

ADDENDUM TO THE LAND POLICY, 1989.

12.

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

Rivers, Streams etc.

Reservation of waterside area

- | | | |
|---|---------------------------------|--------------|
| (i) The Brahmaputra river | - 25 metres.
The Barak river | - 25 metres. |
| (ii) Other rivers and big Government fisheries | - 20 metres. | |
| (iii) Rivulets, Streams, canals and small fisheries | - 10 metres. | |

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

15.

ENCROACHMENT AND EVICTION :

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

14.9.

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

16. SPECIAL PROVISIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES FAMILIES :

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

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

16.3. The Scheduled Castes and Scheduled Tribes landless eligible persons occupying Government land shall be given settlement of the land under their occupation, if the land is not otherwise reserved for any specific public purpose. In case the land under their occupation is needed

land shall be given settlement to such persons before the land under their occupation is taken for the public purpose.

KEMPTION OF LAND REVENUE :

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

JOINT PATTA IN THE NAME OF SPOUSE :

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

LAND ADVISORY COMMITTEES :

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

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

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- .3. The untenanted land acquired under the Land Ceiling Act and already allotted to landless persons by issuing allotment certificates may be settled with the allottee occupants or their legal heirs, if they are found in physical possession of the land so allotted, subject to the limit of 8 bighas per family.
- .4. The allotment of land, already allotted, but not found in occupation of the actual allottees or their legal heirs, even after 3 years of allotment, may be cancelled, and such land may be allotted/settled with deserving landless cultivators as per the present Land Policy of Government.
- .5. The untenanted ceiling acquired land not yet allotted may be allotted expeditiously to the deserving landless persons as per provisions of the Act and present Land Policy of Government.
- .6. The acquired ceiling surplus land which is unfit for cultivation and homestead, should be expeditiously identified and be earmarked/ reserved for utilisation by different departments concerned as per National Policy on Waste Land.
- .7. The land acquired under the Assam State Acquisition of Land Belonging to Religious or Charitable Institutions of Public Nature Act, 1956 (as amended) may be disposed of expeditiously as per provisions of the said Act and as per present Land Policy of Government.

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

1. Local indigenous families of the State who do not have homestead land in the name of any member of their families may be allotted suitable homestead land not exceeding one bigha per family. The land allotted for homest

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- 1.8. All allotment/ settlement of land for ordinary cultivation will be made with the indigenous landless cultivator i.e. the persons who actually cultivate the land themselves.
- 1.9. State Government will identify the available waste land in order to make effective use of the same.
- 1.10. The old occupation of Khas land used by the indigenous cultivators by growing oranges and citrus trees by raising gardens in compact Blocks and in continuous possession for 10 years or more prior to 31st December, 1980 and still in possession by raising oranges and citrus gardens may be regularised by granting periodic settlement on payment of due premium to be fixed by Government in this regard subject to the maximum limit of 10 (ten) bighas.
- 1.11. Government have decided for giving allotment and settlement of land in the permanent Surveyed Chars in the State with the local deserving landless Indian citizens expeditiously as per land policy.
- 2 DISPOSAL OF LAND ACQUIRED UNDER THE FIXATION OF CEILING ON LAND HOLDINGS ACT, 1956 (AMENDED) AND UNDER THE ASSAM STATE ACQN. OF LAND BELONGING TO RELIGIOUS OR CHARITABLE INSTITUTIONS OF PUBLIC NATURE ACT, 1959 (AMENDED) :
- 2.1. Settlement of the tenanted land acquired under the Assam Fixation of Ceiling on Land Holdings Act, 1956 (as amended) with the tenants in occupation as per provisions of the Act, should be expedited.
- 2.2. The tenanted land acquired under the Land Ceiling Act, but not under occupation of tenants or their legal heirs, may be treated as ordinary

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

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

- (a) Land-owner cultivators who have been rendered landless due to flood, erosion, earthquake or other natural calamities.
- (b) Persons rendered landless due to acquisition of their lands for public purposes.
- (c) Local landless cultivators. Preference will be given to cultivators belonging to S.T., S.C. and M.O.B.C. communities.
- (d) Landless ex-servicemen.

XPLANATION:-

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

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

.7. The area of land to be allotted or settled with a cultivator family having land measuring 3 bighas or less, shall be so much as will, together with land already held as owner or

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

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

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

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

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

- (i) Increase in population due to (a) normal growth in the State and (b) influx of persons from

- iii) Occurrence of (a) floods in every year rendering land unfit due to silting and (b) erosions eating away both homestead and agricultural land at various places.
- iv) Rapid industrialisation and urbanisation causing decrease in agricultural land.

(iv) Acquisition of land for various development schemes and projects including construction of roads, bundhs, dykes and the like resulting in decrease in agricultural land.

v) Establishment of various educational institution and other social institutions of public nature resulting in decrease in agricultural land.

i) Acquisition of private land and transfer of Government land for the purposes of Central Government Departments, corporations and other public undertakings/organisations like ONGC, OIL, P. & T., Defence, Railway etc., resulting in decrease in agricultural land.

Out of the total geographical area of 78,523.08 Kms of the State, an area of 15,222 Sq. Kms about 19.38 per cent of the total area is in the two autonomous Hills districts of Janglong and North Cachar Hills where the entire matters are dealt with by the District Councils. plains districts of the State, namely Goalpara, Kokrajhar, Barpeta, Nalbari, Kamrup, Darrang, Sonitpur, Lakhimpur, Dibrugarh, Sibsagar, Golaghat, Karimganj and Cachar comprise of 63,301 Sq. Kms. Again out of this area, 59 Kms are under the Reserved Forests (excluding 2 Hills districts), and balance area of 45,172 Kms (excluding the Reserve Forests) has many hillocks, Rivers, Streams, Fisheries, Beels and other low-lying and swampy areas where habitation, and other developmental activities are

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

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

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

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

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

1.2. Land already allotted may be settled with the indigenous allottee provided the allottee is in continuous possession for a period of 3 years or more by cultivating the same or has used it for the purpose for which it was allotted.

1.3. The maximum limit of land for allotment to