

**REPORT
OF
THE COMMITTEE ON SUBORDINATE
LEGISLATION**

ASSAM LEGISLATIVE ASSEMBLY

FOURTEENTH ASSEMBLY



TWENTY FOURTH REPORT

Presented to the HOUSE on 4th April, 2018

**ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT
DISPUR :: GUWAHATI-6.**

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COMPOSITION OF THE COMMITTEE ON
SUBORDINATE LEGISLATION

CHAIRMAN

1. Shri Prodip Hazarika, MLA.

MEMBERS

2. Shri Pranab Kalita, MLA
3. Shri Brindaban Goswami, MLA
4. Shri Bolin Chetia, MLA
5. Shri Ashok Kumar Singhi, MLA
6. Shri Mrinal Saikia, MLA
7. Shri Bir Bhadra Hagjer, MLA
8. Dr. Numal Momin, MLA
9. Shri Charan Boro, MLA
10. Shri Ranoj Pegu, MLA
11. Shri Rupjyoti Kurmi, MLA
12. Shri Abdur Rashid Mandal, MLA
13. Shri Nizam Uddin Choudhury, MLA.

OFFICIAL

1. Shri M. K. Deka, Principal Secretary,
2. Shri M. K. Sarma, Deputy Secretary,
3. Shri Gokul Kalita, Under Secretary,
4. Smti. M. Boruah, Committee Officer.

INTRODUCTION

I, the Chairman, Committee on Subordinate Legislation, Assam Legislative Assembly having been authorized by the Committee to present the report on their behalf, present the twenty fourth report of the Committee.

The Committee on Subordinate Legislation was constituted on 29th August, 2017 (which is annexed at Annexure-I) by the Hon'ble Speaker, Assam Legislative Assembly to scrutinize the Rules, Sub-Rules, Regulations, Bye- Laws, Orders etc of its various provisions passed by the Assam Legislative Assembly from time to time.

Accordingly, the Committee held its sitting on 19th September, 2017 and 16th October, 2017 respectively and finalized its twenty fourth report on 2nd February, 2018.

The Committee places on records its appreciation to the Commissioner & Secretary to the Government of Assam, the Joint Secretary to the Government of Assam, Revenue and Disaster Management Department, the Director and Additional Director, Land Records for their kind cooperation during the deliberation on the meetings.

The Committee places on records its appreciation for the assistance rendered to the Committee by the Officers and staff of the Assam Legislative Assembly attached to the Committee on Subordinate Legislation.

Place : Dispur,
Date: 8th February, 2018.

SHRI PRODIP HAZARIKA
Chairman
Committee on Subordinate Legislation

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REPORT

After the constitution of the Committee on Subordinate Legislation, the first meeting was held on 19th September, 2017 and decided to examine 'The Assam Bhoodan Rules, 1968' and the 'Assam Gramdan Rules, 1962' to see whether the rules so framed are in accordance with the provisions of the relevant Acts.

The Committee has directed this Secretariat to inform the Revenue & Disaster Management Department, Govt. of Assam to be present before the Committee's, meeting held on 16th October, 2017. The Committee also directed to collect all the necessary relevant rules etc from Department concerned.

Accordingly, the Revenue & Disaster Management Department has submitted the Assam Bhoodan Rule, 1968 and the Assam Gramdan Rule, 1962 to the Committee for its examination.

During the course of discussion, the Committee had examined the Bhoodan Rule and Gramdan Rule. After examination of the said Rules the Committee observed that both the Rules are more than 50 yrs old which do not match with the present condition of land laws. In this regard the Committee desired to know the opinion of concern Departments that how they implement these Rules in the present condition.

As desired by the Committee, the Department concerns expressed their views as follows :

The provision under Bhoodan Rule and Gramdan Rule were previous concept when the land lord donated the land for landless people etc. But now the department only try to maintain the outcome of this rule which was executed previously.

The present status of Gramdani villages reveals that the constitution of Gramsabhas practically made no progress in the implementation of the Gramdan Act. The Gramsabhas are not in a position to ascertain the actual memberships within a Gramdani village. Moreover, the land Records relating to Gramdani villages were not maintained properly neither by the Circle Office nor by the Gramsabhas. In view of the above stated facts, other provisions of the Gramdan Act, such as establishment of Gram Nidhi (U/S 28), which is the common fund of the Gramsabhas where all the money received by it by the way of grant, donation, loan etc is deposited. There should have been some provisions in the Gramdan Acts/Rules for constitution of administrative machinery for proper & effective implementation of the Gramdan Act.

The Department is opined that an Expert Panel (perhaps a committee comprising of distinguished experts from related fields) shall be constituted by the Government to review the Gramdan & Bhoodan Rules in order to figure out the loopholes and necessary changes (which are required from time to time) that may be required to amend the Gramdan & Bhoodan Rules keeping in view the present scenario of the State (socio-economic condition of the state).

A comprehensive approach to the matter related to Bhoodan & Gramdani villages is the need of the hour, in which the Revenue Deptt., the District Authorities, the Assam Bhoodan Gramdan Board and the Gramsabhas has to be bound together by an efficient administrative machinery so that all the bodies/establishments work in tandem to implement the provisions of the Gramdan & Bhoodan Acts efficiently.

The distribution & allocation of power to respective officials/body be it the Directorate of Land Requisition Acquisition & Reforms, Assam, the Deputy Commissioner, the Circle Officer, the Assam Bhoodan Gramdan Board, the Gramsabhas has to be clearly & distinctly defined so that no contradictions arise so far as to their jurisdiction (of roles & responsibilities) or power is concerned.

Further, the Department informed the Committee that the post of EAC (Gramdan), which is a permanent sanctioned post lying vacant in this Directorate, may be empowered with more powers & jurisdiction so that the person holding the post of EAC (Gramdan) may act as a Nodal Officer coordinating between the District Authorities and the Revenue Department and also along with the Assam Bhoodan Gramdan Board may jointly conduct field investigation in order to bring out the Ground realities.

Further, the Department also apprised the Committee that a roadmap to make the Bhoodan Land & Gramdani Villages encroachment free and to revert the illegal transfer of Land (by out reaching and identifying all Bhoodan Land and Gramdani Villages across the State) is the need of the hour. This Department is committed towards uplifting the provisions of the Gramdan Act, 1961 & the Bhoodan Act, 1965 in letter and spirit'.

OBSERVATIONS AND RECOMMENDATIONS

From the discussion with the Officials of the Revenue Department, Government of Assam, the Committee observed that without the proper infrastructure there would be lots of anomalies to implement the Bhoodan and Gramdan Rule.

Therefore, the Committee recommends that the Department should empower the administrative machinery for proper & effective implementation of the Gramdan Act in the State.

The Committee also recommends that an Expert Panel should be constituted by the Government of Assam, Revenue Department to review the Gramdan & Bhoodan Rules.

The Committee also recommends that all the concerned Authorities of the Revenue Deptt., the Assam Bhoodan Gramdan Board and the Gramsabhas need to be bound together to implement the provisions of the Gramdan & Bhoodan Acts efficiently.

Further, the Committee also recommends the Department should appoint EAC empowering to function as a Nodal Officer for coordinating between the Department and District Authorities.

The Committee also recommends that the Office of the Directorate of Land Requisition Acquisition and Reforms should be upgraded and restructured for proper and prompt management of land resources and to enforce the land laws and rules.

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Annexure-I

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

Dated Dispur, the 29th August, 2017.

No. LASLC 1/2016/326 : In pursuance of Rule 251 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, the Hon'ble Speaker, Assam Legislative Assembly has been pleased to nominate the following members of the Assam Legislative Assembly to constitute the Committee on Subordinate Legislation, Assam Legislative Assembly.

1. Shri Prodip Hazarika, MLA	&	Chairman
2. Shri Pranab Kalita, MLA	-	Member
3. Shri Brindaban Goswami, MLA	-	Member
4. Shri Bolin Chetia, MLA	-	Member
5. Shri Ashok Kumar Singhi, MLA	-	Member
6. Shri Mrinal Saikia, MLA	-	Member
7. Shri Bir Bhadra Hagjer, MLA	-	Member
8. Dr. Numal Momin, MLA	-	Member
9. Shri Charan Boro, MLA	-	Member
10. Shri Ranoj Pegu, MLA	-	Member
11. Shri Rupjyoti Kurmi, MLA	-	Member
12. Shri Abdur Rashid Mandal, MLA	-	Member
13. Shri Nizam Uddin Choudhury, MLA	-	Member

And, in Pursuance of Sub-Rule(1) of Rule 198 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, the Hon'ble Speaker has been pleased to appoint Shri Prodip Hazarika to be the Chairman of the Committee.

The term of the Committee shall be for a period of one year from the date of its constitution or till a new Committee is constituted.

Sd/- M.K. Deka,
Principal Secretary,
Assam Legislative Assembly.

2018

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