

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

No. RSS 260/2015/11

Dated Dispur, the 7th April, 2015.

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

To : The Deputy Commissioner,
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Sub : Re-examination of proposals for allotment / settlement of land.

Sir/Madam,

A number of proposals have been received in this department over past few years and have been awaiting disposal for a variety of reasons. The re-examination of these proposals has become essential for the following reasons :-

1. In case of long-pending proposals, it is necessary to ascertain if the field level situation has undergone any change.
2. In case of proposals for allotment of land to private institutions / organizations, sufficient and cogent reasons have to be produced in regard to why the institution / organization should not arrange land for its use on its own and government land, which is getting scarcer, be given to it. Government land shall not be allotted to / settled with a private institution / organization unless some great long-term public interest is served by doing so.
3. After the enactment of Right to Education Act, 2009, schools up to elementary level, can be established or allowed to function after three years of the Act coming into force only if they meet the norms laid down by the Act. Hence, every proposal for allotment of land to any private school must be examined in the context of the provisions of the Right to Education Act.
4. Proposals for allotment of land for setting up any industrial or construction facility shall not be recommended unless clinching evidence is produced that all the necessary permissions from the competent authorities in regard to environmental safeguards have been obtained by the applicant. For instance, every petition for land to set up a mining / industrial / production facility must produce approved copies of the greening plan, solid and hazardous wastes disposal facility, effluent management system, air and water quality monitoring mechanism and community action plan for protection of natural and human habitats in the adjoining areas.
5. Need for protection of village common lands, particularly the VGRs and PGRs, has been made amply clear by the Hon'ble Supreme Court's judgements in Civil Appeal No. 1132 of 2011 @ SLP(C) No.3109 of 2011 dated 28-01-2011 (Jagpal Singh & Ors. -Vs- State of Panjab


& Ors). There are two important points to be kept in mind: (a) Village common lands shall be kept encroachment free and not be settled with anyone except for community purposes in exceptional cases, and (b) in no case should the area under VGRs and PGRs be reduced to less than 5% of the total village land area.

Since Village Land Bank contains full details of Government land, each of these proposals need to be scrutinized in the light of Hon'ble Supreme Court's judgements with the help of Village Land Bank.

6. Equity must inform our decisions regarding allotment / settlement of government land. Land Policy, 1989 allows allotment / settlement of government land with certain categories of indigenous persons. This exercise should, however, not be undertaken in a selective or arbitrary manner. The Village Land Bank provides a list of encroachers on government land, as recorded by field level revenue staff in Chithas. There may be other persons who are not encroaching on government land, but fall under the deserving categories as per the Land Policy, 1989. A complete list of the deserving categories of persons in every village shall be prepared and placed before the Land Advisory Committee to consider allotment of land as per the provisions of Land Policy, 1989 taking cognizance of the government land available in the village and the land necessary to be reserved for the essential needs of future generations.

The list of proposals for allotment / settlement of government land received from your district is being enclosed with the letter. You are requested to re-examine each of them in the light of observations made above and the relevant government rules / instructions and offer your comments at the earliest.

Yours faithfully,



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

Memo No. RSS 260/2015/11-A

Dated Dispur, the 7th April, 2015.

Copy to :

1. The Addl. Chief Secretary to the Government of Assam, Revenue & D.M. Department, Dispur.
2. All the Divisional Commissioners,
3. The Director of Land Records & Surveys etc., Assam, Rupnagar, Guwahati-32.
4. All The Joint Secretary / Deputy Secretary / Under Secretary to the Govt. of Assam, Revenue & D.M. Department, Dispur.

By order etc,



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