

THE ASSAM LAND AND REVENUE REGULATION (SECOND AMENDMENT) BILL, 2024.

A
BILL

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

Preamble

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;

Regulation
No I of 1886

It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows: -

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Land and Revenue Regulation (Second Amendment) Act, 2024.
- (2) It shall have the like extent as the principal Regulation.
- (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

2. In the principal Regulation, in section 3, after clause (n), the following new clauses shall be inserted, namely :-

- “(q) “iconic heritage institutions” mean the institutions, buildings, artifacts or structures having archeological or historical or aesthetic or cultural significance which are reflective of the socio-cultural and religious ethos of the State and are at least of 250 years old;
- (r) “territory of iconic heritage institution” means geographical area within a limit not exceeding 5 kilometers surrounding the iconic heritage institutions as protected areas;
- (s) “original inhabitant” means a person along with his family ,who have been living in that area for three generations prior to the date of commencement of this Act.”

Insertion of new
Chapter

3. In the principal Regulation, after Chapter XI, the following new Chapter XII shall be inserted, namely:-

“CHAPTER XII

PROTECTION OF LAND SURROUNDING THE
ICONIC HERITAGE INSTITUTIONS

176. (1) Notwithstanding anything contained hereinbefore or in this regulation, the State Government may by notification published in the Official Gazette declare the geographical area within a limit not exceeding 5 kilometers surrounding the iconic heritage institutions as protected areas:

Provided that for the iconic heritage institutions of Majuli District the entire District shall be a protected area for the purpose of protection of the iconic heritage institutions existing therein.

Sh
CHECKED BY THE
LEGISLATIVE DEPARTMENT
23.08.2024

- (2) Notwithstanding anything hereinbefore contained in this Regulation, the State Government may adopt such measures as it deems fit for the protection of lands surrounding such iconic heritage institutions as notified under sub-section (1) above.
177. Notwithstanding anything to the contrary contained in this Regulation or any other laws, for the time being in force in the State of Assam, no person, who unauthorizedly occupies or possesses any land surrounding such iconic heritage institutions as notified under sub-section (1) of 176 shall not acquire any right or title over such land on the strength of his length of possession.
178. The District Commissioner, having jurisdiction over the area, shall be competent to take steps for the ejection of the unauthorized occupants from such surrounding lands of iconic heritage institutions, as notified under sub-section (1) of section 176 in such manner as may be prescribed.
179. The District Commissioner having jurisdiction over the area shall regulate that: -
- (a) No person shall acquire or possess by transfer, exchange, lease, agreement or settlement of any land surrounding the iconic heritage institutions declared as protected areas under sub-section (1) of section 176, unless he is an original inhabitant of that area as defined in clause (q) of section 3 without prior approval of the Government.
- (b) No document of any transaction for acquisition or possession of any land by way of transfer, exchange, lease agreement or settlement shall be registered by any Registering Authority under the Indian Registration Act, 1908, against the provision of clause (a) above.
180. The State Government may by notification published in the Official Gazette, make rules for the purpose of carrying out the provisions of this Chapter."

Central Act
No16 of 1908

See

VETTED BY THE
LEGISLATIVE DEPARTMENT
20.08.2014

Statement of Objects and Reasons

The object of the Bill is to give effect to amendments of the existing provisions and insert the new Chapter XII, it is proposed to bring the draft amendment Bill namely, "the Assam Land and Revenue Regulation (Second Amendment) Act, 2024." incorporating some amendments/ insertions.

The amendments/ insertions are proposed in order to protect the land rights of vulnerable communities and protection of cultural identity and land rights of villages that inhabit 100% SC/ST community. This bill, also, authorizes to create heritage blocks to protect land areas in and around iconic heritage institutions like Satra areas of Majuli, Barpeta, Batadrawa etc. and monuments of the state.

The proposed insertion of Chapter XII of the Assam Land & Revenue Regulation, 1886, incorporating provisions for notifying Heritage Institutions as protected areas, shall go a long way in safe guarding the land rights of the indigenous people, elevate & reinstate the prestige and dignity of Heritage Institutions, prevent unabated encroachment, protect the socio-cultural & religious identity of such Institutions.

The proposed insertion of Chapter XII of the Assam Land & Revenue Regulation, 1886, incorporating provisions for notifying Heritage Institutions as protected areas, shall pave the way to protect, conserve, interpret and foster State's unique and diverse socio-cultural and ethnic heritage as a channel for continuing cross cultural linkages at the national level.

The Section-161 of Chapter-X of the Assam Land & Revenue Regulation, 1886, provisions for notifying revenue villages with 100% Scheduled Caste and Scheduled Tribe population as protected areas, shall fulfill the aspirations of the Assam Land Policy, 2019.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam Land and Revenue Regulation (Second Amendment) Bill, 2024 in the Autumn Session of Assam Legislative Assembly to amend the Act.

The Cabinet, in the meeting held on 21/08/2024, approved the amendment as proposed by Revenue & D.M. Department with the following direction:

1. The Cabinet considered the proposal and approved the draft Bill, directing that the provisions of the Act shall be applicable from an appointed date to be notified.
2. Regarding the identification of revenue villages with 100% SC & ST population, the Cabinet decided to constitute a Cabinet Sub-committee to examine and submit its recommendations for identifying villages with a predominant SC/ST population that can be notified as micro protected blocks, with the following Hon'ble Ministers:
 - (i) Dr. Ranuj Pegu, Hon'ble Minister, Education, etc. Departments -
Chairperson
 - (ii) Shri Urkhao Gwra Brahma, Hon'ble Minister, Handloom and Textile,

etc. Departments - Member
(iii) Shri Pijush Hazarika, Hon'ble Minister, Water Resources, etc.
Departments - Member

The Bill seeks to give effect to the aforesaid objects.

Signed by

Jogen Mohan

Date: 26-08-2024 21:16:16

(Jogen Mohan)
MINISTER
Revenue & D.M. Department



Secretary,
Assam Legislative Assembly,
Assam, Dispur

Financial Memorandum

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.

Signed by

Jogen Mohan

Date: 26-08-2024 21:20:22

(Jogen Mohan)
MINISTER
Revenue & D.M. Department

Memorandum of Delegated Legislation

This Bill authorizes to protect the land rights of vulnerable communities and protection of cultural identity and land rights of villages that inhabit 100% SC/ST community. This bill, also, authorizes to create heritage blocks to protect land areas in and around ancient monument sites, important religious institutions etc. like Satra areas of Majuli, Barpeta, Batadrawa etc. and monuments of the state.

The above provisions of the Bill regarding delegated legislation are thus of normal type and are mainly intended to cover matters of procedure.

Signed by

Jogen Mohan

Date: 26-08-2024 21:18:37

(Jogen Mohan)

MINISTER

Revenue & D.M. Department.

Existing provision of the Assam Land and Revenue Regulation, 1886 and the proposed provision of the Assam Land and Revenue Regulation (Second Amendment) Bill, 2024.

Amended Section	Existing Provision	Proposed Provision
Preamble		<p>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;</p> <p>It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows: -</p>
Short title, extent and commencement	<p>1. (1) This regulation may be called the Assam Land and Revenue Regulation, 1886; and</p> <p>(2) It shall come into force on such dates and in such territories under the administration of the [State] Government of Assam as the [State] Government may direct by notification in the official Gazette:</p> <p>Provided that —</p> <p>(a) Any such notification may declare that any portion of this Regulation shall not be in force in any territory to which the Regulation may be extended; and</p> <p>(b) The [State] Government may direct by notification in the official Gazette that any portion of this Regulation shall cease to be in force in any territory to which the Regulation may have been extended.</p> <p>(3) The [State] Government may, in like manner, amend, vary or rescind any notification issued under sub-section (2).</p>	<p>(1) This Act may be called the Assam Land and Revenue Regulation (Second Amendment) Act, 2024.</p> <p>(2) It shall have the like extent as the principal Regulation.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.</p>
Amendment of Section 3	<p>In this Regulation, unless there is something repugnant in the subject or context, —</p> <p>(a) “The commencement” of this Regulation, used with reference to any local area, means the date on which it comes into force in that local area;</p> <p>(b) “Estate” includes —</p> <p>(1) Any land subject, either immediately or prospectively, to the payment of land revenue, for the discharge of which a separate</p>	<p>In the principal Regulation, in section 3, after clause (n), the following new clauses shall be inserted, namely :-</p> <p>"(q) "iconic heritage institutions" mean the institutions, buildings, artifacts or structures having archeological or historical or aesthetic or cultural significance which are reflective of the socio- cultural and religious ethos of the State and are at least of 250 years old;</p>

<p>engagement has been entered into;</p> <p>(2) Any land subject to the payment of, or assessed with a separate amount as land revenue, although no engagement has been entered into with the [(Substituted for the word "Grown" by the Adaptation of Laws Order, 1950) Government] for that amount;</p> <p>(3) Any local area for the appropriation of the produce or products whereof a license or farm has been granted under rules made by the [(Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950)] Government under section 155, clause (e) or Clause (f);.</p> <p>(4) Any char or island thrown up in a navigable river which under the laws in force is at the disposal of the [(Substituted for the word "Grown" by the Adaptation of Laws Order, 1950) Government]</p> <p>(5) Any land which is for the time being entered in the Deputy Commissioner's register of revenue free estates as a separate holding;</p> <p>(6) Any land being the exclusive property of the [(Substituted for the word "Grown" by the Adaptation of Laws Order, 1950) Government] of which the [Substituted for the word "Provincial" by the Adaptation of Laws order, 1950)] Government has directed the separate entry in the registers of revenue-paying and revenue-free estates mentioned in Chapter IV;</p> <p>Explanation – Any land gained by alluvion or by dereliction of a river to any estate as here defined, which under the laws in force is considered an increment to tenure to which the land has accreted, shall be deemed to be part of that estate;</p> <p>(c) "Permanently-settled estate" means any estate in the districts of [(Substituted for the word "Sylhet" by the Adaption Laws (Third Amendment) Order, 1951) Cachar and Goalpara included in the decennial settlement of the Lower Provinces of Bengal or permanently settled at any subsequent date under any law for the time being in force:</p> <p>(d) "Temporarily-settled estate" means any estate not being a</p>	<p>(r) "territory of iconic heritage institution" means geographical area within a limit not exceeding 5 kilometers surrounding the iconic heritage institutions as protected areas;</p> <p>(s) "original inhabitant" means a person along with his family , who have been living in that area for three generations prior to the date of commencement of this Act."</p>
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revenue-free or permanently-settled estate;

(e) "Land revenue" means any revenue assessed by the [(Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950) State] Government on an estate and include any tax assessed in lieu of land revenue.

(f) "Proprietor" means the owner of any estate permanently settled or entered on the Deputy Commissioner's register of revenue free estates;

(g) "Land-holder" means any person deemed to have acquired the status of a land holder under section 8;

(h) "Settlement-holder" means any person, other than a proprietor, who has entered into an engagement with the [(Substituted for the word "Grown" by the Adaptation of Laws Order, 1950) Government] to pay land revenue and includes a land-holder;

(i) "Recorded proprietor", "recorded land holder" "recorded sharer" and "recorded possession" mean any proprietor, land holder, sharer or possession, as the case may be, registered in the general registers prescribed in Chapter IV:

(j) "Agricultural year" means the year commencing on the 1st April, or on such other date as the [(Substituted for the word "Provincial" by the Adaptation of Law Order 1950) State] Government may, in the case of any specified local area, by notification, appoint:

(k) "Notification" means a notification published in the official Gazette; and

(l) "Prescribed" means prescribed by rules made under this Regulation;

(m) (Inserted by Assam Act XV of 1959) "Deputy Commissioner" includes and shall be deemed always to have included the Additional Deputy Commissioner.

(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.

Insertion of
Chapter XII

"CHAPTER XII
PROTECTION OF LAND SURROUNDING THE ICONIC HERITAGE
INSTITUTIONS

176. (1) Notwithstanding anything contained hereinbefore or in this regulation, the State Government may by notification published in the Official Gazette declare the geographical area within a limit not exceeding 5 kilometers surrounding the iconic heritage institutions as protected areas:

Provided that for the iconic heritage institutions of Majuli District the entire District shall be a protected area for the purpose of protection of the iconic heritage institutions existing therein.

(2) Notwithstanding anything hereinbefore contained in this Regulation, the State Government may adopt such measures as it deems fit for the protection of lands surrounding such iconic heritage institutions as notified under sub-section (1) above.

177. Notwithstanding anything to the contrary contained in this Regulation or any other laws, for the time being in force in the State of Assam, no person, who unauthorizedly occupies or possesses any land surrounding such iconic heritage institutions as notified under sub-section (1) of 176 shall not acquire any right or title over such land on the strength of his length of possession.

178. The District Commissioner, having jurisdiction over the area, shall be competent to take steps for the ejection of the unauthorized occupants from such surrounding lands of iconic heritage institutions, as notified under sub-section (1) of section 176 in such manner as may be prescribed.

179. The District Commissioner having jurisdiction over the area shall regulate that:-

(a) No person shall acquire or possess by transfer, exchange, lease, agreement or settlement of any land surrounding the iconic heritage institutions declared as protected areas under sub-section (1) of section 176, unless he is an original inhabitant of that area as defined in clause (q) of section 3 without prior approval of the Government.

(b) No document of any transaction for acquisition or possession of any land by way of transfer, exchange, lease agreement or settlement shall be registered by any Registering Authority under the Indian Registration Act, 1908, against the provision of clause (a) above.

180. The State Government may by notification published in the Official Gazette, make rules for the purpose of carrying out the provisions of this Chapter."