

ASSAM FIXATION OF CEILING ON LAND HOLDINGS (AMENDMENT) ACT, 1976

Registered The Assam Gazette EXTRAORDINARY 2ft« PUBLISHED 37 AUTHORITY A. 12 103 No. 103 No.LJL.104/76[62. bly which received Othé for general information. 12 1976, 20 1893 Dispur, Tuesday, Occober. 12, 1976, 20th Asvina, 1898 (S. E.) GOVERNMENT OV ASSAM ORDERS BY.THE GOVERNOR LEGISLATIVE DEPARTMENT NOTIFICATION The 12th October 1976 —The following Act of the Assam Legislative Assema assent of the President is hereby published 596 THE ASSAM GAZETTE,EXTRAORDINARY, OCT. 12, ASSAM ACT OF 1976 (Received the assent of the Preshdent of India on the 11th October 1976) THE ASSAM FIXATION OF CEILING ON HOLDINGS (AMENDMENT) ACT, 1976 An Act 1976 day of LAND S hort title, extent and commence- inent. further to amend the Assam Fixation of Ceiling on Land Holdings Act, 1956. *It. is hereby enacted in the Twenty-seventh Year of the Republic of India as follows 1. • (1) frhis Act may be Called the Assam Fixation of Ceiling on Lfahd Holdings (Amendment)' Act, 1976. (2) It shall have the like extent as the principal Act. (3) It shall be deemed to •have come into force on the third day of May, 1976. Amendment of Section 4 of Assam Act 1 of 195E Amendmen t of Section 7 of Assam Act rof 1957 2. In the principal Act, in Section 4, (a) 'in sub-section „(1), the conjunction "or" before .the wprd retenant" shall be substituted by a comma and the words -"or mortgagee in posses- sion" shall be inserted in between the word "tenant" ahd comryia preceding the word - etland", (b) in süb-section (2b, the conjunction "or" before the word utenant" shall' be substituted by a Comma and the words ecor mortgagee in iosses- sion". shall • be inserted in between the word "tenant" and the comma ' preceding the word "land"

3. In thé principal Act, in Section g, (a) in sub-section (2), (i) the figure et30" sh@ll be •substituted by the figure (ii) after the first para, the following shall be in- sserted, namely "The person making any such objection shall ascer- .3. tain the date on which .the' objection will be considered THE ASSAM GAZETTE, EXTRAORDINARY, OCT, 12, 1976 597 and if on the day fixed or on any other date to which the consideration may be postponed, thé objector is absent, the Collector „ shall consider. thé • dbjections the ' absence of the objector and pass such orders as be may think necessary mal}ing the statement final", (iii) Proviso shall be deleted. (b) Sub-section (3) shall be deleted. (c) Sub-sections (4), (5), (6) and (7) shall be subs- tituted .by the following, namely "(3) The draft statemerft shall then be mad? final in terms of the final Orders passed under the preceding sub-section and the Collector shall Sign it and affx the date. (4) Notwithstanding anything contained in the next sub-section; with effect from• the date on which the final statement -is signed by the Collector under the sub-section, äll rights, title and interest of the person or persons whoSe lands are shown as excess in such statement shall stahd transferred to and, vest in the State Govt€ free from all encUmbrances created by such person or persons and no, person shall then be entitled -to question it in any Court. (5) The final statement prepared under sub-section (3) above shall be published in the same manner in .which a draft staten?ent is to be published under' sub-section (2) above. (6) Withbut prejudice to any action under any other provision of this Act, the State Govt. may of, its, own motion call •for any. record relating to •any final state- mént at any-tirne and may pass such orders as-it deems Q fit after giving the person or persons concerned an Op- portunity of being heard." 4. In the principal Act, Sections 8; 9 and IO shall DeJ etion ef Sections 8* 9 be deleted. and IO Of Assam Act I of 1957

5. In the principal Act, in Section 11, the word Amendment and figure M Section 9" sha)l be substituted by the words of Assam Act sub-section (4) of Section 7" 1 of 1957.Amaldment 6. ' eIn the principal Act, Ain Section 12, the words of Section, acquired undér Section 8" shäll be substituted by the 12 Of Assam Act r, of words etis transferred to and vested in .the State Govern- 195% ment under sub-section (4)' of Section 7". 598 THE ASSAM GAZETTE EXTRAORDINARY, OCT. 12, 1976 7. In the principal Act, in Sections 15 and 18, the •Of words teacquired under Section S" wherever -they Occur 15 18 .fAssan Actshall be substituted by the words utransferrel to and l of 1957. vested - in the State Govt. under sub-section (4) -ef Section 7" 8. In the principal Act, in Section 19, in sub-section •f Sectio 19 (1), the words "three months' notice ending with the ef Assan Act 1 of 31st day of March following" appearing between the 1957• words "of" and "take over" preceded by the comma shall be substituted by the yords "one month's notice"

9. In the principal Act, in Section 29, in, sub-section of Section 20 the word "etor" appearing in between the words of Assam Act I of "owner" and "tenant" shall be substituted by a comma (,) and the words "etor mortgagee in possession" shall be inserted in _ between the words "tenant" and "us" of Section 22 of Assam Act I of 1957

10. In the principal Act, in Section 22, (a) in sub-section (1), the word "or" appearing in between the words "owner" and "tenant" shall be substituted by a comma (,) and the words "or mortgagee in possession" shall be inserted in between the words "tenant" and the comma preceding the word "acquires". (b) sub-section (3) shall, be substituted by the following, namely:— "(3) The Collector shall then prepare a draft statement and make the same final in the manner laid down in Section 7 and thereupon all the provisions of this Act shall apply mutatis mutandis." 11. In the principal Act, in Section 969 the figure "Amendment of Section 36" appearing in between the word "Sections" and the word "Of Assam Act" figure "28" shall be deleted. 12. In the principal Act; in Section 40, in sub-section of Section 40 clause (g) shall be deleted. 13. (1) When any final statement submitted to the Finalisation State Government under sub-section (7) of Section 7 of the principal Act as it stood before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, is pending with the State Government, the State Government shall not take any action or pass any order thereon but shall return the same to the Collector who on its receipt shall immediately make the statement final in terms of his earlier order in the manner laid down in sub-section (3) of Section of the principal Act as amended by this Act and thereupon all other provisions of the principal Act as amended by this Act shall apply thereto mutatis mutandis, ASSAM GAZETTE EXTRAORDINARY, OCT, 12, 1976 599 (2) Where the State Government passed any order before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, on any draft statement submitted to the State Government under sub-sections (3), (4), or (6) of Section 7, of the principal Act, the Collector shall immediately finalise the same in term of the orders of the State Government in the manner laid down in sub-section (3) Section 7 of the principal Act as amended by this Act and thereupon all the provisions of the principal Act as amended by this Act shall apply thereto mutatis mutandis. In all such cases the Collector shall not be required to submit the statement to the State Government again. Provisions re

14. Notwithstanding anything contained in subsection (3) of Section 7 of the principal Act as it stood before pending appeals, the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976,— no appeal shall lie against any order passed by the Collector under Section 7 of the principal Act as it stood before the commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 ; (2) all appeals preferred under sub-section (3) of Section 7 of the principal Act and pending with State Government on the date of commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 shall be returned to the persons who preferred them as if no such appeal lay with the State Government against any order passed by the Collector and the records of the case if called for shall be sent back to the Collector concerned. The Collector in all such cases shall immediately proceed to make the statement final in accordance with the provisions laid down in Sub-section (3) of Section 7 of the principal Act as amended by this Act and thereupon all the provisions of the principal Act as amended by this Act shall apply thereto mutatis mutandis ; (3) when any order was passed by the State Government on any appeal preferred under sub-section (3) of Section 7 of the principal Act before commencement of the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, the Collector shall immediately proceed to finalise the statement in term of the orders passed by the State Government and thereupon all the provisions of the principal Act as amended by this Act shall apply thereto mutatis mutandis. 15. (1) The Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 is hereby repealed. 600, THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 12, 1976 (2) Notwithstanding such repeal, any order passed, anything done or any action taken under the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended by the Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976, shall be deemed to have been passed, done taken under the corresponding provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended by this Act. U. TAHBILDAR, Secretary to the Govt. of Assam, Legislative Department. GAUHATI-2 Printed and published by the Supdt. i/c., Printing Press, Directorate of Ptg. & Sty., Assam (Bx-Gazette)