

The 27th November 1946

No.L.1125/46/15.—The following Act of the Assam Legislature having been assented to in His Majesty's name by the Governor, is hereby published for general information :—

[Received the assent of the Governor on the 26th November 1946.]

ASSAM ACT XI OF 1946

**THE ASSAM LAND AND REVENUE (AMENDMENT) ACT,
1946**

[Passed by the Assam Legislature.]

(Published in the *Assam Gazette* of the 4th December 1946.)

An Act to amend the Assam Land and Revenue Regulation, 1886 (Regulation I of 1886).

Preamble.
Regulation I of 1886.

Whereas it is expedient further to amend the Assam Land and Revenue Regulation, 1886 (hereinafter referred to as the principal Regulation), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act shall be called the Assam Land and Revenue (Amendment) Act, 1946.

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

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

Amendment of section 53A of Regulation I of 1886.

2. In sub-section (2) of section 53A of the principal Regulation, between the words "may" and "apply", the words "within a period of three years of the date of such order" shall be inserted.

Insertion of a new section 69B in Regulation I of 1886.

3. After section 69A of the principal Regulation, the following shall be inserted as section 69B, namely :—

"Attachment of estates pertaining to religious institutions".

"69B. (1) When an arrear has accrued in respect of any estate pertaining to a religious institution, the Deputy Commissioner after consultation with the Managing Committee of the religious institution, if there be any, may, with the previous sanction of the Commissioner, attach such estate and may take it under his own management or may let it out in farm.

(2) Whenever the Deputy Commissioner attaches under sub-section (1) an estate pertaining to a religious institution to which another estate or other estates in the same district pertain, the Deputy Commissioner may, with the previous sanction of the Provincial Government, also attach such other estate or some or all of such other estates, and take it or them under his own management or let it or them out in farm.

(3) During the continuance of an attachment under sub-section (1) or (2), the settlement-holder, or, when an estate is *lakheraj* or revenue-free, the *lakherajdar* or proprietor, as the case may be, shall be excluded from possession of the land attached ; and the Deputy Commissioner or the person to whom it is let in farm by the Deputy Commissioner shall have all the rights of the settlement-holder, *lakherajdar* or proprietor, as the case may be, to manage the estate or estates and to realise the rents and profits arising therefrom.

(4) (i) The income of every estate attached under sub-section (1) or (2) shall be applied as follows:—

Firstly, to the defraying of the costs of attachment, management and collection in respect of all the estates so attached ;

Secondly, to the payment of all sums lawfully due to the Government on account of revenue or otherwise in respect of any of the estates under attachment ; and

Thirdly, to the discharge of the arrear for the recovery of which the attachment was made.

(ii) Should any surplus remain after the appropriations as aforesaid, it shall be paid to the person conducting the daily worship or prayer at the institution concerned on his furnishing such security as the Deputy Commissioner may require.

(5) (i) Save as provided in clauses (ii) and (iii) of this sub-section, every attachment under sub-section (1) or (2) shall continue until the arrears in respect of all the estates so attached are fully realised or paid.

(ii) When an estate is released from attachment, the Deputy Commissioner shall forthwith reinstate the settlement-holder, *lakherajdar* or proprietor, as the case may be, in possession :

Provided that if the Deputy Commissioner is not satisfied that the future management of any such estate or estates would be such as would adequately ensure the punctual payment of future dues to Government in respect of such estate or estates, he may, with the previous sanction of the Provincial Government, maintain the attachment of such estate or estates in force until he is so satisfied.

(iii) No attachment shall continue for a period longer than two years without the previous sanction of the Provincial Government”.

4. In section 78A of the principal Regulation:—

Amend-
ment of
Section
78A of
Regula-
tion I of
1886.

(1) In sub-section (1):—

(a) the words “either owning such estate or a part thereof or holding an interest therein by virtue of a title acquired before such of sale”, shall be omitted, and

(b) for the words “on or before the thirtieth day from the date of sale”, the words “at or before noon on the sixtieth day from the day of sale, reckoning the said day of sale as the first of the said sixty days,” shall be substituted.

(2) After sub-section (2) the following shall be added as sub-section (3), namely:—

“(3) Nothing in this section shall be deemed to create in favour of the person making such deposit any title or right to such estate or part of estate, merely by virtue of the fact that he has made such deposit or that the sale has been set aside at his instance.”

H. C. STORK,
Secy. to the Govt. of Assam in the Leg. Deptt.