

GOVERNMENT OF ASSAM  
REVENUE & DISASTER MANAGEMENT DEPTT. : SETTLEMENT BRANCH  
ASSAM SECRETARIAT (C) : DISPUR : GUWAHATI-6

No. RSS. 136/2011/189

Dated Dispur, the 29<sup>th</sup> June, 2015

From : Shri P.K. Tiwari, IAS,  
Commissioner & Secretary to the Govt. of Assam,  
Revenue & D.M. Department.

To : 1. All Deputy Commissioners (Except Hills & BTAD), .....  
2. All Sub-Divisional Officers (Civil), (Except Hills & BTAD), .....

Sub : Settlement of land for homestead purpose in towns with eligible indigenous landless persons of Assam viz-a-viz Hon'ble Gauhati High Court's order dated 31-3-2014 passed in WP(C) No.530/2011- Jeewan Madhuri Neog Bora -Vs- State of Assam.

Sir,


With reference to the subject cited above, I am directed to say that the Hon'ble Gauhati High Court vide Order dated 31-03-2014 passed in WP(C) No.530/2011 - (Jeewan Madhuri Neog Bora -Vs- State of Assam) has directed to review Clause 14.3 (ii) and 14.3 (iv) of Land Policy, 1989 of Government of Assam. Till such exercise, the Govt. of Assam was also directed not to make further settlement of land in greater Guwahati and other towns of the State in terms of the above two clause of existing Land Policy, 1989. Extract copy of Clause 14.1, 14.2 and 14.3 of Land Policy, 1989 is enclosed at **Annexure-I**.

I am further directed to say that the matter has been duly considered by the State Government and the following instructions are issued.

- (1) No proposal for settlement of land in Greater Guwahati and other towns of the State for homestead purpose in favour of the petitioners who own land in his/her name or in the name of his/her spouse or in the name of members of his / her family anywhere in the State or elsewhere should be initiated and submitted to State Government for approval.
- (2) The Deputy Commissioners shall obtain affidavit from the petitioner in the prescribed format which inter alia shall contain the complete address of the original place to which he / she belongs and enclose the same with the proposal.
- (3) The settlement will be liable to be cancelled without refund of the premium paid at any stage after the settlement if the information furnished in the affidavit is found to be untrue without prejudice to any other action under relevant laws for submission of false affidavit.

Copy of the standard format for Affidavit is enclosed at **Annexure-II**.

Yours faithfully,

  
Commissioner & Secretary to the Govt. of Assam,  
Revenue & Disaster Management Department.

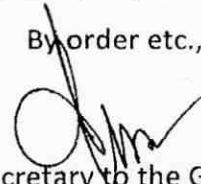
Memo No. RSS. 136/2011/189-A

Dated Dispur, the 29<sup>th</sup> June, 2015

Copy to :

1. The Commissioner, Lower Assam Division, Guwahati-1/ Upper Assam Division, Jorhat/ North Assam Division, Tezpur/ Hills & Barak Valley Division, Housefed, Guwahati-6.
2. The Director of Land Records & Surveys etc., Assam, Rupnagar, Guwahati-32.
3. The Director of Land Requisition Acquisition & Reforms, Assam, Rupnagar, Guwahati-32.
4. All Settlement Officers, .....
5. The Registrar, Gauhati High Court, Guwahati-1.
6. P.S. to Chief Minister, Assam, Dispur.
7. P.S. to Minister, Revenue & D.M. etc., Assam
8. P.S. to Chief Secretary to the Govt. of Assam, Dispur.
9. P.S. to Addl. Chief Secretary to the Govt. of Assam, Revenue & D.M. Department, Dispur.
10. P.S. to Commissioner & Secretary to the Govt. of Assam, Revenue & D.M. Department, Dispur.
11. P.S. to Secretary to the Govt. of Assam, Revenue & D.M. Department, Dispur.

By order etc.,

  
Deputy Secretary to the Govt. of Assam,  
Revenue & Disaster Management Department

ANNEXURE-1

Existing provision of Land Policy, 1989 for settlement of ordinary Government land / Ceiling Surplus land in Municipal Corporation and other towns for homestead purpose with the indigenous landless person is reiterated below :-

"**Clause 14.1** of Land Policy, 1989 : No land within Municipal Corporation or any Town constituted under Assam Municipal Act, 1956, shall be settled for agriculture purpose. (EXPLANATION- "agriculture" includes horticulture, aboriculture, pisciculture, piggery, animal husbandry and other ancillary purposes)."

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

"**Clause 14.3** : Land within Greater Guwahati notified under Government Notification No.RSR.21/59/126 dated 1<sup>st</sup> October, 1966 and in any other Towns may be settled on payment of due premium 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 who has been in occupation of Government land with members of his family for last 15 years or more.
- (ii) An indigenous person, who has land in rural area of the State, but has no land in City or Town in his name or in the name of any member of his family and has been in occupation of Government land with members of his family for last 15 years or more.
- (iii) An indigenous person, who has no land in rural areas or in City or Town in the State either in his name or in the name of any member of his family, and has been staying in urban area for last 15 years or more with the members of his family.
- (iv) An indigenous person, who has land in rural areas, but has no land in any urban areas either in his name or in the name of any member of his family, and who has been residing in urban area for last 15 years or more with members of his family.

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

- (v) Other indigenous landless persons of the State."

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27/10/15

ANNEXURE-II

MODEL AFFIDAVIT

1. I Shri / Smti .....aged:.....years, son / daughter / wife / husband of .....is the original resident of village ..... Mouza ..... P.S. ....Revenue Circle .....in the district ... .....solemnly affirm that I am a citizen of India.
2. I am an indigenous person of Assam and now residing on a plot of Govt. land measuring ..... in Dag No.....Village.....Mouza..... Revenue Circle ..... District .....since ... .. years by constructing Tin Chali /Assam Type / RCC house.
3. I hereby declare that I do not own and possess any land other than the plot as stated at Sl. 2 above in my name or in the name of any member of my family anywhere in the state of Assam or elsewhere.
4. Name of my spouse is Shri / Smti. .... and he / she has no land anywhere in the State of Assam or elsewhere.
5. It has been explained to me and I have understood that if it is found at any later stage after settlement of the plot of land mentioned at Sl. 2 above, then the land / patta so issued shall be cancelled and the amount of premium shall be forfeited in addition to any other legal action for submission of the false affidavit.
6. This affidavit will stand as a piece of evidence to prove that I have no any Govt. land under our possession / Myadi Patta Land in my name or in the name of any member of my family in the State of Assam and elsewhere except the land stated above.
7. That the statements made above in this affidavit are true to the best of my knowledge and belief.

OATH

I swear that this declaration is true, that it conceals nothing, and that no part of it is false.

I sign this affidavit on this ..... day of ..... 2015.

.....  
 29/6/15