

FAQs RELATED TO M.B 2.0

1. Land Policy 2019 defines landless person as person having land not exceeding one bigha and as per policy land is to be settled to a landless person. Now what will be the position if a person is having land more than one bigha but less than 8 bigha or say person having land one bigha 1 Katha.

Reply: Under Para 1.7 of Land Policy, 2019, a person who has agricultural land to the extent of one bigha or less in his name or in the name of his family either as tenant or as an owner anywhere in the State of Assam and has no means of livelihood other than cultivation, will be regarded as a landless person.

Land policy 2019 says Land at the disposal of Government for ordinary cultivation may be given by way of settlement to indigenous landless cultivators on realization of premium at the rate of Rupees 500 per bigha.

However, anybody having more than 7 bighas of agricultural land and 1 bighas of homestead land (Government notification no. RSS.502/2019/Pt/1 (ECF No. 130241/2020/1 dated 12th, March 2020) shall not be eligible for further settlement of Govt. land. A conjoint reading of above clarifies that a family owning less than 7 bighas of agricultural land and 1 bigha of homestead land can be given settlement of land such that total land ownership of the family does not exceed 7 bighas of agricultural land and 1 bigha of homestead land.

2. If the applicant doesn't produce or have any document of the year 1947, how do we verify that the person is indigenous? And in that case what document should be considered and of which year?

Reply: Normally, the indigenusness will be established on the basis of self-declaration of the applicant given at the time of e-KYC and relevant documents submitted in support of proving indigenusness. In case of doubt at the level of Circle Officer an exception handling field enquiry including inter district verification shall be adopted. (Circumstantial evidence may also be considered).

3. In Lakhimpur and Dhemaji district land which is low lying like baotoli has been classified as jalatak, clarification is required whether such land could be settled under Mission Basundhara.

Reply: If the land is classified as jalatak which is originally not a part of recorded water body or drainage channel and which is under cultivation or homestead use at least for

10 years continuously, may be considered for settlement with approval of Govt. of Assam.

4. While applying for land settlement under Mission Basundhara people may have mentioned the wrong Dag number whether provision will be made to edit the dag number in which the applicant is possessing the land.

Reply: Provisions for editing dag number and area for settlement is allowed. The Circle Officer will edit on the report of Lot Mandal which is to be checked by SK.

5. Whether facility for uploading additional document to establish eligibility criteria will be made available.

Reply: Additional document, on submission by the applicant, maybe uploaded by the LM with the approval of the Circle Officer.

6. Question raised regarding establishing landlessness or reporting about landlessness by LM.

Reply: Lot Mandal is required to gather the information about the landlessness of the applicant family in conformity with the relevant clauses of Land Policy, 2019.

7. In case of land settlement to tribal communities, how do we verify that the applicant and his/her family of three generations is in possession of the applied plot of land since 75 years? Most of the people who have applied do not possess any land document or even revenue receipt.

Reply: In case documentary evidence is not sufficiently produced for establishing his or her possession over the land since last 75 years then LM and Circle Officer will have together information by local enquiry about continuous domicile of that family in that particular area to establish that the applicant family has been staying in that particular area and occupying the land for at least three generations.

8. In case of settlement of PGR/ VGR land, how will we dispose the cases where the date in the refugee certificates and the MNP certificates is not mentioned?

Reply: Undated certificates should be summarily rejected.

9. In case of settlement of Govt. Khas land, how to dispose cases belonging to flood prone areas where there was once cultivation and homestead but now those land are lying vacant and appears as char area.

Reply: Mission Basundhara 2.0 will not include settlement of any land which were encroached in recent years in organized basis and in riverine areas because of ecological reason. However, Majuli is an exception as that area has the nature of

Permanent Island. (Refer MB 2.0 Circular No. RDM-12011(17)/5/2022-LR-REV-R&DM/94 dated 11/11/2022.

10. During disposal, only documents that are uploaded by the applicant in the application form should only be considered or not? In some instances, while geo tagging in the field, some applicant may produce additional documents that was left out to upload. So in those cases, can those additional documents be considered for reference and disposal process?

Reply: Additional document, on submission by the applicant, can be uploaded by the LM with the approval of the Circle Officer.

11. The main problem that is likely to arise is that there are lots of RF and PRF land under Goalpara districts. The boundaries of RF and PRF are not properly demarcated. Therefore for such application a joint verification is required with Forest department. Forest department should be directed to attach a team with the circle office for the M.B.2.0 period.

Reply: Jurisdictional DFO (T) who is member of the SDLAC should be requested for attaching a forest verification team wherever necessary.

12. Lots of Government dags are recorded as Salonibari, Pahar, Tila etc. Indigenous tribal peoples are inhabiting such areas. As per the direction of Deputy Commissioner the dags have been made available on Village land bank so that the indigenous people can apply in MB.2.0. But in those dags the class of land is mentioned as "Shreninai". There is no approved zonal valuation for the class. Clarification is sought as to whether these lands can be settled or not?

Reply: If area of interest is not within a proposed reserve forest, reserved forest, unclassified forest, wildlife sanctuary, national park or any forest area where valuable trees are not grown, such land may be considered for settlement to the indigenous occupants. The land where class is not specified will be classified as agricultural land or homestead land, as the case may be, after settlement.

13. Families have applied in names of all members (including girls who are married and living elsewhere) for large tracts of land in multiple dags. The family members are staying as one unit only and not separate entities. How many applications should be accepted per family?

Reply: Family as defined in land policy 2019 should strictly be followed. Only one application per family shall be entertained. If more than one application is made by the same family, then only the first validly made application in time shall be considered. All other applications shall be summarily rejected.

14. Clear cut instructions on settlement in Revenue Towns, especially pertaining to application for agricultural land and land used for special cultivation.

Reply: Para 14. 1 of Land Policy, 2019 is clear about it. It says that no land within Municipal Corporation or any town constituted under Assam Municipal Act, 1956 or Town Land declared under the Assam Land Revenue Reassessment Act, 1936 or the Assam Land Revenue Regulation, 1886 shall be settled for agriculture purpose

15. A remark column maybe added to CO login. As there will be cases where the remark of CO will be necessary while taking the final call.

Reply: Editable templates have already been provided for both LRA & CO.

16. Problems are faced during geo tagging, since, in one application applicant can select multiple dags as shown in the pic. This creates problem while geo tagging, as it takes lots of time.

Reply: If dags are adjacent then single geotagging will perhaps do. However, in case of dags are far away from one dag to other then separate geo-tagging should be done. It may take some time.

17. With regard to the extent of roadside reservation in rural area from centerline of PWD road & village road, 1. As Land Policy 2019 is silent, may we go as per Land Policy 1989.i.e. PWD road: 75' Village road: 50'. 2. In case of existing pathway over Govt. khas land, which are not currently recorded as village road, should provision for prospective road be kept to the extent of 50' from the centerline, while proposing adjoining land for Settlement?

Reply: Land Policy, 2019 para 11.5

While granting conversion of Annual lease into Periodic in rural areas, the road side reservation will be as per provisions of the ALRR, 1886 (as amended), the Assam Land Records Manual or as may be laid down by special order of the Government.

Rule under ALRR: 23. Road side land. - (1) Nothing in these rules shall entitle any person to obtain a lease in respect of land within 75 feet of the centre line of a public road. Any person occupying or encroaching on such land shall be liable to ejection under Rule 18 of the Rules.

18. Cases in Khas/CS land where applicants are found to be doing tea.

Reply: In such cases, settlement of agricultural land is permissible, irrespective of the crop standing on it, subject to the following conditions:

- a.The applied for land is Government khas/ceiling surplus land,
- b.The applicant's family is primarily dependent on agriculture and,
- c.The applicant's family is having less than 7 Bighas of agriculture land. Further along with existing land and proposed land total holding of the applicant family should not exceed 7 bighas of agriculture land.

19.Settlement of 50 Bighas of hereditary land in tribal belts and blocks.

Reply: As per the suitable changes in the Land Policy, 2019 brought in as one-time measure with sunset clause for the implementation period of Mission Basundhara 2.0 vide notification no. RDM-12011(17)/5/2022-LR-REV-R&DM/97 dated 11/11/2022 and as per provisions of Section 163 of the ALRR, 1886, settlement of hereditary tribal land can be given, irrespective of its location in tribal belt or in other areas, subject to the condition that total land holding of applicant family does not exceed 50 Bighas and applicant tribal family meets the hereditary norms as notified in the notification mentioned above for Mission Basundhara 2.0 - 3 generation undisputed possession.

20. Settlement of landslide prone land in rural areas.

Reply: As per Land Policy, 2019, section 1.15 and 14.6, land will not be settled at ecological sites, hills, landslide prone areas.

21. In cases of periphery areas, a number of applications have come where the applicants are cultivators and they have applied for agriculture purpose. In cases of small municipality areas, the periphery area stretches to villages where the prime occupations in agriculture. If only residential settlements of 1 Katha 10 Lessas are allowed for periphery areas then it will lead to rejection of huge number of applications from these villages.

Reply: Land in the peripheral areas should not be settled for any purpose other than for Homestead purpose to a limit of 1 katha 10 lessa as per the provisions of the existing Land Policy 2019.

22. Can land be settled for special cultivation in periphery areas?

Reply: Same as question no.21

23. Dudhnoi revenue circle has hundreds of applications from refugees who have applied in MB 2.0 majority of which are actually landless apart from the tracts of land they have applied for. They have applied with the entry forms that they have from the time of entry in 1971. Instructions regarding approval or rejection of such forms.

Reply: MB 2.0 deals only with the cases of settlement of Govt. Khas land/ceiling surplus land to the indigenous persons as per definition approved by the competent authority. Therefore such cases who have refugee certificate of 1971 without administrative mandate for allotment of the land cannot be considered for settlement of land strictly under the definition of indigenous persons adopted for MB2.0

24. There are some cases where the applicant has applied for cultivation of 2B but on field visit by LM, it is found that the applicant is using the land as residence. Can it be settled for residential purpose if the applicant is found to be eligible?

Reply: It is assumed that the question is in respect of homestead land of rural areas. In

this case, maximum 1 Bigha of land will be settled for homestead purpose as per the Land Policy, 2019 based on the application, if otherwise, eligible including condition that total homestead land in possession of the applicant family does not exceed 1Bigha in as per land policy 2019. Remaining land will not be settled. A suitable undertaking in this regard may be obtained from the applicant that he will vacate the excess Government land from their possession.

25. In Basundhara notification the eligibility criteria for occupancy tenant is mentioned that the tenant should personally cultivate the land and in portal the reason for acceptance is either agriculture or homestead, in such cases we should approve any occupancy tenant if name is present in rayoti khatian and occupancy is either agriculture or homestead or should we refer to the Basundhara notification which mentions that the land should be personally cultivated?

Reply: Any occupancy tenant personally cultivating the land of his tenancy, will be eligible for settlement. Land means agricultural land and land under homestead occupied for residential purposes in connection with agricultural holdings shall be deemed to be included in agricultural land. [Section 3.3, 3.6, 23.1 of the Assam (Temporarily Settled Areas) Tenancy Act, 1971].

26. It would be of great help if guidance is provided regarding disposal of following cases:
- a. Whether land for homestead purpose may be settled to occupancy tenants in periphery areas.
 - b. Whether land may be settled for residential purpose to a family in government khas land if there is already P.P. / A.P. land, used for residential purpose, in the name of any member of the family.

Reply: 26(a). In periphery areas land up to the extent of 2 katha may be settled to occupancy tenants who is actually having a residence in the periphery areas. [para 14.10 of land Policy 2019].

Reply: 26(b). If the family is in possession of 1 bigha or more of homestead land - irrespective of patta type whether short lease (AP etc.) or long lease (PP), no additional land will be settled in the name of the family for homestead purpose.

27. A person of non-protected class has myadi patta land in his name in tribal belt by way of

refugee card. Now his grandsons (3) have applied for allotment of land in two services - khas land and tea cultivation (they have submitted the refugee card of their grandfather as supporting document). Can land be settled with them?

Reply: Refer to question no.23.

28. In one of the dag which is VGR, applications received from applicants who are in possession over the land but do not have any concrete document showing availability of administrative mandate. However, for that dag, in chitha remarks column, it is mentioned that 74 families were rehabilitated due to erosion and each family got 1 Bigha land, but the family details are not noted down in chitha. How to proceed in such cases?

Reply: The office record should be consulted to ascertain the detailed list of families so rehabilitated with an order prior to the date 1.1.2011.

29. Rayati khatian of Kaniha Dagcharia village in Rangia Revenue Circle was lost during flood few years back. How to dispose tenancy applications of the same village?

Reply: Acquisition of ownership by an occupancy tenant will be as per provision US 23 of Assam (Temporarily Settled Areas) Tenancy Act, 1971 provided the tenancy record has been digitized on the basis of office records (land records).

30. A person has applied for settlement in two distant plots of land for settlement for residential purposes in Government/Khas land. How to dispose such applications?

Reply: Multiple plots of land at different locations will not be settled for residential purpose against a single application. As far as practicable compact habitation units shall be developed instead of scattered settlement of land for homestead purposes.

31. An applicant has applied for homestead purpose (service: AP transfer). On field verification by the LRA it was found that the applicant actually utilizes the applied land for agricultural purposes. In this case, can the LRA change the purpose to agriculture at his level? There are reasonable number of such applications where the applicant has applied for one purpose but on field verification it has been found different. How to approach such

cases?

Reply: Circle Officer may make the necessary changes at his level, if otherwise found eligible.

32. An applicant has applied for settlement of 1 bigha land (homestead purpose) who happens to be a retired teacher. He has two brothers and one sister. His sister too has applied for settlement of 1 bigha khas land (homestead purpose). But as per land records available, their father, i.e. the applicant's father who is dead had/ has 9 bigha of PP land recorded in his name. Mutation by inheritance is not applied/done yet. Further, all four (out of which two are applicants) are in possession of around 21 bighas of land inclusive of the 9 bigha of PP land. Can the two applicants be settled for the respective applied land?

Reply: The Assam Land Policy 2019 is emphatic on such cases. Such cases should be disposed strictly as per land policy framework.

33. In a particular application, it has been found that a person has been allotted 9 bighas of land earlier and he also has the allotment certificate. He currently has 7 bighas of land under possession and he has sold off 2 bighas of land to another person without any paperwork. This first person has now applied for the khas land settlement for 7 bighas of land and the other person has applied for settlement for the 2 bighas. How to settle this matter?

Reply: The eligibility of each applicant shall be examined independently as per land policy and if all eligibility requirements are satisfied as per land policy, settlement can be given

34. Sir, we need a copy of the original notification making Jonai/Murkongselek as Tribal Belt as it is being said that in the original Notification, a caste/community was made a protected class. Otherwise, they may not be able to get the fruit of MB 2.0.

Reply: Vide Notification No. RDM-15015/78/2021 (ECF-176012)/41 dated 27/10/2021 Tai Ahom, Chutia, Koch-Rajbongshi communities including Koch and Gorkha were included in the list of protected classes of persons in Murkongselek Jonai Tribal Belt on the condition that such persons are those who are permanently settled/residing there up to the year 2011 and whose names had appeared in the 2011 voter list/authentic data maintained by caste boards.

35. Is it possible to accept applications for settlement for special cultivation in AP transferred service?

Reply: Refer to question No. 18.

36. We have around 40 applications where erosion affected families/individuals SC/ST has settled in VGR land and has possession since 1985. They don't have any administrative mandate for settlement there except a certificate by the then Circle officer that those families were erosion affected and have become landless. Can we accept

such applications sir?

Reply: As the applicant families have no administrative mandate of the relevant time, applications cannot be considered for settlement in this case.

37. Should there be a Minimum amount Premium Payable for settlement for land parcels less than 1B in Rural Areas? As per Tax/Rev principal, the cost of collection i.e. administrative cost should be lower than Revenue Collected. For 1k-10L settlement for homestead, it is higher.

Reply: Premium payable shall be proportionate to the area to be settled without any ceiling or floor amount.
