

ASSAM LAND REVENUE RE-ASSESSMENT ACT, 1936

to ASSAM LAND REVENUE RE-ASSESSMENT (ASSAM ACT VIII OF 1936) (As amended upto date) An regulate re —asse ssment of Land Assam Whereas It is expedient that the process of revising the assessment of the land revenue in Assam should be brought under closer regulation by statute . It is hereby enacted as follows

CHAPTER 1 Preliminary 1 936 Revenue in Preamble Short title . Extent (1) 'Elis Act may be called the Ass- am Land Revenue. Re—asse ssment Act, 1936. (2) It extends to those areas in the I State of Assam in which section 29 of the Assam Land and Revenue Regulation, 1886 (hereinafter referred to as the Regulation) is or may be, in force and in such areas the provisions of the Regulation shall be subject to the pro— visions of this Act. (3) It shall come into force at once . I Substituted for the words "Province" by the Adap- tation of Laws and Orger, 1950. -2- Provided that anything which had already been done under the Regulation (or the rules made under the Regulation but for the doing of which this Act pre scribed new conditions or a new pro— cedure, shall. be deemed to have been done in accordance with the provisions of this In this Act, unless a different 2. intention appears from the subject or context, (1) the terms defined in the Regulation and not defined in this Act, shall have the same meanings as in the Regulation. (ii) "village" means, subject to any general or special orders of the I State Government, the Area surveyed and recor- ded in any survey -made by or under the authority of the Government as a distinct and separate village ; (iii) "established village" means a village where in the opinion of the I State Government; (a) the cultivated fields and home steads are permanent, and (b) the area of waste land, se— tled and asse ssed as waste or available for se tlement is inc onside rable . Definitions "Village "Establish— ed village I Substituted for the word "Province" by the Adapta— tion Laws Order 1950. -3- t' Immature (iv) 'l' immature village" means a village" . village which is not an est— ablished village . "Asse ssme nt (v) assessment group means a group" . group of villages or estates wick are included by the Sétt— lement Officer, subject to rule, in one set of prposals for asse ssment; Pre scribe d" (VI) "prescribed" means prescribed by rules under this Act; (Idi) Itruletl means a rule made under "Rule" this Act; (villi" settlement" with reference to t'Se t tlement" any local area or class of est— ate s means a special pperation carried out in purruance of a notification under section 18 of the Regulation for the re— vision of the land revenue de— mana of that local area or class of estates; (ix) "major settlement" means a sett— lement of any local area or class of estates extending over not less than 20 square miles; (x) last settlement" with refercn— ce to any local area or class of estates means the last gen— eral revision of the land reve— nue demand of that area or class of estates whether carried out in pursuance of a notification under section 18 of the Regula— tion or not; "Maj or se t tlementttt "Last set- tlementttt. * (xi) 't' town land" means any land within an areq declared or deemed to be a municipality or notified area under the 'I Town land" Acsam Municipal Act, 1923 (Assam Act I of 1 n3) and any other -'ar.a which the I State Gover— nment may declare under the Assam land and Revenue Regula— tion 1886 (Regulation 1 of 18863 or under provisions of this Act, to be town land; Special cul— Qi-I) special cultivation" means tivationttt. cultivation which involve s either owing to the nature of the crop or owing to the pro— cess of cultivation a much larger expenditure of capital per acre than is incurred by most of the cultivators in tW 1 State. (1) The State Government may at any Declaration time by notification, signify its int— of any spe- cified area ention to declare any specified area as town land. which is not already town land to town land for the purpose of this Act. (2) A copy of the notification under sub—section (1) shall be published in such plac s within the area conce med and elsewhere as the State Government may by general or spe cial order direct; (3) Any person affected by the pro- posed declaration may, within six weeks from the date of publication of the * Vide Asram Act XXV of 1957. I Substituted for the worn "Province" by Adaptation of Laws and Order, 1 950• -5- notification, submit any objection in writing to the I State Government through the Deputy Ccmmissioner ancl the 1 State Government shall take this objection into consideration. (1+) After considering all the objection received under sub—section (3) the State Government may, by no— tification, declare the area or any part thereof to be town land for the purpose of this Act. Nothing in this Act shall apply to the settlement of land over which no person has the right of a propri— etor or se tlement-holder. 5 Notwithstanding anything, cont— ained In section 18 of the Regula- tions the notification mentioned therein shall be issued in the case of every maj or se tlement and Of every se tlement of t01•m land not included in a major se tlement. 6. (I)

Before issuing any notification of settlement under section 18 of the Regulation for any local area or class of estates, the State Government shall require from an officer appointed for the purpose a forecast report. The report shall be a forecast report. The report shall explain the main factors justifying a revision of the assessment and shall indicate the probable financial results of estates, as a whole, and also, as far as the settlement of local area as can be foreseen, of each part thereof which is distinct in character. or class of The report shall be published in the Gazette at least three months before the issue of the notification of settlement and along with the report there shall be published a notice specifying a date on or after which is proposed to issue the notification and the State Government shall consider my objection or suggestion with respect to the proposed notification that may be received before the date so specified any person likely to be affected thereby. (2) If the local area to be settled is not less than a subdivision of a district or if the class of estates to be settled extends over more than one subdivision, the officer appointed for the preparation of the forecast report shall be an officer not below the rank of Extra Assistant Commissioner and he shall be relieved of all other duties for such period as the State Government may judge to be necessary for the proper preparation of the report

CHAPTER 11 RE-ASSESSMENT LAND NOT BEING 7. The provisions of this part shall apply to the settlement of any local area or class of estates not being town land and in applying them, town land shall be left out of account. 8 e In the framing of general proposals of re-assessment for each assessment group, the Settlement Officer TOWN LAND shall apply provisions of Part 11 to town land. General proposals of re-assessment shall have regard to the changes which have occurred in the locality since the fixing of the existing assessment, more particularly in respect of — 0 (i) (ii) (lit) (iv) the economic condition of those who live mainly by agriculture, the value of agricultural produce, the cost of production, and the letting and selling value of land, 9, (1) Subject to the provisions of section 25, in the determination of the amount of the assessment proper for each estate the villages and the fields shall be classified and a fair rate per bigha shall be fixed for each class of land in each class of village Provided that land settled or used for special cultivation may be assessed at a fair all-round rate per bigha. (2) In classifying the villages within each assessment group for the purpose of determining how the revised assessment of the group should be distributed amongst them, the Settlement Officer shall have regard to their existing assessment and to their relative advantages and disadvantages more particularly in respect of — (1) the fertility of the soil, (ii) the economic condition of those who live mainly by agriculture Detailed as follows — nt of estates. (i) facilities of communication, accessibility to markets, and liability to damage by natural causes or from wild animals. (3) In classifying the fields the Settlement Officer shall have regard to the comparative value of the land for the purposes of agriculture

10. The land revenue of an estate shall not be liable to enhancement on the ground of drainage works, irrigation improvements effected since the last settlement at the expenses/under or' of any 'agency other than Government or a local Authority, except Village Authorities under the Assam Rural Self-Government Act. (1) 'The total revenue assessed on an assessment voup shall not exceed 10 per cent the gross produce of the group as determined by the Settlement Officer. (2) The incidence of the revenue, that is to say the total revenue assessed divided by the total settled area on which it is assessed, shall not exceed the incidence of the revenue immediately before the settlement by more than *30 per cent in the case of the entire area or class of estates notified for settlement or by more than *50 per cent in the case of any villages which was an established village at the last settlement. *Provided that for the purpose of Bar to enhancement on account of improvements. Limitation of demand. Limitation of enhancement. applying this sub-section, any land which, *Vide Assam Act XIV of 19570 of the Settlement-holder or of any person holding in the opinion of the State Government had, immediately before the settlement been held on concessional terms or settled or used for special cultivation or any villages which were immature at the time last settlement, shall be left out of account, and the limitations mentioned in sub-section (2) shall not apply to such lands (1) If the total revenue assessed under this part on all the estates held by the same owner or set of co-owners within any *village exceeds the former revenue on the same area and the revenue as thus enhanced exceeds Rs 15 then subject as hereinafter provided, Graduated enhancement — nt. (a) (b) in any case In which the enhancement exceeds 25 per cent but does not exceed 100 per cent of the old revenue, it shall be effected gradually by quinquennial increments each not exceeding 25 per cent of the old revenue ; in any

case in which the enhancement exceeds 100 per cent of the old revenue—nue the case shall be referred to the I State Government. for orders. (2) When the old revenue is less than Rs. and the enhanced revenue exceeds Rs. *15 the old revenue shall I Substituted for the word t Provincial' by Adaption Laws Order, 1950. -10- be taken to be R; for the purpose of applying sub—section (1) • (3) It shall be the duty of the Settlement Officer, at the time of offering settlement, to endeavour to give effect to the concession mentioned in sub—section (1), and in case of assignment, it shall be opened to the settler—holder to apply for it to the Settlement Officer within one year of the offer of settlement. *Provided that the concession mentioned in the sub—section (1) above shall not be available for any land which, in the opinion of the State Government had, immediately before the settlement, been held on concessional terms or settled or used for special cultivation

13. The term for which the land Term of ass—revenue is assessed shall not be less e ssment . than 30 years, provided — (1) that the State Government may fix a shorter term for villages whi— ch arc immature, or which, having been immature at the last settlement, were ass— igned a shorter term than the rest of the asse ssrntert grncp in which they were included, and (ii) that the offer of settle— ment of any land which is assessed as used for agri- * Vide Assam Act XIV of 1957. * €.11) -11- —cultural purposes may cont— ain a condition that if the land is used for commercial or industrial purposes *or if the soil of any estate has permanently improved or deteriorat€ d through causes beyond the control of the se ttlement holder the assessment may be revi— sed in the pre scribed rnan— er before the expiration of the term of the lease. that, if, after the expiry of every fifteen years, tYE average level of •prices of Agricultural produce for the last fifteen years has, in the opinion of the State Government changed by more than 25 per cent from the average price level of the period o? fifteen years pre ceding the last fif teen years, then the assessment may be revised at any time after the expiration of the last fifteen years by incre— asing or reducing the asse — ssment according as the prices aise or fall, in the manner set out below : Changes In prices (a) Tpto 25 per cent (b) bove 25 per cent Changes in Land revenue Nil. 3é per cent. * Vide Assam Act XIV o? 1957. -12- and but not above 31+ per cent. 6k per cent. (c) Above 31å per cent but not above 37+ per cent. (d) Above 34 per cent but per cent. 12+ per cent. (c) Above per cent CHAPTER 111 RE-ASSESSMENT OF LAND 1 The provisions of this Part shall apply only to town land under se ttlement, 15. T01..m land shall be divided Into the following main classes (a) agricultural land (in— cludlng agricultural sidence s) (b) residential sites, (c) trade slees. Applications of provisions of Part 111 to town land. Division of town land in— to classes. The Se t tlement Officer may make as many sub-classes under each main class as he considers necessary e 16. The rates of revenue for ag- rl cultural Ikand shall not exceed 'by mor re Chan 7+ per cent) the rates Exed for similar land in the highest rated adj oining village 7, The rate g of revenue fixed for settled with a right of rene— wal and classed as residential sites shall not exceed 25 per cent of the value of the sites. Rates of re— venue for agricultural land. Rates of re— venue for land classed as residenti— site s.

18. The rates of revenue for land settled with a right of renewal and classed as trade sites shall not exceed 50 per cent of the annual value of the sites. The rates of revenue for land settled without a right of renewal for a period not exceeding three years shall not exceed the full annual value of the sites.

Explanation . — For the purposes of sections 17, 18 and 19 the annual value, shall mean the gross annual rent at which land may be reasonably expected to let and shall be determined, where— ever possible, from recent records of sales and leases relating to lands of a similar description and with similar advantages in the vicinity. (1) The provisions of section 20. 12 shall apply to land. (2) If the total revenue assessed on all the residential sites held by the same owner or set of co— owners within a town exceeds the former revenue on the area and the // enhancement shall be effected gradually [by triennial increments each not exceeding— Rates of re— venue on land classed as trade sites— Rates of re— venue for temporary settled land. Graduated enhancement of revenue on agricultural land and residential sites. — 25 per cent of the total enhancement—: • that in any case in which the enhancement; exceeds 1+00 per cent of the former revenue, the same shall be referred to the State Government for orders. // revenue as thus enhanced exceeds Rs. 15, then the Term of assessment. i When the old revenue is less than Rs. 15 and the enhanced revenue exceeds Rs. *15 the old revenue shall taken to be Rs. *15 for the purpose of applying sub—section (2) . 21 . settled with a right of renewal the term for which revenue is assessed shall be not less than 30 years Provided that for reasons— to be re— corded the term of •settlement may be for a shorter period Provided also that the lease which is issued for such land may provide that the

revenue may be re-assessed before the expiry of the term of the lease If it appears to the Deputy Commissioner that agricultural land has been converted into a residential site or vice-versa or (12) a residential site has been converted into a trade site or vice-versa. CEAFEP, 22 Except as provided, this Part shall apply the settlement any local area OT class c: estate whether comprising town land or not. 230 (1) The classification of every site shall, so required by Application or provisions of Part IV to settlement of certain class of land the settlement holders be decided after Classification inquiry by all officer not in the land. the name of Assistant Settlement Officer. Vide Assam Act Y, rv" of 1957 • (2) The settlement-holder may, within thirty days of any decision under sub-section (1), appeal to the Settlement Officer, or to any Additional Settlement Officer that may be appointed by the State Government for the purpose of this section, who shall decide correct classification after local The order of the Settlement Officer or Additional Settlement Officer shall subject to the provisions of section 151 of the Regulation, -oe final. (3) Notwithstanding anything contained in the Court-fees Act, 1870, there shall be payable on any petition of appeal presented under sub-section (2) a court-fee calculated at the rate of one rupee for each 01' site Included therein subject to a minimum of Rs 20 In respect of field or sites situated in the same village, the petitioner shall be entitled, if the appeal is successful to the refund of the fee in proportion to his success. (1) Settlement shall certify his proposals each assessment group a rate report as nearly as may be in the present and shall the report to the * Director of Records. Rate report of the Settlement (2) Subject to rule, the (Director of Land Records publish the report after considering the objections, that be after such further for the word Provincial" by is substituted for Commissioner of District -16— inquiry if any as he may deem necessary, submit the report with his recommendations for the orders of the State Government

25. Notwithstanding anything contained in this Act, where land originally settled as land is used as fishery the revenue thereon, instead of being assessed on the basis of a rate per bigha, may be assessed according to the annual value of the fishery

CHAPTER V SUPPLEMENTAL *26 The State Government may subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Assessment of revenue on land used fishery • 1 Power of State Government to make rules. Substituted for by Adaptation Laws Carders 1 557 Vide Assam Act YSIV of 195/