APPENDIX - F

THE NEW LAND POLICY, 1989

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 due to have been used for the purpose for which it was allotted.

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

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

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

1.5. As far as practicable preference should be given in the matter of allotment/settlement of land for ordinary cultivation as follows:
(a) Land-owner cultivators who have been rendered landless due to flood, erosion, earthquake or other natural calamities.

(b) Persons rendered landless due to acquisition of their lands for public purposes.

(c) Local landless cultivators. Preference will be given to cultivators belonging to S.T., S.C. and M.C. communities.

(d) Landless ex-servicemen.

EXPLANATION:

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

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

1.7. The area of land to be allotted or settled with a cultivator family having land measuring 3 bighas or less shall be so much as will, together with land already held as owner or tenant or both, not exceed 8 bighas in total.
1.8. All allotment/settlement of land for ordinary cultivation will be made with the indigenous landless cultivators, i.e., the persons who actually cultivate the land themselves.

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

1.10 The old occupation of Government Khas land used by the indigenous cultivators by growing oranges and citrus trees, by raising gardens in compact blocks and in contiguous 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 every 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 to 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 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, 1956
not under occupation of tenants or their legal heirs may be treated as ordinary Government land and be disposed of as per present Land Policy of Government.

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

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

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

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

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

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

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

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

4. **ALLOTMENT OF LAND FOR ALLIED AGRICULTURE PURPOSE IN RURAL AREAS**:

4.1. Land in rural areas may be allotted for Pisciculture, Dairy, Poultry, Piggery, Sericulture etc. on the schemes or projects duly approved by the department concerned, to local landless families who have Pisciculture or Dairy or Poultry or Piggery or Sericulture etc. as means of livelihood subject to maximum limit of 5 (five) bighas per family, or (twenty) bighas for registered Co-operative Societies.
Such allotment will stand cancelled if the land utilised for the specific purpose within 3 years of allotment.

5. ALLOTMENT/SETTLEMENT OF LAND FOR SPECIAL CULTIVATION:

5.1. Government high land and ceiling surplus land suitable for special cultivation should be identified and suitable report for special cultivation of tea, coffee, rubber etc. on such land will be obtained by the Government from the State and the Central Governments' agencies concerned for the purpose of allotting the same to small growers for special cultivation.

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

(i) Indigenous youths coming from the families above the poverty line.

(ii) Other indigenous educated unemployed youths.

(iii) Co-operatives of indigenous unemployed youths.

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

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

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

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

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

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

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

6. V.G.R. AND P.G.R. AND OTHER RESERVED LAND:

6.1. Endeavour will be made to preserve the existing V.G.R. and P.G.Rs for use by the members of public for the purpose for which those were constituted and encroachment on V.G.Rs or
P.G.Rs, if any, will be removed. Henceforth, the lands under V.G.Rs and P.G.Rs will not be further decreased by way of dereervation and allotment, etc., except for purposes under special circumstances.

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

6.3. Play ground, and other open place suitable for play ground and park in rural areas will be preserved for maintenance of ecological balance/environment as well as other purposes.

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

7.1. No agricultural land will ordinarily be allotted or set aside for establishment of Industry, construction of public institution/offices, hospital, dispensary, etc. The State Government will evolve a standard norm for allotment/settlement of land for such non-agricultural purpose and follow the same strictly.

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

8. TEMPORARY PERMISSION FOR MANUFACTURING BRICKS, TILES ETC.

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

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

9. RESTRICTION ON TRANSFER OF AGRICULTURAL LAND:

9.1. Transfer of agricultural land by cultivators for agricultural purpose without the previous permission is restricted as laid down in the Executive Instruction No. 24 under the Assam Land & Revenue Regulation, 1886.

9.2. Restriction on transfer of any class of land falling in the notified area under Municipal Towns and Municipal Corporation may not be made applicable.
10.1. The places of ancient monuments, historical tanks, and the sites considered to be of historical and archaeological importance should be preserved and shall not be allotted to any individual or any private organisation. Such places should be kept free from encroachment by any vigilance.

11. CONVERSION OF ANNUAL LEASE INTO PERIODIC:

11.1 Although Government has issued instructions from time to time for conversion of annual lease into periodic, the result is not very encouraging. Hence, subject to observance of the provisions of the existing rules and procedures as laid down in Rule 105 of the Assam Land Record Manual, Rule 23 of the A.L.R.R., 1889 and Government instructions in force, conversion of Annual lease into Periodic shall be granted expeditiously. Hence, there will be no automatic conversion of Annual lease.

11.2 State Government have, therefore, decided that conversion of Annual lease into Periodic shall be granted:

(i) by Circle Officer in rural areas excluding those falling within the radius of 10 kms. from boundary in case of Gauhati Municipal Corporation and 3 kms. in case of other Municipal and Panchayat Towns;

(ii) by the Deputy Commissioner of the District.
respect of the areas falling within the radius of 1 km. from the boundary in case of Gauhati Municipal Corporation and 3 km. in case of other Municipal and Revenue Towns;

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

11.3. Further, the conversion of Annual lease into Periodic lease shall be limited to:

(i) the maximum area allowed to be held in rural area as per provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended, including the periodic land already held by the family settlement holder;

(ii) all annual and short leases of land in all Municipal Towns, Revenue Towns and in Guwahati Corporation in areas falling within the radius of 3 km. from the boundary of Municipal and Revenue Towns and 1 km. from the boundary of Gauhati Municipal Corporation shall be converted into periodic lease subject to observance of the provisions of existing rules and procedure as laid down in Rule 109 of the Assam Land Records Manual, Rule 23 of the Assam Land Reorganization Order of 1886 and Government instructions in force.

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

12 CADESTRAL SURVEY AND NON-CADESTRAL AREAS :

12.1. Cadestral Survey of Non-cadestral areas found found for the Cadastral Survey will be taken up for the preparation of land records expeditiously.

13 MUTATION AND PARTITION :

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

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

14. SETTLEMENT AND RESERVATION OF LAND IN TOWNS :

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

EXPLANATION

"agriculture" includes horticulture, aboriiculture, pisciculture, piggery, animal husbandry and other activities.
14.2. The area of land to be settled shall not exceed the limit of 4.00 area in Municipal Corporation area per family and 5.50 Area in other Towns per family for homestead purposes.

14.3. Land within Greater Guwahati notified under Government Notification No. RSR.21/59/126 dated 1st October, 1979 and in any other Towns may be settled on payment of due regards with the indigenous persons of the State in order of preference as follows:

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

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

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

(iv) An indigenous person, who has land in rural area.
but has no land in any urban areas either in his own name or in the name of any member of his family who has been residing in urban area for last 10 years or more with members of his family:

Provided that such person is required to reside in urban area permanently by very nature of his service/profession and was not been able to purchase land in urban area on account of pecuniary conditions.

(v) Other indigenous landless persons of the State

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

14.5. The land acquired under the provisions of the Assam Acquisition of Land Belonging to Religious or Charitable Institutions of Public Nature Act, 1959, as amended and subsequently included in Town/Municipal Corporations be settled with the occupying tenants as per provisions of the Act expeditiously.

14.6. The land acquired under the provisions of the Fixation of Ceiling on Land Holdings Act, 1956, as amended and subsequently included in Town/Municipal Corporations be settled with the occupying tenants as per provisions of the Act subject to the limit of 2 Kathas per family homestead purpose.
14.7. The land acquired under the aforesaid three Acts, and under occupation of previously recorded tenants will be treated as ordinary Government land and will be disposed of by granting settlement as per present Land Act subject to payment of due premium.

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

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

15  ENCORACHMENT AND EVICTION :

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

16  SPECIAL PROVISIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES FAMILIES :

16.1. Preference may be given to the landless eligible members 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 for any public purpose, alternative suitable land shall be given settlement to such persons before the land under their occupation is taken over for the public purpose.

17 EXEMPTION OF LAND REVENUE :

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

18 JOINT PATTA IN THE NAME OF SPOUSE :

18.1. Government have decided that henceforth
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.

19 LAND ADVISORY COMMITTEES :

19.1. There shall be a Land Advisory Committee consisting of members not exceeding 15 (fifteen) including the Chairman for each Sub-Division to advise the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, on 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.

Source: Govt. of Assam, Revenue(s) Deptt., Dispur 198