

ASSAM ACT No. XXII OF 1962

THE ASSAM LAND AND REVENUE REGULATION
(AMENDMENT) ACT, 1962

(As passed by the Assembly)

(Received the assent of the Governor on the 4th September, 1962)

[Published in the Assam Gazette, Extraordinary, dated the 5th
September 1962]*An
Act**further to amend the Assam Land and Revenue Regulation, 1886*

Preamble

WHEREAS it is expedient to abolish the appellate and revisionary powers of the Commissioner and otherwise amend the Assam Land and Revenue Regulation, 1886 hereinafter called the "Regulation" in the manner hereinafter appearing;

(Regulation
I of 1886)

It is hereby enacted in the Thirteenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Land and Revenue Regulation (Amendment) Act, 1962.

(2) It shall have the like extent as the Assam Land and Revenue Regulation, 1886.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment
of section 3
of Regula-
tion I of
1886.

2. In section 3 of the Regulation, after clause (m) the following shall be inserted as clause (n), namely:—

“(n) ‘Board’ means the Assam Board of Revenue constituted under the Assam Board of Revenue Act, 1959 or under any statutory re-enactment or modification thereof.”

Amendment
of section
79 of Regu-
lation I of
1886.

3. In section 79 of the Regulation:—

(1) for the words “Commissioner or (where there is no Commissioner) to the State Government” the words “Deputy Commissioner” shall be substituted;

(2) in the first proviso, for the words “Commissioner or the State Government (as the case may be)” the words “Deputy Commissioner” shall be substituted.

Amendment of section 80 of Regulation I of 1886. 4. In section 80 of the Regulation, in sub-section (2) for the words "State Government or Commissioner" the words "Deputy Commissioner" shall be substituted.

Amendment of section 81 of Regulation I of 1886. 5. In section 81 of the Regulation, for the words "State Government" the word "Board" shall be substituted.

Amendment of section 82 of Regulation I of 1886. 6. In section 82 of the Regulation, in sub-section (2), for the words "Commissioner or the State Government" the words "Deputy Commissioner" shall be substituted.

Amendment of section 85 of Regulation I of 1886. 7. In section 85 of the Regulation, in the proviso to sub-section (3), for the words "State Government" the word "Board" shall be substituted.

Amendment of section 117 of Regulation I of 1886. 8. In section 117 of the Regulation, for the words "Commissioner of the Division, or where there is no Commissioner, to the State Government" the word "Board" shall be substituted.

Amendment of section 128 of Regulation I of 1886. 9. In section 128 of the Regulation, after sub-section (3) the following shall be added as sub-section (4), namely:—

"(4) Subject to the general control of the State Government, all Revenue Officers shall be subordinate to the Board and shall exercise all the powers conferred on them by or under this Regulation subject to its control."

Substitution of section 130 of Regulation I of 1886. 10. For section 130 of the Regulation the following shall be substituted, namely:—

"Power of superior revenue authorities to withdraw and transfer cases. 130. The Board or a Deputy Commissioner or Subdivisional Officer may withdraw any case pending before any Revenue Officer subordinate to it or him and either dispose of it itself or himself or refer it for disposal to any other Revenue Officer subordinate to it or him and having power to dispose of the same."

Amendment of section 140 of Regulation I of 1886. 11. In section 140 of the Regulation, for clause (a) the following shall be substituted, namely:—

"(a) the Board may hold Court at any place within the State of Assam:

Amendment of section 141 of Regulation I of 1886. 12. In sub-section (1) of section 141 of the Regulation, for the words "State Government", the word "Board" shall be substituted.

(2) In sub-section (2) of section 141 of the Regulation, between the words "as" and "such" the word "the Board or" shall be substituted.

Substitution of section 142 of Regulation I of 1886. 13. Section 142 of the Regulation shall be substituted by the following, namely:—

"Power to fine Person summoned for non-attendance.

142. If any person fails to comply within the time fixed by a notice served on him with any requisition made upon him under section 141, the Board or the Officer, as the case may be, making the requisition may impose upon him such daily fine as they or he thinks fit, not exceeding fifty rupees, until the requisition is complied with. Provided that, whenever the amount levied under an order under this section passed by an Officer exceeds five hundred rupees the Deputy Commissioner shall report the case to the Board and no further levy in respect of the fine shall be made otherwise than by authority of the Board."

Amendment of section 143 of Regulation I of 1886. 14. In section 143 of the Regulation, in sub-section (1) the words "a Commissioner of a Division" and the following comma shall be deleted.

Substitution of section 147 of Regulation I of 1886. 15. For section 147 of the Regulation the following shall be substituted, namely:—

Authority to whom appeals lie. 147. Appeals shall lie under this Regulation as follows:—

- (a) to the Board from orders, original or appellate passed by a Deputy Commissioner, Settlement Officer or Survey Officer ;
- (b) to the Deputy Commissioner, from orders passed by a Subdivisional Officer, an Assistant Commissioner or Extra Assistant Commissioner ;
- (c) to the Settlement Officer, from orders passed by an Assistant Settlement Officer ;

(d) to a Survey Officer, from orders passed by an Assistant Survey Officer :

Provided that no appeal shall lie against the following orders:—

- (i) orders of an Assistant Settlement Officer or Assistant Survey Officer under sections 21 and 22 ;
- (ii) orders of a Survey Officer or Settlement Officer—
 - (1) under sections 21, 22 and 24 ;
 - (2) apportioning the expense or erecting and repairing boundary-marks in accordance with rules made under section 27 ;
- (iii) orders of a Survey Officer, Settlement Officer or Deputy Commissioner, original or appellate, imposing or confirming a fine not exceeding fifty rupees ;
- (iv) orders of a Deputy Commissioner under section 79 setting aside or refusing to set aside the sale ;
- (v) any decision given in accordance with an award of arbitrators appointed under section 143, except in the case of fraud or collusion ;
- (vi) orders under section 148, admitting an appeal after the period of limitation has expired ;
- (vii) orders expressly declared by this Regulation to be final subject to the provision of section 151.”

**Amendment
of section 148
of Regulation
of 1886.**

16. In section 148 of the Regulation:—

- (1) For sub-section (1) the following shall be substituted, namely:—

“(1) Unless otherwise specially provided in this Regulation, or in rules issued under this Regulation,—

- (a) no appeal under section 147, clause (a) shall lie after the expiration of 2 months from the date of the order appealed against ;

(b) no appeal under same section, clauses (b), (c) and (d) shall lie after the expiration of thirty days from the date of the order appealed against."

(2) in sub-section (3), for the word "Tribunal" the word "Board" shall be substituted.

Amendment of section 149 of Regulation I of 1886. 17. In section 149 of the Regulation, for the word "Tribunal" the word "Board" shall be substituted.

Substitution of section 151 of Regulation I of 1886. 18. For section 151 of the Regulation, the following shall be substituted, namely:—

"Power to call for proceedings of subordinate officers. 151. The Board, a Deputy Commissioner, a Settlement Officer and a Survey Officer 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."

Deletion of section 158 of Regulation I of 1886. 19. Section 158 of the Regulation shall be deleted.

Amendment of section 169 of Regulation I of 1886. 20. In section 169 of the Regulation, in sub-sections (1) (b) and (3), for the words "Revenue Tribunal" the word "Board" shall be substituted.

Amendment of section 170 of Regulation I of 1886. 21. In section 170 of the Regulation, for the words "Revenue Tribunal" the word "Board" shall be substituted.

Board' power to hear pending proceedings. 22. Any proceeding under the Regulation pending before the Commissioner immediately before the date of commencement of this Act shall be deemed to have been instituted before the Board, and shall be decided as if it were duly instituted before the Board.