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ASSAM ACT XV OF 1947

THE ASSAM LAND AND REVENUE REGULATION (AMENDMENT)
ACT, 1947.

(Passed by the Assembly)

[Received the assent of the Governor on the 11th October, 1947.]

[Published in the *Assam Gazette* of the 22nd October, 1947.]

An

Act further to amend the Assam Land and Revenue Regulation, 1886

Preamble. WHEREAS it is expedient further to amend the Assam Regulation I of 1886.
Land and Revenue Regulation, 1886, hereinafter called the said Regulation, in the manner hereinafter appearing ;

It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act shall be called the Assam Land and Revenue Regulation (Amendment) Act, 1947.

Addition of a new Chapter X, comprising sections 160 to 171, to Regulation I of 1886. (2) It shall come into force at once.
2. To the said Regulation, the following shall be added as Chapter X, comprising sections 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170 and 171, namely:—

“CHAPTER X

Protection of backward classes

Protection of certain classes. 160. (1) Notwithstanding anything hereinbefore contained, the Provincial Government may adopt such measures as it deems fit for the protection of those classes who on account of their primitive condition and lack of education or material advantages are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance.

(2) The Provincial Government may, by notification in the official Gazette, specify the classes of people whom it considers entitled to protection by such measures as aforesaid.

Constitution of compact areas. 161. The protective measures may include the constitution of compact areas, in regions predominantly peopled by the classes of people notified under the provisions of subsection (2) of section 160, into belts or blocks. The boundaries of the areas so constituted shall as far as possible coincide with mauza boundaries or be otherwise easily distinguishable.

Extension of Chapter X to such areas. 162. (1) The Provincial Government may, by notification in the official Gazette, direct that the provisions of this Chapter shall apply to the areas, or any of the areas, constituted into belts or blocks under the provisions of section 161. On such application, the disposal of land by lease for ordinary cultivation, the nature and extent of rights conveyed by annual or periodic leases, the termination or

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forfeiture of such rights, the ejection of persons in occupation who have no valid right in the land, the management or letting out in farm of land in certain circumstances by the Deputy Commissioner, and other allied or connected matters shall, so far as possible, be governed by the provisions of this Chapter and the rules made thereunder. Where this is not possible, the Deputy Commissioner shall be guided by the spirit of the provisions of the foregoing Chapters of the Regulation and the rules made thereunder.

(2) The Provincial Government may, in like manner, direct that the provisions of this Chapter shall cease to apply to any area, or areas, or portions of any area or areas, to which they have been applied under the provisions of sub-section (1).

(3) The application of the provisions of this Chapter to any area as aforesaid will not affect

(a) land settled for special cultivation or purposes ancillary to special cultivation (including grants made for tea cultivation),

(b) lakheraj, nisfkheraj or special estates settled with non-cultivators for their maintenance, which land and estates and the rights and interests therein shall continue to be governed by the provisions of the foregoing Chapters of the Regulation and the rules made thereunder.

Disposal of land for purposes of cultivation.

163. (1) The disposal of land, in areas to which the provisions of this Chapter apply, for the purpose of ordinary cultivation or purposes ancillary thereto, shall be in accordance with such policy and procedure as may be adopted and directed by the Provincial Government.

(2) In adopting and directing such policy or procedure the Provincial Government shall take into consideration—

(a) the *bona fide* needs of those who are permanently residing in the area on the date of the notification under sub-section (1) of section 162,

(b) the *bona fide* needs of those who are temporarily residing in the area, but who are settlement holders of land within the area, on the aforesaid date, and who are likely to undertake to become permanently resident therein within a reasonable time,

(c) the *bona fide* needs of members of the classes notified under sub-section (2) of section 160, who are living elsewhere in the district, and

(d) if the extent of cultivable land available for settlement in the belt or block be large enough, the *bona fide* needs of other classes of persons residing in the neighbourhood of the belt or block. Preference shall be given to persons whose religion, mode of life, agricultural customs and habits are the more akin to those of the classes for whose protection the belt or block was constituted.

Rights of settlement holders and landholders.

164. (1) A settlement holder other than a landholder shall have no rights in the land held by him beyond such as are expressed in his settlement lease.

omitted
vide
President
Act No. 29 of 1981

Subsec 2
has been
substituted
by Sec. 3 of
President's Act
No. 29
1981

(2) A landholder shall have a right of use and occupancy in the land held by him subject to any restrictions or modifications prescribed in rules made under this Chapter, and to the provisions of section 9.

(3) The rights of a landholder derived from a periodic lease in respect of land to which the provisions of this Chapter have been applied, and issued before the date of the notification under sub-section (1) of section 162 shall, for the period during which the area remains subject to the provisions of the Chapter, be the same as described in sub-section (2).

Ejectment
and evic-
tion.

165. (1) In the case of unsettled land, any person who without valid authority has encroached upon or occupied it shall be liable to ejectment forthwith.

(2) In the case of annually settled land, persons other than settlement holders, members of their families and hired servants, if found in occupation thereof, shall be liable to ejectment forthwith. The settlement, with the settlement holder shall, unless terminated earlier for infringement of the conditions of the lease or for any action contrary to or inconsistent with the rights conferred on him by the lease, automatically terminate at the end of the period covered by the lease.

(3) (a) In the case of periodically settled land, persons who have entered into occupation without valid authority from the landholder or whose entry or occupation is or has come about in a manner inconsistent with the provisions of this Chapter shall be liable to eviction.

(b) Such eviction shall be preceded by service of notice requiring the occupants to vacate the land, and to remove all buildings and other constructions erected, and crops raised, within a period not exceeding one month from the date of receipt of the notice.

(c) The Deputy Commissioner may, after the persons concerned have evacuated or been evicted from the land, take the land under his own management, or may let it in farm, for such period as he thinks fit, but shall give the landholder a reasonable opportunity of undertaking in writing that he will do everything in his power to prevent unauthorised occupation by other persons in future, and of agreeing in writing that, on his failure to do so, he will forfeit his rights and status of a landholder in respect of the land. If satisfied with an undertaking and agreement as aforesaid, the Deputy Commissioner shall accept them, and they shall be deemed to govern the landholder's future rights and status in respect of the land, and the land shall then be restored to the landholder. If the landholder subsequently contravenes the undertaking as aforesaid, or any of the provisions of section 9, he shall be liable to forfeiture of his rights and status in respect of the land, which will then be available for settlement afresh, subject to any lawful encumbrances subsisting upon it.

Immunity.

166. No suit shall lie against any public servant for anything done by him in good faith under this Chapter.

Ban on juris-
diction.

167. No Civil Court shall exercise jurisdiction in any of the matters covered by this Chapter.

Investment
of powers.

168. The Provincial Government may, by notification in the official Gazette, invest any Revenue Officer with the powers of the Deputy Commissioner under all or any of the provisions of this Chapter within such limits, with such restrictions and for such period as may be specified, and may withdraw from any such Officer any of the powers so conferred upon him.

Appeals.

169. (1) An appeal shall lie under this Chapter :—
 (a) to the Deputy Commissioner, from any original order passed by any Officer subordinate to him, and
 (b) to the Revenue Tribunal, from any original order passed by a Deputy Commissioner.
 (2) Except in regard to orders relating to periodically settled land, an order passed on appeal under subsection (1) clause (a) shall be final.
 (3) In regard to orders relating to periodically settled land an appeal will lie to the Revenue Tribunal from an appellate order of the Deputy Commissioner.

Revision.

170. The Revenue Tribunal or the Deputy Commissioner may call for the proceedings held by any Officer subordinate to it or him, and pass such orders thereon as it or he thinks fit.

Rules.

171. The Provincial Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Chapter”.