th July'77.

Copy to :-

1. All Sub-Divisional Officers of the plains Districts.
2. All Settlement Officers.
3. Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati.
4. Revenue (Settlement) Department.

By order etc.,

P.C. Mahanta 26/7/77

Deputy Secretary to the Govt. of Assam,
Revenue Department .

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT:: TENANCY BRANCH.

NO.RRT.199/75/78 Dated Dispur the 26th Feb'1977.

To

All Deputy Commissioners
All Sub-divisional Officers } of Plains Districts.

Sub : Distribution of acquired ceiling surplus land within 15-4-77.

Ref : This Department letter No.RRT.199/75/72 dated8-2-77.

Sir,

In continuation of this Deptt. letter No.RRT.199/75/72 dated 8-2-77, I am directed to request you to take necessary steps for completion of the distribution of the acquired ceiling surplus land within 15th of April, 1977. In this connection I may add that Govt. have already issued instructions for allowing the settlement of tenanted land upto 50 bighas under this Deptt. letter No.RRT. 169/75/Pt/36 dated 12-1-77. You may therefore settle all the tenanted land without any further delay to boost up the distribution.

I may further add that some acquired ceiling surplus land may be found unfit for cultivation and hence such lands are obviously not fit for distribution to the landless persons. But it may be so that such land can be utilised profitably for afforestation or for pisciculture. You may take immediate steps to identify such lands and handover expeditously the possession of such land to the respective Departments-namely the Forest Department or the Fishery Department as the case may be. You may also seek any clarification from Govt. if any when necessary for speedy distribution of the acquired ceiling surplus lands

Yours faithfully,

Sd/-S.D.Ahmed,
Deputy Secretary to the Govt.of Assam,
Revenue (Reforms)Deptt.

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Memo.No.RRT.199/75/78-A, Dated Dispur the 24th Feb'77.

Copy forwarded to :-

1. The Land Reforms, Commissioner, Assam, Gauhati.
2. The Director of Land Requn. Acqun. & Reforms, Assam, Gauhati-1.

By order etc.,

Sd/-S.D.Ahmed,
Deputy Secretary to the Govt.of Assam,
Revenue(Reforms)Deptt.

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GOVERNMENT OF ASSAM - 0 58
REVENUE (REFORMS) DEPARTMENT :: TENANCY BRANCH

NO.RRT. 274/78/33 Dt. Dispur,the 16th August, 1978.

To:- All Deputy Commissioners of Plains Dists.
All Settlement Officers.
All Sub-Divisional Officers of Plains Dists.

Sub:- Status of tenants.

Sir,

In continuation of this Department Memo No.RRT.274/14/25 dated 27.7.78, I am directed to say that due to disposal of a number of the revision petitions under Sub-Section (6)of Sec. 7 of the Assam Fixation of Ceiling on Land Holdings Act,1956 as amended,certain areas have been released from Ceiling acquisition proceedings and restored back to the original land holders.But it may so happen in certain cases that such land involved in the acquisition have been allotted/settled either with the fresh allottees or with the existing tenants prior to disposal of the revision petitions u/s Sec. 7(6)as referred to above.In the event of restoration of such acquired land with original land holders, the allotment of such land with the fresh allottees shall obviously stand cancelled, but the rights of the tenants, if there be any,shall however subsist.In other words,the rights of the tenants shall not stand extinguished over an area which have been first acquired as excess land u/s 7(4)of the aforesaid Act and subsequently released and restored back to the original owner due to the disposal of the revision petitions under Section 7(6) of the said Act. Thus a tenant allottee is not liable to be evicted from the land of his tenancy due to circumstances stated above.

I would now request you to take necessary steps to ensure that no tenant is evicted from the land of his tenancy which have been acquired :

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and subsequently released from acquisition under the provisions of the AssamFixation of Ceiling on Land Holdings Act, 1956 as amended.

The receipt of this letter may please be acknowledged.

Yours faithfully,

S. D. Ahmed

(S.D. Ahmed)
Deputy Secretary to the Govt.of Assam,
Revenue (R) Deptt.

Pt-IV

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 28/80/10 Dated Dispur, the 23rd Feb.., 1981.

From : Shri S.D.Ahmed, ACS.,
Deputy Secretary to the Govt of Assam,
Revenue (R) Deptt.

To : The Director of Land Requn.Acqun. & Reforms, Assam, Gauhati-1.

Sub : Distribution of Tea Garden acquired ceiling surplus land.

Ref : Your letter No.LCS 6/79/80/19 dt 9-10-80.

Sir,

I am directed to say that the clarification are being sought about the tenancy status of persons who are cultivating tea garden land on payment of lincense fee; the garden labourers who are occupying the tea garden land but not recorded as tenants either under records of rights operation or under re-settlement operation and whether the cases of working tea garden labourers should be treated on the same footing like others for the purpose of determination of the status of tenants. In this connection Govt have already issued detailed instruction under this Deptt letter Nos.RRT 23/66/3 dt.23-1-66, RRT 23/66/55 dt 17-9-69, RRT 23/66/55 dt 3-10-70, RRT 23/66/67 dt 12-2-71 & RRT 23/66/51 dt 5-7-68 (copies enclosed).

I am now to say that in view of the clear Govt Circulars, there should not have any confusion on the points of determining the tenancy. Those who have establish that they were in occupation of the land before vesting on payment of any-thing, by whatever name it is called, they are tenants as clarified in the enclosed circulars.

I may further add those who come to occupy and are in possession subsequently after vesting of the land, they can not be given settlement under section 17 of Assam Fixation of land Holding Act,1956 as a matter of course. There will be obviously a question for selection on the basis of prevailing land settlement policy. I may make it clear that the failure of the L.R.staff during tenancy right of operation should not be a cause to deny a statutory right. But such cases have to be dealt with under section 59(2) of Assam T.S.A. 1971 for revising final record of the right.

Yours faithfully,
Sd/- S.D.Ahmed,
Deputy Secretary to the Govt of Assam.
...

Memo No RRT 28/80/10-A Dated Dispur, the 23rd Feb.., 1981.
Copy with 5 Nos. of Govt Circulars to :-

1. The Deputy Commissioner, _____
2. The Sub-divisional Officer, _____

By order etc.,
Sd/- S.D.Ahmed,
Deputy Secretary to the Govt of Assam.
...

...tendent,
(R) Deptt.

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(COPY)

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 23/66/3 Dated Shillong, the April 23, 1966.

To : (All) Settlement Officers.

Sub : Applicability of the Assam (Temporarily Settled Districts) Tenancy Act, 1935/Sylhet Tenancy Act, 1936, in the areas cultivated by Ex-Tea garden labourers.

Sir,

It has been brought to the notice of Govt that during the Settlement operation while preparation of records of rights of tenants is being carried on, the ex-tea garden labourers cultivating lands within tea estates on payment of rent have not been recorded as tenants. Though under section 2(g)/3(v) of the Assam (Temporarily Settled Districts) Tenancy Act, 1935/Sylhet Tenancy Act, 1936, as the case may be, the application of the Act in respect of lands comprised within estates settled for special cultivation is excepted, this exception clause is applicable only so long as such lands are used for the purpose of special cultivation for purposes ancillary thereto. Similar is the case in respect of lands settled for ordinary cultivation but used for special cultivation or for purposes ancillary thereto, only and as long as they are so utilised. It has been complained that the ex-Tea garden labourers who have been settled on lands in tea estates for generations together have been denied the right of tenancy though the provisions in the Acts are quite clear. The plea that the lands were originally "settled" for special cultivation or purposes ancillary thereto cannot hold good when as a matter of fact they are proved to be tenanted to ex-tea garden labourers. Such letting out of land for rent for cultivation by the ex-tea garden labourers cannot be deemed to be used for ancillary purposes.

So, the officers should each case on merit and record the fact of tenancy if he is satisfied that the land has been let out to ex-tea garden labourers on payment of some sort of rent.

Yours faithfully,

Sd/- R. Baruah,
Deputy Secretary to the Govt of Assam,
Revenue (R) Department.

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C. 62

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT :::: TENANCY BRANCH.
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NO.RRT.81/74/12 Dated Dispur, the 28th August, 1974.

To

The Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati-1.

Sub:- Procedure regarding mode of assessment of compensation for land to be acquired under Land Aequisition Act, 1894 in respect of lands already acquired under Land Ceiling Act and held by recorded tenants.

Ref:- Your No.R-58/72-73/70 dated 27.9.73.

Sir,

I am directed to say that U/S. 16 of the Assam Fixation of Ceiling on Land holdings Act, 1956 an occupying tenant is entitled to get settlement of land acquired from the owner on completion of certain formalities. Unless the tenant is given opportunity for completion of such formalities or if the tenant does not wilfully comply with the provisions of law, his rights to obtain settlement of such lands cannot be automatically extinguished.

When lands acquired under Land Ceiling Act held by recorded tenants not formally settled are urgently required for public purposes it may not be possible in many cases to allow the tenants to pay the premium in instalments, as is permissible under the Act nor it will be legal to deny them of such benefits.

Under the circumstances, the recorded tenants of the land acquired under Land Ceiling Act should be persuaded to take settlement of the lands by paying the required amount of premium atonce, and then formal settlement is made. It will then be easier in processing the lands required for public purposes to acquire under the Land Acquisition Act or the Land (Requisition and Acquisition) Act as the case may be.

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As observed by you, there is no provision for adjustment of premium payable under Ceiling Act with compensation eligible under Land Acquisition Act or Land (Requisition and Acquisition) Act.

Yours faithfully,

for Secretary to the Govt. of Assam,
Revenue Department.

Memo No.RRT.81/74/12-A Dated Dispur, the 28th August, 1974.

Copy for information and necessary action to:-

1) The Sub-divisional Officer, Borpeta with reference to his No.RXII-17/73/24 dt.11.9.73.

2-9) (All) Deputy Commissioner,

10-20) (All) Sub-divisional Officer,

By order etc.

(R.L.Bora)
Deputy Secretary to the Govt. of Assam,
Revenue(Reforms)Department.

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT

NO.RRT. 81/75/pt Dt. Dispur, the 24th Jan./76.

To:- All Deputy Commissioners

All Sub-Divisional Officer.

Sub:- Payment of compensation for acquisition of surplus lands under Ceiling Act- value of trees thereof.

Sir,

I am directed to say that as per provision U/S 12 (a) (I) (ii) of the Assam Fixation of Ceiling on Land Holdings Act, 1956, the compensation payable for acquisition of surplus lands is inclussive of the value of trees standing thereon.

I am, therefore, to request you to ensure that land owners do not remove the standing trees from the lands declared as surplus land acquired under the Ceiling Act.

Receipt of this letter may kindly be acknowledged.

Yours faithfully,

P.C. Mahanta

(P.C. Mahanta)
Deputy Secretary to the Govt.of Assam,
Revenue (Reforms)Dentt.

Memo.No.RRT. 81/75/pt Dt.Dispur, the 24th January, 1976.

Copy to Director of Land Requisition,Acquisition and Reforms Assam,Gauhati-1 for information.

By order etc.,

P.C. Mahanta

Deputy Secretary to the Govt.of Assam,
Revenue (Reforms)Dentt.

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT :: TENANCY BRANCH .
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.RRT. 94/71/63 Dated Dispur the 1st March, 1977.

The Sub-Divisional Officer, Sibsagar.

Payment of compensation for acquisition of land under Ceiling Act.

Your letters No. ILC-246/75-76/44 dated 20-12-76 and No.ILC. 265/75-76/ dated 16-12-76.

Sir,

I am directed to request you kindly to furnish printed/attested copy of the Gazette Notification or extract from final statement showing details of the acquired lands involved in the compensation proposals together with copy of Collector's order determining the compensation in respect of each proposal seperately to facilitate further action in the matter.

Kindly ensure that printed/attested copy of the acquisition Notification or extract from final statement showing details of lands acquired, as the case may be, and copy of Collector's order determining the compensation are invariably furnished alongwith each compensation proposal to facilitate early disposal of the same.

Also please confirm taking over possession of the acquired lands involved in the compensation proposals.

Yours faithfully,
1/3/77.
(S. D. AHMED),
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Department.

Memo No. RRT. 94/71/63-A Dated Dispur the 1st March,1977.

Copy for information and necessary action to :-

1. The Director of Land Requisition,Acquisition and Reforms, Assam, Gauhati - 1.
2. The Deputy Commissioner, _____.
3. The Sub-Divisional Officer, _____

By order etc.,
1/3/77
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT

No.RRT. 746/77/71 Dt. Dispur, the 7th December, 1977.

To:- The Deputy Commissioner, Dibrugarh, DIBRUGARH.

Sub:- Payment of compensation for acquisition of lands under Ceiling Act - (Dibrugarh Sub-Division) assessment of compensation on the basis of land Revenue actually paid/payable on the date of vesting of the lands acquired.

Ref:- Your letters No DRR-52/75-76/26 dt.20.9.77 ; No.DRR.198/76-77/27 dt. 23.9.77 ; No.DRR.48/75-76 dt.27.9.77; NO.DRR 108/76-77/15 dt.1.10.77 ; No. DRR.355/76-77/28 dt. 31.10.77.

Sir,

I am directed to say that the compensation proposals submitted with your letters under reference have not been prepared as per prescribed Rules.The Bigha rate against each Dag has not been shown under column (5) of the Statement (B),neither the other columns filled up, as required.

This may kindly be looked into and the compensation statements prepared as per provision of the Rules showing the details prescribed in the compensation Statements in Formy (B) & (C), as the case may be.

I am, further, to say that the compensation is to be calculated on the basis of actual Revenue paid/payable on the date of vesting of the lands acquired and not on the basis of unit rate of Land Revenue in the terms of current Re-Settlement Operation. In the compensation statements furnished with your letter under reference it is not indicated as to under what rates of Revenue the compensation has been assessed.

This may please be clarified to facilitate further action in the matter.

Yours faithfully,
7.12.77
(B.C. Rajkonwar)
Under Secy. to the Govt.of Assam,
Revenue (R) Deptt.

Contd... 2/-

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C: 67

Memo.No. RRT. 746/77/71-A Dt. Dispur, the 7th Dec, 1977.

Copy for information and necessary action to :-

1. The Director of Land Requisition, Acquisition & Reforms, Assam, Gauhati-1.
2. The Deputy Commissioner, Darrang, Tezpur/Lakhimpur, North Lakhimpur/.
3. The Sub-Divisional Officer, Tinsukia/Dhemaji/Mongaldoi/

By order etc.,

7.12.77

Under Secretary to the Govt. of Assam,
Revenue (R) Deptt.

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GOVERNMENT OF ASSAM C. 68
REVENUE (REFORMS) DEPARTMENT :::: TENANCY BRANCH

NO.RRT.121/71/156 Dated Dispur, the 2nd March, 1977.

To:- The Sub-Divisional Officer, Tinsukia.

Sub:- Submission of compensation statement for the lands acquired under the Ceiling Act (Powai Tea Estate).

Ref:- Govt. Acquisition Notification No.RRT.93/72/11 dt. 28.9.76.

Sir,

I am directed to say that pronosal for compensation for acquisition of lands cited above was received under your letter No. TRR.205/74-75/61 dated 18.10.76 and there was no mention in the pronosal that the concerning Collector was other than the Collector, Tinsukia. Sanction for payment of compensation in respect of the land was also issued while a revision petition in respect of the land was pending. This anomalous position would have not arisen if the compensation proposal was processed through the concerning Collector.

I am therefore, to request to ensure that compensation proposals are processed by the concerning Collector and not by the Deputy Commissioner/Subdivisional Officer merely due to the fact that the acquired lands fall within his Sub-Division.This, however, will not stand as bar in cases involving lands falling within your Sub-division where the entire cases records have been transferred to you due to creation of new Sub-Division after finalisation of the acquisition proceedings by the Deputy Commissioner, Dibrugarh.

Yours faithfully,

S. D. Ahmed

(S.D. Ahmed)
Deputy Secretary to the Govt.of Assam.

Memo.No.RRT. 121/71/56-A Dt. Dispur, the 2nd March, 1977.
Copy to :-
1. The Director of land Requisition, Acquisition and Reforms, Assam, Gauhati-1 with reference to his letter No.TLC.9/76-76/Pt/5 dt. 28.10.76.

2. The Deputy Commissioner,_____for information and necessary action.

3. The Sub-Divisional Officer,_____ for information and necessary action.

By order etc.,
S. D. Ahmed
Deputy Secretary to the Govt.of Assam,
Revenue (R) Deptt.

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GOVERNMENT OF ASSAM
REVENUE(REFORMS) DEPARTMENT::TENANCY BRANCH

NO.RRT.23/77/ 3 Dated Shillong the 23rd April/66 .

To. : All Settlement Officer .

Sub. : Applicability of the Assam (Temporarily Settled Districts) Tenancy Act, 1935 Sylhet Tenancy Act, 1936, in the areas cultivated by Ex-tea garden labourers .

Sir,

It has been brought to the notice of Govt. that during the settlement operations while preparation of records-of-rights of tenants is being carried on, the ex-tea garden labourers cultivating lands within tea estates on payment of rent have not been recorded as tenants. Though under Sec. 2(g)/3(v)of the Assam (Temporarily Settled Districts) Tenancy Act 1935/Sylhet Tenancy Act, 1936, as the case may be, the application of the Act in respect of lands comprised within estates is settled for special cultivation is excepted, this exception clause is applicable only so long as such lands are used for the purpose of special cultivation or for purposes ancillary thereto . Similar is the case in respect of lands settled for ordinary cultivation but used for special cultivation or for purposes ancillary thereto, only and as long as they are so utilised. It has been complained that the ex-tea garden labourers who have been settled on lands in tea estates for generations together have been denied the right of tenancy though the provisions in the Acts are quite clear. The plea that the lands were originally " settled " for special cultivation or purposes ancillary thereto cannot hold good when as a matter of fact they are proved to be tenanted to ex-tea garden labourers. Such letting out of land on rent for cultivation by the ex-tea garden labourers cannot be deemed to be used for ancillary purposes .

So, the officers should examine each case on merit and record the fact of tenancy if he is satisfied that the land has been let out to ex-tea garden labourers on payment of some sort of rent .

Yours faithfully,
Sd/-

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(COPY)

GOVERNMENT OF ASSAM

REVENUE (REFORMS) DEPARTMENT :: TENANCY BRANCH

RT.RT 23/66/55 Dated Shillong, the 17th Sept/69

To. : All Settlement Officer.

Sub. : Applicability of the Assam(Temporarily Settld Settled Districts) Tenancy Act, 1935 Sylhet Tenancy Act, 1936 in the Tea ~~Estate~~ Garden Lands.

Ref. : This Deptt letter No.RRT.23/66/5 dt. 23-4-66 (Copy enclosed).

Sir,

In continuation of this Deptt letter quoted, I am directed to say that apart from ex-tea garden Labourers, any other persons found cultivating the tea land on ~~an~~ payment of rent either in cash or in kind, will also be eligible to be recorded as tenant,. In other words besides the ex-ten garden labourers other persons should also be brought under the purview of the above mentioned circular.

Please acknowledge the recept of this letter.

Yours faithfully,

Sd/-

Deputy Secretary to the Govt.of Assam.

Memo No.RT 23/66/55-A Dated Shillong the 17th Sept/69

Copy to :- 1. All Deputy Commissioners.

2. The Director of Land Requn. Acqun & Reforms, Assam, Gauhati -1.

By order etc.,

Sd/- U.C. Sarma,

Deputy Secretary to the Govt.of Assam., Dispur.

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(COPY)

GOVERNMENT OF ASSAM

REVENUE (REFORMS)DEPARTMENT::TENANCY BRANCH.

NO.RRT.23/66/ 65 /Dated Shillong the 3-10-70 .

To : The Settlement Officer, Lakhimpur, Dibrugarh .

Sub. : Clarification on licence fee and privileged rayati Status in recording working Labour force as tenants in Tea Esatate .

Ref. : Your No.L3R.10/70/3053 dt. 23-6-70 .

Sir,

I am directed to State that (1) Since the licence fee as stated by you is a payment for use or occupation of Land, it should fall within the definition of rent U/S 3(5) and hence the Assam (T.S.D.) Tenancy Act, 195 would be attracted. (2) The provisions of Section5(2) debar the acquisition of the status of privileged raiyat by a tenant on the land meant for special cultivation . Status of occupancy of non-occupancy tenants can be acquired on such land by tenants .

(3) All the persons, whether ex-tea garden labourers, working tea garden labourers or other persons holding land in the tea garden on payment for the use or occupation of the land should be recorded as tenants. Land held by tea garden labourers is not to be treated as being utilised for the purposes ancillary to tea cultivation .

Yours faithfully,

Sd/-
Under Secretary to the Govt. of Assam,
Revenue (R)Deptt.

...

Memo No.RRT.23/66/65- A /Dated Shillong the 3-10-70 .

Copy to the Settlement Officer, Darrang, Tezpur for information

By order etc.,

Sd/-

Under Secretary to the Govt. of Assam.

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IMMEDIATE

GOVERNMENT OF ASSAM

REVENUE (SETTLEMENT)DEPARTMENT:::DEVELOPMENT BRANCH .

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NO.RSD.18/78/ 12 Dated Gauhati 781006 the 5th October, 1978 .

From : Shri S.P.Hazarika, I.A.S.
Secretary to the Govt. of Assam .

To : All Deputy Commissioner of plains District of Assam .
All Sub-Divisional Officer

Sub. : EVICTION OF ENCROACHERS.

Sir,

I am directed to say that the Committee on Welfare of Scheduled Tribes and Scheduled Caste has taken a serious view for not evicting the encroachers who do not belong to the protected classes of people from the Tribal Belts and Blocks. The recommendation made by the Committee in the Second Report of the Committee on Welfare of Scheduled Caste Scheduled Tribes is as follows :-

" The Committee therefore recommends that the non-tribal inelligible encroachers should be forthwith evicted from the Tribal Belts & Blocks and the land thus vacated should be sattled with the landless persons belonging to Scheduled Castes and Scheduled Tribes ".

The general stay order issued vide message No.RSS.55076 PART 7 dated 27.7.78 expired on 15.9.78 and as such you are requested to take immediate steps to remove all encroachments in the Tribal Belts & Blocks as well as elsewhere.

As regards the second part of the recommendation of the Advisery Committee i.e.settlement of land becaming available after eviction, I am to request you to dispose of the applications from protected classes of people for settlement of waste land in the Tribal Belts/Blocks expeditiously and as per the standing instructions .

This may please be treated as urgent .

Yours faithfully,

Sd/-S.P.Hazarika
Secretary to the Govt. of Assam, Revenue(S)
Department

Pt-IV Memo No.RSD.18/78/12-A Dt.Gauhati 781006 the 5th October,1978 . 73

Copy forwarded to the :-

1. Commissioner of Lower Assam Division, Gauhati-1 .
2. Commissioner of Upper Assam Division, Jorhat .
3. Director of Land Records,Assam, Bamunimaidan, Gauhati-21 .
4. Revenue (Reforms)Department.
5. Under Secretary,Legislative Assembly, Assam, Dispur for information and necessary action with reference to his letter No.La/CQUEST/26/77/ 5670,dt.26.6.78 .
6. Private Secretary to Minister,Revenue for information of Minister Revenue .

By order etc.,

Sd/-

Deputy Secretary to the Govt. of Assam,
Revenue (S)Department.

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Pt-IV

Copy of letter No.RRT.83/70/104 dt.27-9-72 to the Settlement Officer, Dibrugarh.

Subject. : Recording the interest of tenants.

Sir,

I am directed to say that it has been brought to the notice of Government that the Revenue Officials connected with resettlement operation are insisting on documentary evedency for recording the names of tenants in Dibrugarh district I may make it clear that this is not the correct approach nor it is the intention of the Assam (Temporarily Settled Areas) Tenancy Act ,1971 for which Sub-section(17) of Section 3 of the Act may please be refered to .

In view of what have been stated above, I am to request that all the officers should be instructed to record the interests of the occupying tenants as per sprit of the Tenancy law instead of relying on documentary evidence alone.

The receipt of this letter may please be acknowledged.

(COPY)

CONFIDENTIAL

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT: TENANCY BRANCH.

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NO.RRT.51/73/ 25 Dated Shillong the 27th November, 1973 .

To : The Deputy Commissioner, Lakhimpur
North Lakhimpur .

Sub. : EVICTION OF TENANTS.

Ref. : This Deptt. letter No.RRT.2/72/19 dt. 24-4-73 .

Sir,

In continuation of this Department Letter quoted above, I am directed to say that the reports of illegal eviction of tenants by the landlords in your district are being received. Such cases are being reported from other districts too. But, Govt. are very much concerned to receive allegations that the administrative convinence helps the illegal eviction of tenants by landlords .

I am, therefore, to request you not to disturb the tenants who are in possession of land-whatever might be the right. When a specific case is filed, you are requested to clearly examine if really a prima-facie case stands. The landlords under one plea or other may try to fabricate cases against the tenants and you are to see the interests of the tenants also .

Yours faithfully,

Sd/- R.L. Bora,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Deptt.

...

Memo No.RRT.51/73/25-A Dated Shillong the 27 th November, 1973 .

Copy to :-

1. All Deputy Commissioner;
2. All Sub-Divisional Officer,
3. Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati .

for information and necessary action .

By order etc.,

Sd/- R.L.Bora,
Deputy Secretary to the Govt. of Assam,
Revenue (Reforms) Dept.

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IMMEDIATE
SECRET

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

U/O No RRT 51/73/52 Dated Dispur, the 1st March 1974

HOME DEPARTMENT U/O

Sub : Eviction of tenants - utilisation of Police help.

Instances have come to the notice of Revenue Deptt that the landlords have resorted to X illegal tactics for evicting their tenants fearing the implementation of the Assam (Temporarily Settled Areas) Tenancy Act 1971. It may be mentioned that the Act debars eviction of tenants by their landlords without a Court's decree in this regard. The Act also prohibits so-called voluntary surrender of their holdings by the tenants without specific permission of the concerning Deputy Commissioner. The landlords are reported to have started forcible eviction of their tenants. What is more disturbing is that allegations have been received that in some cases the landlords could succeed to secure police help in their nefarious design with the plea of law and order situation.

It will also not be correct to say that the landlords are guilty in each and every case. But, there are reasons to apprehend that some landlords may go to any extent to frustrate the implementation of the Tenancy Act, which aims at giving ~~security~~ security to the cultivating tenants.

In view of what has been stated above it is being felt that the administration in general and police in particular would keep in mind the real cause of disputes between landlords and the tenants, while intervening in such disputes.

Contd .. 2

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Pt-IV

It will be very much appreciated if necessary instructions are issued from your end so that police may maintain absolute neutrality in their intervention whenever they are required to take action on such disputes between the landlords and their tenants. They (plice) should also offer proper protection to the tenants in such disputes.

Sd/- R.L.Bora,
Deputy Secretary to the Govt of Assam.
Revenue (B) Deptt.

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Pf-IV C 78

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT & TENANCY BRANCH

No RRT 55/73/46 Dated Dispur, the 24th June, 1974.

To : All Deputy Commissioners of the Plains Districts.
All Sub-Divisional Officers of the Plains Districts.
The Director of Land Revenue Accum & Reforms, Assam, Gauhati.
All Settlement Officers.

Sub : Amendment of the Assam (Temporarily Settled Areas) Tenancy Act 1971.

Sir,

In forwarding herewith a copy of the Assam (Temporarily Settled Areas) Tenancy (Amendment) Act 1974, I am directed to say that the provisions of the main Act debar the ejectment of the tenants by their landlords without the decree from a competent Civil Court. But instances came to the notice that the tenants, especially the share-cropper could not go to the Civil Court to seek relief against illegal eviction. It was, therefore, felt necessary to amend the Act so as to enable the Revenue Officers to act in the matter of restoration of possession of the lands when the tenants are unlawfully evicted. Accordingly the Act has been amended and the main features of the amending Act are as follows :

1) The local Revenue Officer shall have the jurisdiction to entertain petition for restoration of possession.

2) The local Revenue Officer shall have the powers to restore the possession to the unlawfully evicted tenants.

3) The limitation for filing petition against illegal eviction has been so fixed as to enable the reopening of all past cases of eviction if petitions are filed within a period of 90 days from the date of enforcement of this Act.

4) The jurisdiction of the Civil Court in the matter of restoration of possession has been barred.

Other amendments are of consequential nature.

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You are now requested to instruct all the Assistant Settlement Officers and the Sub-Deputy Collectors to give wide publicity about the provisions of this amending Act in general and the limitation aspect in particular.

You are further requested to come up with the proposal for investiture of the powers of Revenue Officers where necessary under sub-section (14) of Section 3 of the Act.

The printed copies of the amending Act will be sent shortly.

The receipt of this letter may please be acknowledged without fail.

Yours faithfully,

Sd/- B.L.Tera,
Deputy Secretary to the Govt of Assam.
Revenue (P) Deptt.

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Memo No. REV 35/73/46-A Dated Dispur the 24th June 1974.

1) Copy together with a copy of the aforementioned Act forwarded to all Sub-Deputy Collectors for information and necessary action. The receipt of this communication should be acknowledged without fail.

2) Copy to the Commissioner of Plains Division, Gauhati.

3) Copy to the Director of Land Records, Assam, Gauhati.

4) Copy to all Secretaries of Mahkuma Parishads.

By order etc.,

Sd/- B.L. Tera,
Deputy Secretary to the Govt of Assam.

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Pt-IV

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 1st July, 1974.

No RRT 85/72/pt/1 : In exercise of the Powers conferred by sub-section (14) of Section 5 of the Assam (Temporarily Settled Areas) Tenancy Act 1971 (Assam Act XXIII of 1971), the Governor of Assam is pleased to appoint all the Sub-Deputy Collectors in -charge of Circles of the Districts of Kamrup, Darrang, Nowgong, Sibsagar, Dibrugarh, Cachar and Lakhimpur and the Sub-Deputy Collectors in-charge of Sidli, Bijni and Goomigaon Circles of Goalpara District and all Asstt. Settlement Officers having Jurisdiction over the circles as Revenue Officers for the purposes of the aforesaid Act.

Sd/- R.L.Bora,
Deputy Secretary to the Govt of Assam,
Revenue (R) Deptt.

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pt-IV

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT::TENANCY BRANCH.

NO.RRT.35/73/Pt/5 Dated Dispur, the July, 1974 .

To 1) All Deputy Commissioners of Plains Districts.

2) Director of Land Requisition,Acquisition and Reforms,Assam, Gauhati-1.

3) All Settlement Officers.

4) All Sub-divisional Officers,

Sub : Procedure for appeal in ejectment cases against the order of the Revenue Officer.

Ref : This Deptt. Notification No.RRT.35/73/Pt/1 dt.1-7-74.

Sir,

I am directed to say that all Sub-Deputy Collectors in-charge of Circles and all the Assistant Settlement Officers have been appointed as Revenue Officers under the Assam(Temporarily Settled Areas) Tenancy Act, 1971 in this Department Notification referred to above. In this connection I am to draw your attention to the provisions for appeal under Sec.67(b) of the Assam(Temporarily Settled Areas) Tenancy Act, 1971 wher-in it has been provided that an appeal against the order of Revenue Officer shall lie before the Deputy Commissioner or the Settlement Officer.In this context I am directed to say that in the districts where settlement or re-settlement operation is now in progress (i.e.Dibrugarh, Lakhimpur, Darrang,Sibsagar, Kamrup and Cachar Districts and Gossaigaon, Sidli and Bijni Circles of Goalpara District) the Asstt. Settlement Officers having jurisdiction over the Circles will entertain petitions under section 54 A of the Assam(Temporarily Settled Areas)Tenancy Act, 1971 and appeals against their orders shall lie before the concerning Settlement Officer; whereas in Nowgong district where Settlement or resettlement operation is not at present undertaken the Sub-Deputy Collectors in-charge of Circles are required to entertain petitions U/S 54 A of the said Act and appeals against their orders will lie before the Deputy Commissioner Nowgong .

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Pt-IV

As soon as settlement operation for preparation of tenants record -of-rights is taken up in the district of Nowgong the Assistant Settlement Officers will entertain the ~~pti~~ petitions U/S.54 A of the said Act and the appellate authority will be as indicated above .

As and when settlement or re-settlement operation of an area is closed the Sub-Deputy Collector in-charge of the Circle within whose jurisdiction the area falls will entertain petitions under section 54 A of the said Act, and appeals against his orders will lie before the Deputy Commissioner.

Wide publicity of the above may please be given in your jurisdiction to enable the affected parties to submit petitions U/S.54 A and appeals thereafter to the appropriate authorities .

Kindly acknowledged the receipt of this letter.

Yours faithfully,

Sd/-R.L.Rora
Deputy Secretary to the Govt.of Assam
Revenue(Reforms)Deptt.

..

Memo.No.RRT.35/73/Pt/5-A, Dated Dispur the July 1974.

Copy to :-

1) Commissioner of Plains Division,Gauhati .
2) Director of Land Records,Assam,Gauhati-21.
3) All Chief Councillors Mohauma Parishads.
4) All Sub-Deputy Collector.
5) All Asstt. Settlement Officers for information and necessary action and giving wide publicity in the localities.The receipt of this communication may please be acknowledged.

By order etc.,

Sd/-
Deputy Secretary to the Govt.of Assam,
Revenue (Reforms)Deptt.

...

C.Bharali
Dy 23-11-81.

CONFIDENTIAL/MOST IMMEDIATE

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT :: TENANCY BRANCH.

No. RRT.37/74/1 Dt. Dispur, the 7th March/74.

To : All Settlement Officers/Sr.Asstt.Settlement Officers.

Sub : Recording of the interest of tenants in the tenants record-of-rights operation.

Sir,

In forwarding herewith a copy of the Govt.letter No. RRT.83/70/104 dt.27-9-72 to the Settlement Officers, Dibrugarh, I am directed to say that it has been brought to the notice of the Government that some Land Record Staff and some Revenue Officials are insisting on documentary evidence for recording the names of tenants in the process of preparation of tenants' record-of-rights.

In this connection you are requested to refer to the defination of the "tenant" vide section 3(17) of the Assam (Temporarily Settled Areas) Tenancy, 1971. The intention of the Legislature and the object of this Tenancy Act should be clearly understood from the words " a person who cultivates or holds the land of another person " which are main ingredients of the definition of the term ~~"tenant"~~ "tenant" of this Act.

It will, therefore, be your duty to record the interests of the occupying tenants as per spirit of the Tenancy Act on circumstantial evidence on spot. If production of documentary evidence alone is insisted upon a large number of persons who are granted the status of tenant as per provisions of the Assam (Temporarily Settled Areas) Tenancy Act 1971 will be left out in our programme for preparation of tenants' record-of-rights.

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In the above circumstances, I am to request you that all the Revenue Officials and Land Record staff should be clearly instructed for recording the interests of the occupying tenants as per spirit of the Tenancy Act.

The receipt of this letter may please be acknowledged.

Yours Faithfully,

Sd/-K.L.Rora
7/3
Deputy Secy. to the Govt. of Assam,
Revenue (Reforms)Deptt.

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Memo.No.37/74/1-A, Dt. Dispur, the 7th March 74.

Copy to the Commissioner of Plains District, Assam, Gauhati-1.

2. The Director of Land Record, Assam, Gauhati-21.

3. The Director of Land Requisition, Acquisition and Reforms, Assam, Gauhati-1.

4. The Addl. Director of Land Requn., Acqun. & Reforms, Assam, Jorhat, for information and in order necessary action.

By order etc.,

Sd/-
Deputy Secy. to the Govt. of Assam.

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Pt-IV

Confidential

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT

No RRT 146/74/56 Dated Dispur, the 30th April/75.

To : All Deputy Commissioners / Sub-divisional Officers
All Settlement Officers/Sr.Asstt.Settlement Officers.

Sir,

I am directed to say that instances have come to the notice of Govt where the land-lords do not restore the possession to the illegally ejected tenants inspite of clear direction of the Revenue Officer under Section 54-A of the Assam (Temporarily Settled Areas) Tenancy Act 1971 as amended.

It is therefore, increasingly felt that Section 71 of the aforesaid Act is to be invoked against the defying land-lords who violate the provisions of the Act.

You are, therefore, requested to proceed against the land-lords who wilfully fails or neglects to comply with the lawful orders passed under Section 54-A of the said Act.

Please acknowledge receipt of this letter.

Yours faithfully

Sd/- R.L. Pora,
Deputy Secretary to the Govt of Assam.
...

Memo No RRT 146/74/56-A Dated Dispur, the 30th April/75.

Copy forwarded for information to :-
1) The Commissioner of Plains Division, Assam, Gauhati.
2) The Director of Land Records, Assam, Gauhati-21.
3) The Director of Land Recun Accun & Reforms, Assam, Gauhati-1.

By order etc.,

Sd/- R.L.Pora,
Deputy Secretary to the Govt of Assam.
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Pt.-IV

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

NO RRT 148/75/60 Dated Dispur, the 10th May / 75.

To : Shri T.N.Pera,
Settlement Officer, Kamrup, Gauhati.

Sub : Tenants' record-of-rights in areas falling within Tribal Belts/Blocks.

Ref : Your letter No.KAPAPR1.23/74/Pt/25(A)/1073-74 dt 8-4-75.

Sir,

With reference to the above and in continuation of our discussions on the above mentioned subject I am directed to say that those persons who are eligible to obtain Settlement of land in the Tribal Belts/Blocks as per provisions of the Cahpter X of the Assam Land Revenue & Regulation 1886 and rules made thereunder in the ChapterIX of part II of Assam Land Revenue Manula, may only be considered to record such eligible persons as tenants as defined under Sec 3(17) of the Assam (Temporarily Settled Areas) Tenancy Act 1971. If any eligible persons are found in possession of such lands necessary steps should be taken for cancellation of Pattas, and ejectment of the in eligible persons etc., as provided under Chapter X the Assam Land Revenue & Regulation 1886 and Rules made thereunder.

The Officers and staff under you may please be properly instructed in this regard.

Kindly acknowledge receipt of this communication.

Yours faithfully,

Sd/- R.L.Pota,
Deputy Secretary to the Govt of Assam.

...

Memo No RRT 148/75/60-A Dated Dispur, the 10th May /75.

Copy to :-

1) Settlement Officers (All)
2) Sr. Asstt Settlement Officers (All).

They are also requested to properly instruct the Officers and the staff under them accordingly.

3) Commissioner of Plains Assam, Gauhati-1
4) Director of Land Records Assam, Gauhati-21.

for information and necessary action.

By order etc.,

Sd/- R.L.Pera,
Deputy Secretary to the Govt of Assam.

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GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 148/75/pt/ Dated Dispur, the 21st July 1975.

To : The Director of Land Records, Assam, Gauhati.

Sub : Tenancy in Tea Garden.

Ref : Your No.LR(PN-52)/72-75/3975 dt 18-5-75.

Sir,

With reference to your above quoted letter, I am directed to say that necessary clarifications about licence fee to be treated as a payment for use of occupation of tea garden land, were issued long ago under this Deptt letter No.RRT.23/66/65 dt 5-10-70. On receipt of your letter No.I(P)/7975 dt 12-9-70, a copy of this Deptt letter No.RRT. 23/66/65 dt 5-10-70 was forwarded to you under this Deptt letter No. RRT.23/66/67 dt 12-7-71.

I am also to add that Govt apprehend that all the instructions about the creation of tenancy in the Tea Gardens have not been brought to the notice of the Settlement Officers by you. I am, therefore, enclosing all the relevant instructions afresh for your guidance and necessary action.

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/- P.L. Bora,
Deputy Secretary to the Govt of Assam.
...

ENCLOSED

1) Copy of letter No.RRT.23/66/3, dt 25-4-66
2) " " " " 23/66/51 dt 5-7-68.
3) " " " " 23/66/55 dt 27-9-69.
4) " " " " 23/66/65 dt 5-10-70.
5) " " " " 23/66/67 dt 12-2-71.

Memo No. RRT 148/75/pt/ -A Dated Dispur, the 21st July, 1975.

Copy together with the copies of above mentioned correspondence forwarded to all settlement Officers for information and necessary action.

By order etc.,

Sd/-
Deputy Secretary to the Govt of Assam.
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Pt-IV C 88

MOST IMPORTANT

GOVERNMENT OF ASSAM
REVENUE (REFORMS) DEPARTMENT : TENANCY BRANCH

No RRT 143/75/19 Dated Dispur, the 15th Aug. 1975.

To : (All) Settlement Officers.
(All) Sr. Asstt Settlement Officers.

Sub : Scope and applicability of Assam (Temporarily Settled Areas) Tenancy Act 1971 - Exclusion of Non-agricultural tenancy.

Ref : This Deptt Memo No RRT 143/75 dt 28-6-75.

Sir,

I am directed to say that instances have come to the notice of Govt that tenants' khatians under the provisions of the Assam (Temporarily Settled Areas) Tenancy Act 1971 are being issued to persons holding land for non-agricultural purposes. In this connection I may make it clear that the Assam (Temporarily Settled Areas) Tenancy Act 1971 is applicable only when tenancy has been created for agricultural purposes and purposes subservient thereto. I may also add that the words word "Agriculture" has been defined vide sub-section (1) of Section 2 of the Act to include horticulture, sericulture and other allied agricultural pursuits. The definition of agriculture has an wider coverage but it should not be extended to include any non-agricultural lease by liberal interpretation of the words "other allied agricultural pursuits". Similarly the interpretation of the word "land" as defined in sub-section (6) of Sec. 2 of the Act need not be overstreched to cover non-agricultural lease taking the advantage of the words "Subservient" in the same sub-section. It should be clearly understood that the intention of this legislation is to regulate the rights and liabilities of Agricultural tenants and their landlords as will be evident from the Preamble of the Act.

In view of the above, you are requested to adhere scrupulously to the provisions of the Act and to take special care to avoid issue

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