

## ASSAM ACT VIII OF 1971

THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS  
(AMENDMENT) ACT, 1970

(Received the assent of the President on the 24th March, 1971)

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An

Act

further to amend the Assam Fixation of Ceiling on Land  
Holdings Act, 1956

Preamble. Whereas it is expedient further to amend the Assam Fixation of Ceiling on Land Holdings Act, 1956, hereinafter called the principal Act, in the manner hereinafter appearing; Assam Act I of 1957.

It is hereby enacted in the Twenty-first year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1970.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of section 2 of Assam Act I of 1957. 2. In section 2 of the principal Act,—

(1) Clause (c)(i) shall be substituted by the following, namely:—

“(c)(i) lands held and utilised for special cultivation of tea and purposes ancillary thereto.”

(2) in clause (c)(ii), the figure and word “150 bighas” shall be substituted by the figure and word “75 bighas”.

Amendment of section 3 of Assam Act I of 1957. 3. In section 3 of the principal Act, in the Explanation occurring under clause (d), a comma followed by the words “married sons” shall be inserted between the words “daughters” and “and”.

Amendment of section 4 of Assam Act I of 1957. 4. In section 4 of the principal Act,—

(1) in sub-section (I) of section 4 of the principal Act, the figure “150” occurring between the Ceiling of existing holding

words "of" and "Bigbas" shall be substituted by the figure "75".

(2) after sub-section (1) the following shall be inserted as sub-section (2), namely:—

"(2) Notwithstanding anything to the contrary in any law, custom or agreement no person shall be entitled to hold as owner or tenant lands for special cultivation of tea in excess of such land as has been used for special cultivation of tea and purposes ancillary thereto on the day of commencement of this Act:

Provided that the State Government may allow more lands to be held for ancillary purposes and for increase in area under special cultivation of tea in accordance with the rules as may be prescribed.

*Explanation.*—Purposes ancillary to special cultivation shall mean the following:—

- (i) land used for factory buildings.
- (ii) land used for staff building including labour line.
- (iii) land used for roads, bridges and drains within the tea estate.
- (iv) land used for nurseries including shade trees.
- (v) land used for hospitals, dispensaries, creches, recreation centres and playgrounds.
- (vi) land used for religious institution, burial or cremation ground.
- (vii) land used for any other building built by management as a statutory requirement under any law for the time being in force.
- (viii) land used for seed bari.
- (ix) lands used as may be needed for rotational plantation to maintain the planted areas as on the commencement of this Act but not exceeding  $7\frac{1}{2}$  Per cent of the planted area.

(x) lands lying within the boundaries of the actual planted areas excluding tenanted khet lands.

(xi) land used for bamboos baris but not exceeding 50 bighas.

(3) the existing sub-section (2) shall be renumbered as sub-section (3).

(4) the existing sub-section (3) shall be renumbered as sub-section (4) and the following sub-section shall be added as sub-sections (5) and (6), namely:—

“(5) No person who holds land in excess of the limit fixed under section 4 shall, on or after the commencement of this Act transfer or partition any land until the land in excess of such of limit is determined and possession taken over by the Collector under the Act:

Provided that for special reason to be recorded in writing, the Collector may permit transfer or partition of the land or any portion thereof.

*Explanation.*—In this section the expression transfer shall have the same meaning as defined in section 5 of the Transfer of Property Act (Central Act IV of 1882) and “partition” means any division of land by act of parties made *inter vivos*.

(6) If any person, transfers or partitions in contravention of the provision of sub-section (5), or

transfers or partitions any land after the first day of April, 1970, *i.e.*, the day on which this amending Bill was introduced in the Assam Legislative Assembly, but before the commencement of this Act, in anticipation of, or in order to avoid or defeat the objects of this Act, then the area so transferred or partitioned shall be taken into account in calculating the area which that person is entitled to hold, and land exceeding the area so calculated shall be deemed to be in excess of the limit fixed under section 4 notwithstanding that the land remaining with him may not, in fact, be in excess of such limit.

If by reason of such transfer or partition the holding of that person is less than the area so calculated to be in excess of such limit, then all his land shall be deemed to be surplus land; and out of the land so transferred or partitioned and in possession of his

transferee land to the extent of such deficiency shall subject to rules made in that behalf also be deemed to be surplus land notwithstanding that the holding of the transferee may not, in fact, be in excess of the limit fixed under section 4.

All transfers and partitions made after the first day of April 1970, *i.e.*, the day on which this amending Bill was introduced in the Assam Legislative Assembly, but before the commencement of this Act, shall be deemed, unless the contrary is proved, to have been made in anticipation of, or in order to avoid or defeat the objects of this Act."

Amendment of section 7 of Assam Act I of 1957. 5. In section 7 of the principal Act,—

(1) after sub-section (2), the following proviso shall be added, namely:—

"Provided that where the Collector in his final order thereon holds that there is no excess land for acquisition, he shall submit all connected records to the Government for approval."

(2) In sub-section (4), for the words "60 days" occurring in between the words "within" and "the order of the Collector" the words "two years" shall be substituted.

Amendment of section 16 of Assam Act I of 1957. 6. In section 16 of the principal Act,—

(1) In sub-section (1), the words "have the option of taking" occurring between the words "he shall" and "settlement" be substituted by the words "be given."

(2) In the proviso to sub-section (1)(b), the words "he shall have the right to adjust" in between the words "that" and "any amount" shall be deleted. Instead the words "shall be adjusted" shall be added, after the words "this Act" and also the word "he" in between the words "which" and "is liable."

(3) In sub-section (2) the words occurring after the words "Assam Land and Revenue Regulation, I of 1886" shall be deleted. Regulation I of 1886.

(4) In sub-section (3), the words "the sub-clauses (a), (b) and (c)" occurring in between the words "purview of" and "of sub-section (1)" shall be deleted.

Amendment of section 17 of Assam Act I of 1957. 7. For sub-section (1) of section 17, the following shall be substituted, namely:—

“(1) The State Government or any officer empowered by it in this behalf shall be entitled to settle any land which has not been disposed of under section 16 in the same manner as any other land which is at the disposal of the Government under section 12 of the Assam Land and Revenue Regulation, 1886.”

## ASSAM ACT IX OF 1971

(Received the assent of the Governor on the 26th March, 1971)

### THE ASSAM APPROPRIATION (No.I) ACT, 1971

An

Act

to provide for the withdrawal of certain further sums from and out of the Consolidated Fund of the State of Assam to the Service of the year ending on the thirty-first day of March, 1971.

Short title. It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Assam Appropriation (No.I) Act, 1971.

Withdrawal of Rs. 13,99,11,460 from and out of the Consolidated Fund of the State of Assam for the financial year 1970-71.

2. From and out of the Consolidated Fund of the State of Assam there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of Rupees thirteen crores, ninety-nine lakhs, eleven thousand, four hundred and sixty towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1971 in respect of the services specified in column (2) of the Schedule.

Appropriation.

3. The sums, authorised to be paid and applied from and out of the Consolidated Fund of the State of Assam by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1971.