

**THE ASSAM (TEMPORARILY SETTLED AREAS) TENANCY
(AMENDMENT) BILL, 2024**

A

BILL

further to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971.

Preamble

Whereas, it is expedient further to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971, hereinafter referred to as the principal Act in the manner hereinafter appearing;

Act No.
XXIII of
1971

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 (Temporarily Settled Areas) Tenancy (Amendment) Act, 2024.
(2) It shall have the like extent as the principal Act.
(3) It shall come into force at once.

Amendment of
section 2

2. In the principal Act, in section 2, in clause (f), after the word "town-land", the following word and punctuation mark shall be inserted, namely :-

“,except the lands held by occupancy tenants, subsequently included in town lands and are in continuous possession of such lands irrespective of their present usages.”

Amendment of
section 3

3. In the principal Act, in section 3,
(i) in clause (6), in third line, after the word "thereto" appearing at the end, the following words shall be inserted, namely:-
“and lands under continuous possession of tenants, subsequently included in town lands irrespective of their present usages.”
(ii) after clause (8), the following new clause (8a) shall be inserted, namely:-

“(8a) “Market value” means the value of the land, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated.”

Amendment
of section 23

4. In the principal Act, after section 23, the following new section 23A shall be inserted, namely: -

“Acquisition of
ownership rights by
occupancy tenants,
whose lands are
subsequently
included in town
lands

- 23A. (1) Any occupancy tenant who are in continuous possession of such land and whose names are recorded in the records of rights of tenants as per section 55 of the Act and whose land has been subsequently included in town land irrespective of present usages of such land, if desires to acquire the ownership rights, may at any time make such application in such manner as may be prescribed to the District Commissioner and on payment of compensation as per section 24 of the Act and on such application, the District Commissioner with the prior approval of the State Government shall declare the said occupancy tenant to have the ownership rights over the land free from all encumbrances.
(2) State Government shall levy such fee for conferring such ownership rights to the occupancy tenant as may be notified from time to time.”

Das

INTRODUCED BY THE
LEGISLATIVE DEPARTMENT
22.07.2024

Statement of Objects and Reasons

The Object of the Bill is to confer ownership rights to the occupancy tenants, who at one point of time personally cultivated his tenanted lands and whose lands were subsequently included in notified town lands or used the land for non-agricultural purpose. These occupancy tenants, now residing in notified town lands or having used the land for non-agricultural purposes, are not being able to obtain ownership rights on such lands as in the **Assam (Temporarily Settled Areas) Tenancy Act, 1971, land is defined as** agricultural land"and"agricultural land" means land used for agricultural purpose or purposes subservient thereto.

As a result, the tenants are also deprived of basic services such as obtaining bank loans, credit from financial institutions, land transfer etc.

In order to achieve this objective and to confer ownership rights to occupancy tenants whose lands are subsequently included in town lands, it is felt necessary to amend few sections of the Assam (Temporarily Settled Areas) Tenancy Act, 1971 by inserting few sections which firms up the land rights of the people and reinforce the vision of the State in achieving purification of land records through reduction of ambiguities.

Keeping this in mind, some amendments of the existing provisions of the Act and insertion of some new provisions have been proposed in the Bill to ensure restoring ownership rights to the occupancy tenants whose lands were subsequently included in town lands.

The Assam (Temporarily Settled Areas) Tenancy (Amendment) Bill, 2024, inter alia seeks to:

- a. include, lands held by occupancy tenants, who are in continuous possession of such lands subsequently included in town lands irrespective of their present usage as provided in Section-2(f) of the Bill.
- b. amend the definition of land, by including lands under the continuous possession of occupancy tenants, subsequently included in town lands irrespective of the present usage of such lands as provided in Section-3(6) of the Bill.
- c. define, "Market Value", as the value of land, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated as provided in Section-3(8a) of the Bill.
- d. enable, any occupancy tenants, whose tenanted lands have been subsequently included in town lands and who are in continuous possession of such lands irrespective of the present usage of land, to apply for acquisition of the ownership rights to the District Commissioner as provided in Section-23-A of the Bill.
- e. enable the District Commissioner to confer ownership rights to occupancy tenants, whose lands are subsequently included in town lands, free from all encumbrances, with prior approval of the State Government and after determination of the compensation by the District Commissioner and subsequently paid by the tenant.
- f. enable the State Government to notify the procedure and manner for conferring ownership rights to occupancy tenants, whose lands are subsequently included in town lands.
- g. enable the State Government to levy suitable fee through a Notification, for conferring the ownership rights in town lands.

The Bill seeks to give effect to the aforesaid Objects.

Signed by

Jogen Mohan

Date: 01-08-2024 07:31:36

(Jogen Mohan)

MINISTER

Revenue & D.M. Department,
Assam, Dispur



Secretary

Assam Legislative Assembly

Financial Memorandum

There is no financial implication on the State Exchequer due to the proposed amendment encapsulated in this Bill. However, the provisions encapsulated in the Bill are expected to provide relief to the occupancy tenants, who are being deprived of ownership rights of their lands.



(Jogen Mohan)
MINISTER
Revenue & D.M. Department,
Assam, Dispur

Minister
Revenue & DM, HAD
Mines & Minerals Department,
Assam, Dispur

MEMORANDUM OF DELEGATED LEGISLATION

Some Clauses of the Bill authorize the Government to issue notification or to make rules in respect of matters specified there in and generally to carry out the purposes of the Act and such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by The State Legislature.

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



(Jogen Mohan)
MINISTER
Revenue & D.M. Department,
Assam, Dispur

Minister
Revenue & DM, HAD
Mines & Minerals Department,
Assam, Dispur

Comparative Statement showing existing provisions of the Assam (Temporarily Settled Areas)
Tenancy Act, 1971 and the proposed provisions of the Assam (Temporarily Settled Areas)
Tenancy (Amendment) Bill, 2024

Sl. No.	Existing Provisions	Proposed Provisions
1	2 (f). lands included in town land	In the principal Act, in section 2, in clause (f), after the word "town-land", the following word and punctuation mark shall be inserted, namely:- " ,except, the lands held by occupancy tenants, subsequently included in town lands and are in continuous possession of such lands irrespective of their present usages."
2	3 (6). "land" means "agricultural land" and "agricultural land" means land used for agricultural purpose or purposes subservient thereto.	In the principal Act, in section 3, (i) in clause (6), in third line, after the word "thereto" appearing at the end, the following words shall be inserted, namely:- "and lands under continuous possession of tenants, subsequently included in town lands irrespective of their present usages."
3	3(8). "money rent" in relation to rent payable in crop-share for the purpose of deposit into court and for calculation of arrear rent in respect of rent payable in crop-share is the money value of the crop deliverable by a tenant to his landlord and such money value shall be computed on the basis of the market value of that crop prevailing at the time of harvesting in the locality concerned.	(ii) after clause (8), the following new clause (8a) shall be inserted, namely:- "(8a) "Market value" means the value of the land, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated."
4	23 .(I) Any occupancy tenant personally cultivating the land of his tenancy, desirous of acquiring the ownership rights of his landlord may at any time make an application in writing to the Deputy Commissioner and on such application being made and Compensation as provided in Section 25 is determined and paid by the occupancy tenant, the Deputy Commissioner shall declare the said occupancy tenant to have acquired the ownership rights free from all encumbrances. (II) Any under-tenant, as defined in The Assam (Temporarily Settled Districts) Tenancy Act, 1935, cultivating the holding of an occupancy tenant or non-occupancy tenant from a date prior to commencement of this Act, desirous of acquiring the intermediary rights of his landlord and the ownership rights of the land-owner of his holding, may at any time make an application in writing to the Deputy	In the principal Act, after section 23, the following new section 23A shall be inserted, namely: - "Acquisition of ownership rights by occupancy tenants, whose lands are subsequently included in town lands. 23A. (1) Any occupancy tenant who are in continuous possession of such land and whose names are recorded in the records of rights of tenants as per section 55 of the Act and whose land has been subsequently included in town land irrespective of present usages of such land, if desires to acquire the ownership rights, may at any time make such application in such manner as may be prescribed to the District Commissioner and on payment of compensation as per section 24 of the Act and on such application, the District Commissioner with the prior

Commissioner, and on such application being made and compensation as provided in Section 24 is determined and paid by the under-tenant, the Deputy Commissioner shall declare the said under-tenant to have acquired the intermediary rights of his land-lord and the ownership rights of his holding free from all encumbrances.

approval of the State Government shall declare the said occupancy tenant to have the ownership rights over the land free from all encumbrances.

(2) State Government shall levy such fee for conferring such ownership rights to the occupancy tenant as may be notified from time to time."