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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 12th October 1976

No.LJL.104/76/62.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

ASSAM ACT XVIII OF 1976

(Received the assent of the President of India on the 11th day of October 1976)

THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS (AMENDMENT) ACT, 1976

An

Act

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

It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 1976.

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

(3) It shall be deemed to have come into force on the third day of May, 1976.

Amendment
of Section 4
of Assam Act
I of 1957.

2. In the principal Act, in Section 4,

(a) in sub-section (1), the conjunction "or" before the word "tenant" shall be substituted by a comma and the words "or mortgagee in possession" shall be inserted in between the word "tenant" and the comma preceding the word "land",

(b) in sub-section (2), the conjunction "or" before the word "tenant" shall be substituted by a comma and the words "or mortgagee in possession" shall be inserted in between the word "tenant" and the comma preceding the word "land".

Amendment
of Section 7
of Assam Act
I of 1957

3. In the principal Act, in Section 7,

(a) in sub-section (2),

(i) the figure "30" shall be substituted by the figure "15",

(ii) after the first para, the following shall be inserted, namely :—

"The person making any such objection shall ascertain the date on which the objection will be considered

and if on the day fixed or on any other date to which the consideration may be postponed, the objector is absent, the Collector shall consider the objections in the absence of the objector and pass such orders as he may think necessary making the statement final".

(iii) Proviso shall be deleted.

(b) Sub-section (3) shall be deleted.

(c) Sub-sections (4), (5), (6) and (7) shall be substituted by the following, namely:—

"(3) The draft statement shall then be made final in terms of the final orders passed under the preceding sub-section and the Collector shall sign it and affix the date.

(4) Notwithstanding anything contained in the next sub-section; with effect from the date on which the final statement is signed by the Collector under the preceding sub-section, all rights, title and interest of the person or persons whose lands are shown as excess in such statement shall stand transferred to and vest in the State Govt. free from all encumbrances created by such person or persons and no person shall then be entitled to question it in any Court.

(5) The final statement prepared under sub-section (3) above shall be published in the same manner in which a draft statement is to be published under sub-section (2) above.

(6) Without prejudice to any action under any other provision of this Act, the State Govt. may of its own motion call for any record relating to any final statement at any time and may pass such orders as it deems fit after giving the person or persons concerned an opportunity of being heard."

Deletion of Sections 8, 9 and 10 of Assam Act I of 1957. 4. In the principal Act, Sections 8, 9 and 10 shall be deleted.

Amendment of Section 11 of Assam Act I of 1957. 5. In the principal Act, in Section 11, the word and figure "Section 9" shall be substituted by the words "sub-section (4) of Section 7".

Amendment of Section 12 of Assam Act I of 1957. 6. In the principal Act, in Section 12, the words "acquired under Section 8" shall be substituted by the words "is transferred to and vested in the State Government under sub-section (4) of Section 7".

Amendment of Sections 15 and 18 of Assam Act I of 1957. 7. In the principal Act, in Sections 15 and 18, the words "acquired under Section 8" wherever they occur shall be substituted by the words "transferred to and vested in the State Govt. under sub-section (4) of Section 7".

Amendment of Section 19 of Assam Act I of 1957. 8. In the principal Act, in Section 19, in sub-section (1), the words "three months' notice ending with the 31st day of March following" appearing between the words "of" and "take over" preceded by the comma shall be substituted by the words "one month's notice".

Amendment of Section 20 of Assam Act I of 1957. 9. In the principal Act, in Section 20, in sub-section (1), the word "or" appearing in between the words "owner" and "tenant" shall be substituted by a comma (,) and the words "or mortgagee in possession" shall be inserted in between the words "tenant" and "shall".

Amendment of Section 22 of Assam Act I of 1957. 10. In the principal Act, in Section 22,
 (a) in sub-section (1), the word "or" appearing in between the words "owner" and "tenant" shall be substituted by a comma (,) and the words "or mortgagee in possession" shall be inserted in between the words "tenant" and the comma preceding the word "acquires".
 (b) sub-section (3) shall be substituted by the following, namely:—

"(3) The Collector shall then prepare a draft statement and make the same final in the manner laid down in Section 7 and thereupon all the provisions of this Act shall apply *mutatis mutandis*."

Amendment of Section 36 of Assam Act I of 1957. 11. In the principal Act, in Section 36, the figure "8" appearing in between the word "Sections" and the figure "28" shall be deleted.

Amendment of Section 40 of Assam Act I of 1957. 12. In the principal Act, in Section 40, in sub-section (2), clause (g) shall be deleted.

Finalisation of statement. 13. (1) When any final statement submitted to the State Government under sub-section (7) of Section 7 of the principal Act as it stood before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, is pending with the State Government, the State Government shall not take any action or pass any order thereon but shall return the same to the Collector who on its receipt shall immediately make the statement final in terms of his earlier order in the manner laid down in sub-section (3) of Section 7 of the principal Act as amended by this Act and thereupon all other provisions of the principal Act as amended by this Act shall apply thereto *mutatis mutandis*.

(2) When the State Government passed any order before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, on any draft statement submitted to the State Government under sub-sections (3), (4), or (6) of Section 7 of the principal Act, the Collector shall immediately finalise the same in term of the orders of the State Government in the manner laid down in sub-section (3) of Section 7 of the principal Act as amended by this Act and thereupon all the provisions of the principal Act as amended by this Act shall apply thereto *mutatis mutandis*. In all such cases the Collector shall not be required to submit the statement to the State Government again.

Provisions regarding pending appeals.

14. Notwithstanding anything contained in sub-section (3) of Section 7 of the principal Act as it stood before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976.—

(1) no appeal shall lie against any order passed by the Collector under Section 7 of the principal Act as it stood before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 ;

(2) all appeals preferred under sub-section (3) of Section 7 of the principal Act and pending with State Government on the date of commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 shall be returned to the persons who preferred them as if no such appeal lay with the State Government against any order passed by the Collector and the records of the case if called for shall be sent back to the Collector concerned. The Collector in all such cases shall immediately proceed to make the statement final in accordance with the provisions laid down in sub-section (3) of Section 7 of the principal Act as amended by this Act and thereupon all the provisions of the principal Act as amended by this Act shall apply thereto *mutatis mutandis* ;

(3) when any order was passed by the State Government on any appeal preferred under sub-section (3) of Section 7 of the principal Act before commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, the Collector shall immediately proceed to finalise the statement in terms of the orders passed by the State Government and thereupon all the provisions of the principal Act as amended by this Act shall apply thereto *mutatis mutandis*.

Repeal and Savings.

15. (1) The Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 is hereby repealed.

(2) Notwithstanding such repeal, any order passed, anything done or any action taken under the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended by the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, shall be deemed to have been passed, done or taken under the corresponding provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended by this Act.

U. TAHBILDAR,
Secretary to the Govt. of Assam,
Legislative Department.