

ASSAM ALIENATION OF LAND (REGULATION) ACT, 1980

Registered No, A—12 The Assam Gazette 40 No. 40 EXTRAORDINARY PUBLISHED BY AUTHORITY 19 1980, 28 vrÄtq, Dispur, Saturday, 19th July, 1980. 28th 1902 (S. E.) GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT NOTIFICATION The 19th July 1980 1902 Asadha, No.LGL,10/79/33.—The following Act/made by the President and published in the Gazette of India Extra- ordinarv Part 11 of Section I, dated 19th July, 1980 is republished for general information, U. TAHBILDAR, Secretary to the Govt.- of Asam, Legislative Department. Name of Act The Assam Alienation of Land (Regulation) Act, 1980. No. of Act President's Act No.1 of 1980. Date of assent 29th July 1980. 202 THE ASSAM GAZETTE, EXTAAORDIÅARY, JULY 19, President's Act No. 1 of 1980 THE ASSAM ALIENATION OF LAND (REGULATION) ACT 1980 (Received the assent of the President on 19th July, 1980.) Enacted by the President in the Thirty-first Year of the Republic of India. AN ACT to provide, in the public interest for the regulation of alienation of land in certain cases. In exercise of the powers conferred by Section 3 of the Assam State Legislature (Delegation of Powers) Act, 1980 the President is pleased to enact as follows.—i38Rof 1980. 1 (1) This Act may be called the Assam Alienation Short t i t I e and extent. 'of Land (Regulation) Act 1980. (2) It extends to the whole of Assam Definitions, 2. In this Act, unless the context otherwise requires.- (a) tealienation" in relation to any land means —the transfer of such land by sale mortgage , lease exchange, gift will or otherwise; (b) "land" includes building Or structures thereon and any right therein; (c) uprescribed" means prescribed by rules made by the State Government under this Act. Act to over- 3 The provisions of this Act shall have effect not- rld e other withstanding anything to the contrary contained in laws, etc. any other law or in any contract, express or implied or in any instrument. Restrictions 4. No. person shall without the previous sanction Of on aliena-the Collector obtained in such manner as may be pres- tion. cribed, make any alienation of any land in favour of any person when such person is— (a) an individual who is not a citizen of India; or (b) a body corporate or firm of which the majority of the directors, shareholders or partners as the case ri'HE ASSAM GAZETTE, F AORDINARY, JULY 19, 1980 '20 may be, are not cqtizens of India, or which is incor- porated formed or registered outside India Withholding) 5. (1b The sanction referred to in section 4 may be of sanction. withheld if— (a) the transferee is, in the opinion of the Collec- tors unsuitable, or (b) 'the proposed alienation is in the opinion of the Collector, prejudicial to the public interest. (2) Where the Collector withholds any sanction un- der this section, shall record his reasons for - doing so (3) An appeal shall lie from the order Of the Collee- tor withholding sanction under sub-seation (1) within sixty days from the date of such order to '(the State Government : Provided Chat the State Government may en- tertain an appeal after the expiry of the period of sixty days if it is satisfied that/ the appellant was preven- ted by sumcient cause from filing in time. (4) On receipt of any such appeal, (the State Govern- ment shall after giving (the appellant reasonable opportunity of being heard and after making such in- quiry as it) deems proper, decide the appeal. (5) The decision of the State Government on such appeal and, where no such appeal iS preferred, the decision of the Collector under sub-section (1) shall be final. Consequences 6. (1) Any alienation of any land made in contra- of alienation vention of the provisions of section 4 shall be void and in contraven- tion of sec-of no effect and the land alienated shall vest in the tion 4. State Government from the dqte o! alienation free from all encumbrances (2) The Collector may, after giving the pârties an opportunity of being heard, by orders- (a) direct any person in whose possession or con- trol any land or part of land vested in. the State Government under sub-section (1) may be to deliver possession thereof to the State Government 204 THE ASSAM GAZETTE, EXTRAORDINARY, JULY 19, 1980 (b) impose on the transferor a penalty which may amounfro to double the consideration for which such land was alienated; and (c) if in the opinion of the Collector, there are circumstances justifying a refund of the considera- tion, if any, paid by . the transferee in respekt of such land allow the transferee such refund. (3) The penalty imposed under clause (b) of sub- section (2) shall be recoverable as an arrear of land revenue • Delivery of 7. (1) On Ithe issue by the Collector of an order un- possession of land to Stateder clause (a) of sub-section (2) of section 6 directing Government the delivery of possession of any land or part of land and penalty, to the State Government any person in whose posses- Sion or control such land or part of Yand may be, shall forthwith deliver possession thereof to the State Governmentl (2) If any person refuses or fails to comply with the provisions of sub-section (1), the

Collector shall— (a) if he is a Magistrate enforce the delivery to the State Government of the possession of the land or part of the land in respect of which such refusal has been made or failure has been committed; or (b) if he is not a Magistrate apply to a Magistrate and such Magistrate shall enforce the delivery to the State Government of the possession of such land or part of land (3) Whoever refuses or unlawfully obstructs the delivery to the State Government of the possession of any part of land delivery of possession Whereof the State Government has been directed by the Collector by an order under clause (a) of sub-section (2) of section 6, shall on conviction by a Magistrate be punishable without prejudice to any other penalty to which he may be liable under any other law for the time being in force with fine which may extend to two thousand rupees. Disposal of 8. Any land vested in the State Government under land vested in the Statesub-section (1) of section 6 shall be dealt with and disposed of by the State Government in such manner as may be prescribed THE ASSAM GAZETTE, EXTRAORDINARY, JULY 19, 1980 205 Delegation of power. Indemnity, 9 The State Government may by notification in the Official Gazette, direct the power exercisable by under this Act other than the power to make rules under section 12, shall in such circumstances and under such conditions if any, as may be specified in the notification be exercisable also by an officer subordinate to it 10. No suit or other legal proceeding shall lie against the State Government or any officer subordinate to it or any other person for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision of this Act or for anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder Bar of jurisdiction- 11. No order made under this Act shall be called in question in any civil or criminal court. Power to 12 (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of (the foregoing power such rules may provide for any matter which is required to be or may be prescribed under this Act Repeal and 13. (1) The Assam Alienation of Land (Regulation) Ordinance, 1980, is hereby repealed, saving. 1980. (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under (this Act as if this Act, had come into force on the 7th day of April 1980. N. SANJIVA REDDY, President R V. S PERI SASTRI, Ordinance 11 of GAUBATI Secy. to the Government of India —Printed and published by the Superintendent, Assam Govt. Printing Press