



PUBLIC ACCOUNTS COMMITTEE

(1988-90)

FORTY FOURTH REPORT

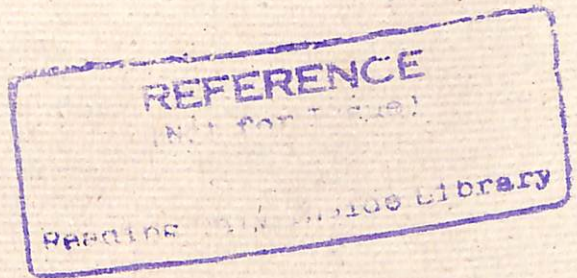
(EIGHTH ASSEMBLY)

Report of the Public Accounts Committee on the action taken or proposed to be taken by the Government on the various Recommendation Suggestions or Remarks made by the Public Accounts Committee contained in their 35th Report on the Land Revenue pertaining to Revenue Department Government of Assam.

Presented to the House on 18th November, 1988

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COMPOSITION OF THE COMMITTEE (1988—90)

CHAIRMAN :

1. Shri A. F. Golam Osmani.

MEMBERS :

2. Shri Kamala Kalita.
3. Shri Pradip Hazarika.
4. Shri Joy Prakash Tewari.
5. Shri Silvius Condpan.
6. Shri Sheikh Abdul Hamid.
7. Shri Ramendra De.
- *8. Shri Altaf Hussain Mazumdar.
- **9. Shri Gunin Hazarika
- **10. Shri Dilip Kumar Saikia.
- **11. Shri Zoi Nath Sarma.

SECRETARIAT :

1. Shri S. N. Deka, Secretary.
2. Shri S. K. Changmai, Liaison Officer.
3. Shri A. R. Chetia, Under Secretary.
4. Shri P. Deuri Bharali, Superintendent.

* expired on 19 9.88.

** ceased to be Members on their appointments as Ministers and Minister of State.



INTRODUCTION

1. I, Shri A. F. Galom Osmani, Chairman of the Committee on Public Accounts, having been authorised to submit the Report on their behalf present this Forty Fourth Report of the Committee on Public Accounts on the action taken or proposed to be taken by Government on their Thirty fifth Report on Land Revenue pertaining to Revenue Department Government of Assam.

2. The Written Memorandum on actions taken or proposed to be taken by Government were considered after taking oral evidence from the Commissioner, Revenue Department, Government of Assam by the Committee on Public Accounts of the Eighth Assembly (1988-90) in its sitting held on 2nd November, 1988.

3. The Committee has considered the draft report and adopted the same in its sitting held on 7th November.

4. The Committee places on records their appreciation to the staneous works done by the *outgoing Committees on Public Accounts in obtaining various records, information and clarifications pertaining to the report. The Committee also wishes to express their thanks to the representatives of the Government in the Revenue Department for their kind cooperation in furnishing the relevant information/clarifications to the Committee.

DISPUR
The 7th November, 1988

A. F. GOLAM OSMANI,
Chairman,
Committee on Public Accounts.

*Annexure—I

STATEMENT SHOWING THE ACTION TAKEN OR PROPOSED TO BE TAKEN BY THE GOVERNMENT
ON VARIOUS RECOMMENDATIONS SUGGESTIONS OR REMARKS MADE BY THE PUBLIC
ACCOUNTS COMMITTEE IN THEIR 35TH REPORT ON LAND REVENUE PERTAINING
TO REVENUE DEPARTMENT, GOVERNMENT OF ASSAM.

Sl. No. of Para of P. A. C. Report.	Recommendations/observations	Action taken or proposed to be taken by Government,	Remarks.
(1) (2)	(3)	(4)	(5)
1	Para I. 8 Page--6 The Committee therefore recommends that the Government should take effective step for the accuracy of forecast of land revenue receipts and minimise the variations between budget estimates and actuals. The Committee also recommends that the Government should explore devices to increase the extent of collection of land revenue and reduce the outstanding arrears as well as economise the cost of collection of land revenue dues.	Government have issued necessary instruction from time to time to Deputy Commissioners and Sub-Divisional officers to gear up collection of land Revenue and local rates to minimise the variation between Budget estimates and actuals. D. Cs. and S. D. Os have also been directed that each Mouzadar may be given a fixed target for collection to be made within a specific period of time and they may be impressed upon to achieve the target and some officers not below the rank of S. D. C. should be entrusted with the task of supervision about the performance of the Mou-	From the written Memorandum and oral deposition of the Commissioner, Revenue on 2nd November, 1988 before the Public Accounts Committee, it appears that the recommendation of the Committee are not implemented as yet for which the committee expresses dissatisfaction with the performance of the Department. The Committee, therefore, recommends that the Revenue Department should take particular care and explore devices to increase the extent of collection of land revenue and reduce outstanding arrears.

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(2)

(3)

2. Para 2.10
Page-10

The Committee therefore recommends that Government should start immediate action to convert all annual patta lands into periodic pattas to augment collection of huge areas of land revenue. The Committee further recommends that in getting the annual pattas converted into periodic pattas a target should be fixed and notices or directions should be issued to all District Revenue Officers including Circle Officers in this score failure of which should be dealt with serious consequences. Government should also assess the quantum of loss sustaine each year for not conversion of annual patta land into periodic pattas. Action taken should be reported to the Committee within three months from the date of presentation of this report.

(4)

zaders. Further in case of Tahsils, a fixed target for collection within a specific period of time should be given to each Tahsildar with the clear instruction that the target so fixed must be achieved within a stipulated period.

Land policy resolution 1972 vide para 8 provides automatic conversion of A. P. land in rural areas falling out side the periphery of 2 miles of municipalities, town Committees and Revenue towns into periodic on realisation of appropriate premium.

Though such policy was adopted, there are difficulties, practical and statutory for automatic conversion of A. P. land into periodic.

There are A. P. land which are not under the occupation of the owner. There are A. P. lands under disputed possession too. If such lands are allowed to be converted there will be litigation resulting in harassment to the pattadars. Therefore in such cases conversion cannot and should not

(5)

The Committee further recommends that in course of future discussion, if the matter crops up again, the Department should satisfy the Committee that the recommendations earlier made are really followed and atleast these are given effect to.

After hearing the commissioner, Revenue the Public Accounts Committee observes that the fact notwithstanding that there is not much difference between the land revenue collected on account of Annual Pattas and amount collected from Periodic Pattas so far quantum of Revenue is concerned the Committee in there 35th Report recommended for immediate conversion. In there wisdom, the legislators also recommended such conversion which was given effect to in various land policies of the Government of Assam from time to time. Persons holding A. P. land for psychological reasons too want such conversion. So this is not question solely relating to financial consideration. In this connection, the Public Accounts Committee would like

be allowed. Regarding legal provisions Rule 23 of the Settlement Rule of the Assam Land and Revenue Regulation, 1886 with explanation there under may also be referred to in this regard. As per provision of the said rule no new periodic lease shall be issued within one chain after 35 fis. from the foot of the slope of a public Road. Further the Government have issued an executive instruction not to allow conversion of A. P. land within 141 fis. from the center of the P.W. D. road. So A.P. land falling within this distance cannot be allowed for conversion. Besides, rule 165 of the Assam land Record Manual has laid down certain conditions for allowing conversion of A. P. land in to periodic According to the provision of the said rules land must be well demarcated and should be brought under permanent crops or occupied for the permanent residential purposes by the owner. Besides, there are ceiling limit of holdings in town as well as in the rural areas. As per existing ceiling maximum of 3

to draw the attention of all concerned to the land policy statements announced in 1972 and 1978.

Anx—II, III.

The Revenue Department is expected to go by the policy decisions made by the Government and not to circumvent for reasons not obvious to others.

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bighas of land can be converted into periodic in the town land as for rural areas are concerned land to the ceiling limit fixed under the provision of the Assam fixation of Land Ceiling on Land Holdings, Act, 1956, upto a maximum of 50 bighas may be allowed for conversion.

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In view of the above difficulties all the A. P. land cannot be converted into periodic. The D. C.'s concerned have been requested to allow conversion of A. P. lands into periodic wherever the conditions laid down by rules and instruction are fulfilled. It may be stated here that the statutory conditions for conversion of A. P. land into periodic could not be superseded with executive orders referred to in the paras of the Report. The D. C. and S.D.O. have, however, been instructed to take appropriate action for conversion of A. P. land into periodic to the maximum extent within the prescribed provisions of law in force (Land Record Manual).

(1) (2)

3. Para 3.9
Page-12

(3)

The Committee therefore recommends that Government should issue directions to all District Revenue Officers including circle officers to carry out weekly inspection to the accounts of the Mauzas on daily collection and submit their report to the Government with suggestion for improvement of maintenance of Dainik Amdani Registers and cash-book. The Committee also recommends that all Bakijai cases and other suits started against the defaulting Mauzadars to recover the amount retained by them without authority and beyond the permissible limit should be dealt with very expeditiously and progress made should be intimated to the Committee within three months from the date of presentation of this Report. The Committee further recommends that responsibility should be fixed on the officers entrusted to carry-out regular inspection of daily accounts of Mauzadars in the event of their failure to report the matter to the Government in time.

(4)

Deputy Commissioners and Sub-divisional Officers have been directed to carry-out the recommendations made by the P.A.C. in their 35th Report. All D. Cs. and S. D. Os. have also been directed to issue instructions to all Revenue Officers of their District to carry-out regular inspection of the Mauzas/Tahsils and submit the inspection reports to Government regularly and also fix responsibility on the Officers entrusted to carry-out regular inspection and to reflect their action in their Annual Confidential Reports. We are receiving reports of steps taken by the Distt. Further progress will be intimated latter on.

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The Committee observes that the concerned Deptt. should in future furnish to the Committee whatever circulars and instructions issued in course of taking actions in pursuance of the recommendations of the Public Accounts Committee as annexure to their Memorandum of Replies. Secondly, an assessment should also be made by the Deptt. and the report about the outcome should be furnished. The Committee is very often unable to make any assessment from the simple assessments in the Memorandum of Replies that certain circulars, orders or instructions are issued or that the matters are being pursued.

(1) (2)

4 Para. 4, 17
Page, 18-19.

(3)

The Committee observes that due to laxity on the part of the Department, Government has to incur heavy loss to recover the collection of land revenue from the Mauzadar which had heavily told upon the collection of land Revenue Receipts.

The Committee, therefore, recommends that Government should issue strict instructions to the Deputy Commissioners, Sub-divisional Officers to carry out regular monthly inspections of Mauza accounts of the State so that no Mauzadar could retain cash in hand beyond permissible limit of Rs. 2000.00 as envisaged in the provisions of the Assam Land and Revenue Regulation to avoid risk of embezzlement and misuse of Government money by Mauzadars.

The Committee further recommends that the responsibility should be fixed on the Sub-Deputy Collectors for their laxity to inspect the Mauza accounts thereby imposing a check on the Mauzadars not to misappropriate the Govern-

(4)

The Deputy Commissioners have been directed to carry out the recommendation made by the P. A. C. in their 35th Report. The D. Cs have also been directed to check the defalcation of collected land revenue by the Mauzadar. The inspection of Mauza accounts should be made regular after scrutinising the records thoroughly and ascertaining the amount of revenue collected by the Mauzadar. The amount credited by him in the Treasury and the amount lying in hand so that timely action may be taken against the Mauzadars found to be at fault. Further, D. Cs were directed that the Mauza accounts should be inspected by him frequently as a test check as far as possible and the Circle Officers should be instructed to inspect the Mauza regularly. We have received reports of action taken by D. Cs and S. D. Os also.

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The Committee also finds that in pursuance of the recommendation of the P. A. C. the Department, as submitted by them, has taken certain action to boost-up revenue collection as well as plug scopos for embezzlement by gearing up lower level revenue collection machinery run by the S. D. C. through Mauzadars. But nothing has been brought before the Committee to show what action, instructions, circulars or orders were issued from time to time.

The Committee to be convinced about the efforts made by the Department to give effect to the recommendation under reference must be supplied with all connected paper like Circulars orders etc. and as such the observation of the Committee is same as in preceding para (Para 3. 9).

(1) (2)

(3)

ment money. The Committee also feels that if considered necessary, Government should vest executive power to the S. D. Cs to take appropriate action against the defaulting Mauzadars to stop recurrence of misappropriation and misuse.

5. Para. 5.12
Page. 23

The Committee, therefore, recommends that the Government should evolve a scientific device to stop that the recurrence of cases of misappropriation of the Government money by the Mauzadars and the provision should be made to obtain adequate security deposit from the Mouzadars before a person is put in the charge of a Mauza. The Committee further recommends that responsibility should be fixed on the officer/officers on whose fault Mauza accounts remained un-inspected beyond the limit of inspection. The Committee also recommend that progress of Bakijai Cases and other civil suits so far instituted should be pursued more vigorously to realise the amounts misappropriated and action taken showing the present

(4)

The Deputy Commissioners have been directed to carry out the recommendation made by the P. A. C. in their 35th Report. The D. Cs. have also been instructed that all possible measures should be taken to check the defaultation on collected revenue by the Mauzadars. To check such practices of the Mauzadars, Deputy Commissioners are requested to inspect the Mauza accounts regularly and necessary disciplinary action also be started at the earliest against the habitual defaulters and steps taken to realise the amount defaultated as required under the Rules. We have received reports from Districts about steps taken as recommended. Further details of progress will be furnished later on

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The Committee observes that whatever instructions issued by Government in pursuance of the P. A. C's recommendation, copies thereof should be submitted to the Committee along with the assessment Report.

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position of the Bakijai Cases and other civil suits should be intimated to the Committee within three months from the date of presentation of this report.

6 Para 6.5
Page 24-25.

The Committee is distress to note that the local Revenue officers failed to raise the demand for realising the Tauzi Bahir Revenue from the encroachers of Government Land in time resulting loss of public money. The Committee, therefore, feels that settlement holders who are regularly paying Tauzi Bahir Revenue for land occupied by them should be given patias after proper varification of being landless and conducting adequate survey. The Committee observes that all Deputy Commissioners and Subdivisional Officers should be made responsible for not realising Tauzi Bahir Revenue from the encroachers of Government Land and practice of encroachment of land should be put to an end.

As regards settlement of T. B. land and issue of patias as stated in the para 6.5 of the P. A. C's 35th Report, all Deputy Commissioners and Sub-Divisional Officers have been instructed vide Government Letter No.RSS.96/71/25 dated 29th November 1978 (Annexur-II) for settlement of the land with the deserving occupants/encroachers as per rule. The process of settlement of land is also going on in the districts.

The Committee observes that in future, when this type of issues come up for discussion, all relevant records should be made available to show the result achieved on this particular count in pursuance of the land policies of 1972 and 1978. For this purpose, a comparative chart may be made available taking Revenue District as units.

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7. Para 7.4
&
Para 7.5
Page 26

(3)

But the Committee is distressed to note that no progress was made nor were any effective steps taken to conduct the cadestral survey of Char lands by the Government till January, 1984 even after eleven years of Government decision. The Committee is of opinion that reasons for not launching timely action on the policy of the Government was due to sheer negligence and inaction of the Revenue Officers for which the Government policy yielded no results. The Committee however is happy to learn that Government has created 'Char Areas Development Authority' to start the all round development of the Char areas.

(4)

Most of the chars are of temporary nature of char. Therefore all chars could not be settled. Moreove land policy 1972 does not permit settlement of agricultural land in rural areas. T.B revenues which is same at that for settled land are realised from the occupants. All D.C./S.D.O. concerned has been instructed to take necessary action for carrying out an immediate filed verification for inclusion of char lands in Touzi Douls, and also to grant permission to cultivate the land temporarily within the fram-work of the state land policy.

(5)

The Committee observes that the field season for 1988-89 is about to start and as such arrangement should be made expeditiously to undertake survey as propose), that in course of next discussion which may come up involving the same matter the department is able to satisfy the Committee about the action taken.

The Government however, decided to carry out cadastral survey of the chars of permanent nature and block survey for the chars of temporary nature in the 1st part of 1978. All D.C. and S.D.O. & D.L.R. concerned have been request to take necessary steps for carrying out char surveys. They have been requested to submit details indicating No. of char areas to be covered by the survey and also requirement as

The Committee observes that Government should constitute Block level Committees for exploring means to conduct cadestral survey of all charlands for fixing land revenue premia according to classification. The action taken should be intimated to the Committee within three months from date of presentation of this report.

to the manpower as well as financial implication etc. There is a question of adopting a principle to be followed while carrying out cadastral survey or block survey. This question is under examination of the Deptt. The survey operation is expected to be started in the next field season 1987-88.

3. Para 7.17
Page 30

The Committee has expressed its unhappiness over the entire deal and is of opinion that deferent action should be taken against the officer/officers responsible for such huge loss to the State exchequer. The Committee therefore strongly recommend that an enquiry should be set up to go into the details of the whole affairs and responsibility should be fixed on the delinquent officer/officers whose fault the Government sustained such huge loss as pointed out by audit. The report of the enquiry should be submitted to the Committee within three months from the date of presentation of this report.

As regards realisation and assessment of land revenue as per changed classes of land belonging to Oil India Limited, Guwahati, Assam, Hard Board Limited, Guwahati, Assam, Carbon Product Limited, Guwahati and Guhathi Refinery, Guwahati as mentioned in the paras 7.6 to 7.26 of the 35th Report of the P.A.C. the D.C., Kamrup has been requested to submit detailed report the matter for further necessary action. The report is yet to be received. Deputy Commissioner, Kamrup has also been remained for furnishing the required report early. For submission of required report on the matter, detailed report with schedules of land etc. will be necessary. On receipt of the detailed report from the Deputy Commissioner, Kamrup, the necessary report will be furnished.

The recommendation of P.A.C. was about an enquiry to go into the concerned matters and responsibilities fixed thereto within three months from the date of presentation of the report i.e. 19th December, 1986. Nothing could be shown by the Department supported by the paper to convince what followup action was pursued in pursuance of the recommendation till the date of hearing i.e. 2nd November, 1988. This is most regrettable, as the matter presumably not pursued nearly for a period of two years.

(1) (2)

9. Para 7.23
Page 31

The Committee feels that Government should immediately formulate a policy and feasibility should be examined for giving effect to settlements to the genuine occupants of lands including ceiling surplus land in and within greater Guwahati and other towns in Assam-keeping in view the provisions of law.

(4)

Settlement of land in and within greater Guwahati has been stopped temporarily. A Committee has been constituted to suggest policies to be adopted by the Govt. in giving settlement of land in Guwahati town. The Committee has yet to submit their report to the Government.

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In the light of the reply given by the Department the Committee could not but hold that no serious efforts have been made in between the presentation of P. A. C. Report and the date of hearing on action taken consideration. However, this topic is likely to come up during discussion on subsequent, C.A.G's Reports. The department, therefore is requested to come-up with the upto-date proceedings of the Committee set-up by the Department for this purpose i. e. to suggest policies to be adopted by the Govt. in giving settlement of land in Guwahati town.

10. Para 7.26
Page 32.

The Committee therefore observes that the question of levying surcharge at reasonable rate of percentage of land revenue on tea lands should be examined and a report should be furnished to the Committee within three months.

No written reply on this para from the Department was received

P. A. C. notes with regret that the Department could not submit their observation in their written memorandum of replies about the recommendation under reference to not speak of any follow-up action taken in pursuance of the recommendations.

Annexure—I

COMPOSITION OF THE COMMITTEE ON PUBLIC ACCOUNTS

(1st Committee 29-1-86 to 28-7-88)

CHAIRMAN :

1. Shri Abdul Muqtadir Choudhury

MEMBERS :

2. Shri Joy Prakash Tewari,
3. Shri Sirajul Haque Choudhury ,
4. Shri Amritlal Basumatari,
5. Shri Rashidul Haque ,
6. Shri Binai Khungur Basumatari,
- * 7. Shri Durga Das Boro ,
- * 8. Shri Gunin Hazarika,
- * 9. Shri Ganesh Kutum,
- * * 10. Shri Padma Nath Koiri ,
- * * 11. Shri Abdul Hussain Sarkar.

* Elected to the Committee with effect from 13-8-86.

* * Elected to the Committee with effect from 10th April, 1987.

Annexure—II

GOVERNMENT OF ASSAM
REVENUE (SETTLEMENT : : : : : SETTLEMENT
BRANCH . . .

NO. RSS. 96/71/25, Dated Gauhati, the 29th November: 1978.

From : Shri S.P. Hazarika, IAS,
 Secretary to the Government of Assam.

TO : All Deputy Commissioner, Sub-Divisional
 Officers & Settlement Officers of Plain
 Districts of Assam.

Sub : Settlement of Agricultural land in the
 State of Assam.

Sir,

I am directed to say that policy decisions on land settlement have been taken by Government from time to time, the last one being adopted in the year 1972. Every time while adopting a new policy, the Government was guided primarily by mounting pressure on land and more appropriate land use. Whenever a new policy was adopted, was found that a large number of cases required to be a disposed of under the previous policy decisions remained undisposed. At the time of implementation of the 1972 decision also, the same situation prevailed and it became necessary to issue instructions 1973 vide No. RSS. 223/72/288, dated 27-9-73 about the manner of disposal of the pending cases within December, 1973. But apparently some of those cases remain still pending. Meanwhile, in the year 1975-76, various Land Reforms Measures particularly acquisition of ceiling surplus land and their allotments assumed higher priority and the pending cases virtually remained unattended. A large number of cases under reclamation schemes taken up in the early fifties have also not yet been finally disposed of. Considering all these aspects the Government have in order to regularise all such long occupations and to dispose of pending matters decided, in partial modification of 1972 policy decision, that settlement of agricultural land to individuals should be given in the manner indicated below.

Settlement in areas other than Tribal Belts Blocks.

(a) In cases of families allotted with Government land including reclaimed and acquired land prior to year 1951, that may be settled with land which may extend to 50 bighas inclusive of patta land held on annual or periodic lease.

(b) Families in occupation of Government land during the period from 1952 to 26-1-68 (i.e. from 1-11-1952 till the day on which the Land Settlement Policy of 1968 was introduced) and in possession of the land till now may be settled with land actually occupied by them during the period, not exceeding 12 bighas (10.2) inclusive of any patta land held by them. But in such cases settlement should be granted upto 12 bighas only inclusive of patta of patta land held by them.

(c) Landless persons occupying Government land during the period from 20-1-68 to 21-7-72 i.e. from the date on which the Land settlement Policy of 1968 came into force till the date on which the Land Settlement Policy of 1972 was notified) may be settled with 9 bighas i.e. 8 bighas of land for agricultural purpose and 1 bigha for homestead inclusive of patta land, if any held by them.

(d) In case of V.G.Rs. P.G.Rs. however, only those landless cultivators who have been in continuous occupation of land in such V. G. Rs./ P.G.Rs. Since before 1st January, 1967 will only be considered for settlement to the extent of 8 bighas of such land as cultivators as enjoined in Government circular No. RSS. 22/70/11, dated 25-2-70 read with circular No. RSS. 22770/14 dated 27-11--70. Before giving settlement to deserving persons, it will be necessary under the provisions of the Assam Land & Revenue Regulations to dereserve the the lands from the V.G. Rs. and P.G. Rs. for which necessary proposal may be sent to Govt.

In the transferred areas, where there was neither cadastral survey nor any planned settlement large chunks of land were in occupation of people since before the constitution of the belt. Even after the constitution, un-planned occupation of land by land by members of protected classes continued which now needs to be regularised. Which on the one hand due compliance of law for the protection of backward classes enjoined in Chapter 'X' of A.L.R.R. has to be ensured, the cases of those occupants who are otherwise eligible for settlement within Tribal Belts, on the other, cannot be deprived of their legitimate claims for settlement. The P.Cs and Settlement Officers of the District of Lakhimpur, Dibrugarh and Darrang were requested vide letter No. RSD. 24/75/31, dated 30-11-77 to prepare a list of different categories of eligible occupants in these areas as follows:—

i) A general list of people living and in occupation of land there on the date of constitution of the Tribal Belt.

ii) (a) A list of persons belonging to protected classes other than Nepali cultivator-Graziers and occupation of land there between 13-6-69.

(b) A list of Nepali cultivator -Graziers living and occupation of land there between 13-3-51 and 27-6-69.

iii) A list of people of the protected classes living and in occupation of land there since 27-6-69.

The Nepali cultivator Graziers have been specially categorised in para (ii) (b) above because they were first declared as a protected class of people under Sub-Section (2) of Section 160 of the A.L.R.R. vide Govt. Notification No. 69/46/19, dated 5-12-47. But on the basis of the recommendation made by the Committee for Welfare of Scheduled Tribes in its meeting held on 27th to 29th April, 1964, the Govt. withdrew the recognition of Nepali cultivator-Graziers as protected class of people with effect from 27-6-69 vide Notification No. RSD. 25/64/pt-1/15 dated 27-6-69 read with RSD. 26/64/101, dated 16-11-71.

The local officers should scrutinise and screen the list of occupants of land very care-fully on these very delicate matters of in keeping with the legal provision of Section 163 (2) (a) of chapter 'X' of claim of the people in respect of their parmanent residence on the date of the constitution of the Tribal Belt in general and grazing license issued prior to 13-3-51 and till 27-6-69 to the Nepali cultivator-Graziers in particulars, have to be taken into account in praparation of the list.

The Deputy Commissioners and Settlement Officers of these three districts are hereby authorised to grant Settlement of land to the eligible persons on individual basis in accordance with the guidelines indicated below:—

1. Those families residing prior to 13-3-1951 (i.e. prior to the day on which the above Tribal Belt was constituted) having been in continuous occupation of land they should be settled with land which may extend to 50 bighas inclusive of patta land held on annual or ptrioidal leases irrespective of any class restriction.

2. (a) In case of families belonging to protected classes in occupation of land from 13th March 1951 but prior to 21st January 1969 (i.e. from the date on which the above Tribal Belt was constituted till the on which the Land Policy of 1968 was notified) should be settled, with land occupied by them or 12 bighas whichever is less including land held under annual or periodic lease.

(b) Nepali Cultivator -Grazier in occupation of land threere between 13-3-51 and 27-6-69 (i.e. between the date of notification of the above Tribal Belt till the day on which Nepali cultivator Graziers were derecognised as protected class) should also be given settlement in the manner described in.

2(a) probided that the case of such Nepali Cultivator-Grazier has been dully established to the satisfaction of Deputy Commissioner/ Sub-Divisional Officers concerned.

3. Persons belonging to protected classes in occupation of land after 20-1-63 will get settlement of 9 bighas of land i.e. 8 bighas of land for agricultural purpose and 1 bigha for homestead purpose including the patta land, if any.

4. All persons not protected by the provisions of Chapter 'X' of the Assam Land and Revenue Regulation, 1886, including the Nepali Cultivator-Graziers occupying land after 27-6-69, should not be eligible for settlement in the Tribal Belts/ Blocks and they should be evicted from the land encroached upon by them.

5. In case of occupants belonging to Tribal groups viz. Mishing Misimi, Deuri, Khamti etc., who live on Chungs (houses with bamboo platforms without any partition) special treatment will be meted out to them in the matter of settlement i.e., to the extent of ceiling limit of 50 bighas per family depending on its size. Such people living in the same Chung but having separate mess shall be considered as separate family.

In this connection this Department's letter No. RSS. 234/ 71/1, dated 4-11-71. The quantum of land has been reduced to 50 bighas as per Assam Fixation of Ceiling of Land holding (Amendment) Act, 1975.

Lastly, you should ensure in all the cases before granting pattas that T.B. Revenue for the land was paid in full and infact payment of T.B. revenue should be the main supporting evidence for determining continous possession.

This letter may please be acknowledged.

Yours faithfully,
Sd/- S.P. Hazarika,
Secretary to the Govt. of Assam,
Revenue (S) Deptt.

Memo No. RSS. 96/71/25-A, Date Dispur, the 29th November, 1978. copy forwarded to the —

1. Commissioner of Lower Assam Division, Guwahati-1.
2. Commissioner of Upper Assam Division, Jorhat.
3. Secretary, Agriculture, Assam, Dispur.
4. Director of Land Records, Gauhati-21.
5. Director of Agriculture, Khanapara, Gauhati-22.
6. Director of Land Requisition Acquisition & Reforms, Gauhati-1.
7. Revenue (Reforms) Deptt.
8. Sr. Asstt. Settlement Officer- - - - -

By order etc.,
Secretary to the Govt. of Assam,
Revenue (S) Deptt.

ANN'XURE-III

GOVERNMENT OF ASSAM
RESOLUTION ON LAND POLICY, 1972

Tht 21st July, 1972.

No.RSS.223/72/Pt.I/1-The State of Assam now consists of ten districts of Dibrugarh, Lakhimpur, Sibsagar, Nagaon, Darrang, Kamrup, Goalpara, Cachar Mikir Hills and North Cachar Hills. The total geographical area of the State is 30,293 square miles. The eight Plains Districts constitute 24,525 square miles. In the two Hills Districts, jurisdiction ovtr land lies with the District Councils. The various legislation on land passed by the State Legislative Assembly, are applicable only to the eight Plains Districts. Givtn below are the areas under the different categories of land -

1. Area settled for ordinary cultivation ... 69,11,853 Acres
2. Area settled for special cultivation ... 12,47,600 acres
3. Arta under PGR, VGR ... 4,56,900 acres
4. Area covered by town land ... 70,030 acres
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5. Area under Reserve Forest ... 4,741.63 sq. miles
6. Area under Hills, river, lakes, swamps, etc ... 5,000 " "
7. Area of waste land ... 10,21,350 bighas

The last land Settlement Policy Resolution was adopted on the 20th January, 1968. The Land Settlement Policy of the Government has necessarily to be modified from time to time in order to suit the circumstances and conditions prevailing at a particular time. With this basis principle in view, the Government consider how lands at its disposal can best be utilised for those who are given lands for the purposes of cultivation or otherwise and thereby improve not only their economic conditions but also optimise the State incomee. Government also consider how lands already settled for the purposes of special cultivation or ordinary cultivation or other purposes may be properly utilised so that not only the national income of the State can be increased but also a large population of landless agriculturists can be provided with lands for their homestead as well as for agricultural purposes.

In accordance with the preliminary report of the land settlement Implementation Advisory Committee submitted in August, 1969 the Government undertook a survey through the Panchayats to enumerate eligible landless agriculturists (families) According to this survey, the number of landless agriculturists (families) was 6,22,295 as on the 30th September, 1969. The break up of this is as follows:—

Category A having no land	...	2,28,833 families
Category B having land from 0 to 1 bighas	...	2,8,094 families
Category C having land from 0 to 8 bighas	...	1,07,568 families

In February, 1970, Government issued a comprehensive circular regarding settlement of land with landless agriculturists. It has been possible to settle/allot land as follows:—

1970	2,33,391 bighas
1971	2,33,137 bighas

Government have also dereserved 229017 bighas of land from Reserve Forests in the years 1948 to 1972 for providing settlement to eligible landless agriculturists. Char lands in occupation of the encroachers were also ordered to be regularised, if such encroachers were otherwise eligible landless, settlement is given upto a maximum of 12 bighas.

It has, however, not been possible to keep pace with the demand for land which appears to be increasing every. Encroachment on Government lands and also on the Reserve Forests have also increased. The Government have also adopted a number of land reforms measures which have the purpose of providing security to tenants, acquisition of lands belonging to religious and charitable institutions, acquisition of surplus lands under the Ceiling Law etc. Some of the tenants who have holdings of the ceiling surplus lands are now eligible to obtain ownership right thereon. It is also expected that with the application of the Ceiling Law in respect of tea gardens, additional cultivable lands would become available for the purposes of allotting them to landless agriculturists.

The total availability of cultivable lands in the State being limited and the problem of landless cultivators increasing, day by day particularly because of insufficient rise of employment opportunities, and taking into consideration that the use of lands available in the State should be optimised to increase the State national income, the Government have decided as follows :—

(1) Settlement of Government agricultural lands for ordinary cultivation will henceforward be not given on individual basis, Cooperative basis etc ;

(2) The list of Agriculturists prepared in accordance with the decision of Land Settlement Implementation Advisory Committee through the Gaon Panchayats will form the primary basis for determination of eligibility. Government will enumerate landless Ex-tea garden labourers through a suitable agency ;

(3) Tenants who hold 8 bighas or more of land but have been recorded as landless would not be considered as landless ;

(4) Enumeration of persons who do not possess land for homestead purposes will be done through an appropriate agency ;

(5) It shall be the endeavour of the Government to provide suitable homestead lands in rural areas varying between $\frac{1}{2}$ to 1 bigha per family to all those who belong to the State of Assam and who do not possess homestead lands ;

(6) In regard to land for cultivation, all available Government lands suitable for cultivation will be amalgamated and allotted to Corporations formed of eligible landless cultivators of the villages concerned. The basis for formation of such Corporations and the framework of such Corporations will be as given in Annexure 'A' ;

(7) High lands in P.G.R., V.G.R. and Government waste lands not suitable for cultivation will all be converted into reserve for common uses and renamed on the basis of the locality in which they are situated ;

(8) All existing annual patta lands in rural and falling outside the periphery of 2 miles of Municipalities, Town Committees and Revenue Towns will be automatically converted by realisation of appropriate premia. If there is failure to pay such premia, the same will be realised as arrears of land revenue;

(9) All new settlements of homestead lands will be with a restrictive clause regarding transfer under which the difference between the premium paid at the time of settlement and the monetary consideration at any subsequent transfer would be shared 50:50 between the leaseholder and the Government;

(10) Land Use Authorities would be set up which will have the powers to regulate not only the use of land but also the Conversion of land from one land use to another;

(11) In respect of person encroaching on P.G.R., V.G.R. and waste lands such person, if he is an eligible landless agriculturist, would be absorbed in the farming Corporations other non-eligible persons would be evicted;

(12) Government have already enacted a series of land reforms measures, Legislation for further reduction of ceiling on land holdings from 75 bighas to 50 bighas has been enacted. Government will also impose a ceiling on Urban immovable property. In the matter of land reforms measures, the following specific steps will be taken:-

(i) The Assam Land Revenue Regulation will be extended to the erstwhile permanently settled Areas of Goalpara and Karimganj;

(ii) The Goalpara Tenancy Act and the Sylhet Tenancy Act will be repealed;

(iii) The rates of rent paid by the tenants in the districts of Goalpara would be incorporated as revenue payable under the Assam Land and Revenue Regulation for a period of 25 years;

(iv) All the persons designated as tenants in the erstwhile permanently settled areas will thereafter be governed as settlement holders under the Assam Land and Revenue Regulation;

(v) The under tenants, adhiars etc. in these areas will thereafter be governed by the provisions of the Assam (Temporarily Settled Areas) Tenancy Act which will be renamed as the Assam Tenancy Act;

(vi) The records of rights of tenants (including adhiars) in the districts of Goalpara, Kamrup, Sibsagar and Cachar will be updated so as to facilitate the tenants of these areas to avail the benefits of the provisions of the Assam (Temporarily-Settled Areas) Tenancy Act;

Administrative measures and legislations necessary will be initiated shortly to achieve the above objectives.

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