

BIJNI SUCCESSION ACT, 1931

BIJNi Success10N Acr ASSAM ACT 11 OF 1931 TIJE BIJNI SUCCESSION -ACT, IReeeived the assent of the Governor on the 27 ih March 1931 and of ti,c Governor-General on the Ot h May 1931; and was ublished, under section 81 S) of the Government Of Odia t, i" the Assam Gazette or the 201b May 1931.) An Act to the Suecession in the BijRi Raj WHEREAS it is expedient to • declarc and supole- ment the customary taw oi succe,sion in the group estaiZs known as the Bijni Raj in Assan' with a view to the prevention of dispute and thc preservation or the Raj. AND WHEREAS the previous sanction of the Governor—General has been obtained under sob-section 3 of section BOA of the Government of India Act to the passing Of this Act ; It is hereby enaeed as follows J. Act may becalled the Bijni Succession Act, 1931. 2. this Act,— (1) "the Bijni Raj" or Raj' • means the group of estates specified in the Schedule annexed to this Act, together with all additions and accretions to the property comprised there- in that may have been or may hereafter be made from tirnc to time by or on behalf of the Holder of the Raj and includes any securities held by him or on his behalf ; (3) "family" means the Bijni Raj family (3) "the Holder of the Raj" or "the [older" means the owner of the Raj ; at:d (4) "prescribed" means precribcd by this Act or by rules under this Act

5. The Bijni Raj is hereby declared to be an estate descendible to a single male Holder •cØrding to the provisions of this Act.Deaoiti•n•. Of Ob*cu and Reasu.s. Assam 1931. Part V, 25 ia Cou.ciJ, Ga."te, 1931, Part VI, page 363079. SUCCESSION [Assay ACT K ava .rogeud 4. (i) Rav• Jogendra Narayan Li.ap of Bijni is cby deciaered and Shail during Ins lite-time be the (idcr of the Raj witli title dating from his nomination Ehup Oeci.- red to to Ibe succession made by Rani Abhaycswari Debi on from 1895. ber I "95. - Upon the death of the said Raja the Holder the kaj shall be person now known as Kumar Bhairabend•a Nmayan Deb, son of late Chandra Narayan Dei' the event of the said Kumar predeceasing of the •id Raja, the person who, in the opinion Of the Nat AY2't (Governor oi .A•sams is the nearest survivin male lLe eldest sutviving male line of tie said Rhup S ubsrqoent to be or appotna- rnrnt. to Kumar ; Calling any such descendant, the : ••rson Who, in tiie' ovinion of the (.Govcrror of Assam. is the eldest of agnme•8 of the said Kumar. ' 3 . Fi01ii after lla: death of the Holder succeed•ng R.,j under Aibb-aection 1.2), the siiJll be dererminrd by nomination or as i.etcinaitev provided. 5. No;ninatit'tE' to the succession •uay made , in the prese-vii :n.enncr, by the following persons and in the ordrr of p' eccdence, namely (a) til. Holder during his life time ; (h) after bis death and in accordanc with the written directions, if any left by him • by his mother ; ,.ii/ Ly his widow, or if theiv be, more widows than one, t iie• prim.•ipal widow ; by lady of the family: senior lady shall not be entitie to nominate if the widow or the mother is alive: and or sound Iniv,d, and the widow shall not bc entitled nominme, iC the another is alive and of sound mind l'jovided turther that no person Shail bc entitled to nominate whu is not of full age and of sound mind

6. Every uomination made Under section 5 Shai/ be submi within the prescribed time, to the Governor of Assam Who, if in his it is ic accordance with the provisions of this Act and with ; and upoa the custom of : he family, shall Confirm .such confirmation, but not otherwise, the nomination shall beco:ne valid, o b'JNI SUCCESION Acr and the person nominated shall— (a) if the nomination is marle by the 1018er ur.dcr clause (a) of seccon 5, a nominee survives the Holder, then, as the death of such Holder, 5 (b) if the nomination is made after the death Ofc.nfirmation. the Holder under claustr lb) of section 5, then, as from the date o/ nomination. be the Holder of the Raj

7. If no nomination, no noaninatio.i which, in in ease Of the opinion of the Governor of Assam, is in accordance failure or tith the provisions of this Act and with the custom of no•nination. the family is submitted wihiil the prescribed time, the Governor of Assam may appoint to the succession the person who in his opinion has the best claim thereto according to the custom of the fami!., and the person so appointed •shall be the ilolder of the Raj from the date of appointment. g. The publication in the (official of a ("nclusive• nomination confirmeJ or appoinjment made by Governor Of Assam and purporting to hav•: eon- lations and firmed or made under this Act shall be conausive proof of the tide to the. Raj, with from the the person notnina•ed or appointed, 'he c;ße may be, provided he alive on such date

9. If any Holder dies without Provision for successor, the perso" led to make the netnrnation t 'pora ry admin under clause (b) of section 5 shad bc entt:cd tempo- tionof the rarely to take posses-ion and

administer the Raj, R'i when pending the confirmation Of the nomination or pending is no • I (older. the appointment, as case may be, of the next Holder but in such case he shall so possess and administer the Raj for the benefit of the incoming Holder and shall be deemed to be under an obligation in the nature of a trust within the meaning of Chapter IX of the Indian Trusts Act, 1882. IO. (1) Without the previous sanction of the Requisition. Governor of Assam, it shall not be lawful to sell, mortgage, divide, or in any other way transfer the Raj or any portion thereof or any interest therein otherwise than by lease for a term not exceeding 30 years. (2) Any transfer made in contravention of sub-section (1) shall be void and no claim for any sum paid to the Holder in connection with any such transfer shall be enforceable against the Raj. Substituted by the A, Q, 1917 for •tazctt• 66 BIJNI SUCCESSION ACT ASSAM Act (3) Where, any is in contravention of sub-section 1 then notwithstanding anything contained in the Indian Limitation Act, 1908, any Holder may bring a suit for the recovery of the Act IX property transferred within 2 years from the date of the death of the transferor, or if on such date he is subject to any legal disability, within 3 years from the cessation of such disability, whichever of the two is the longer period, (4) Without previous sanction of the Governor Restriction on attachment of Assam neither the Raj nor any portion thereof nor meat or such any interest therein be attached or sold in execution of any decree or order or other process of law. LI. (1) Nothing in this Act shall affect the provisions of the Land Act, 1894 : 1894. Provided that any compensation paid to the Holder for any appertaining to the Raj that may be acquired under the Act so far as may be, be subject to all the provisions of this Act in the same manner as if such were a part of the Raj. (2) Notwithstanding in the Act the provisions of Bengal Court Act, as in force in Assam, and the Raj shall notwithstanding B.C. Act IX standing anything; be deemed to be of 1879 the provisions of an estate within the meaning of the said Act. 12 (1) From and after the Raja Jogendra Narayan of every to the Raj shall pay such succession fee as the Governor of Assam may fix, having regard to the circumstances of each succession and, in particular, to the period of time that has elapsed since the payment of the last fee as also to any estate duty or other similar duty to which such Holder may be liable under law : Provided that in no case shall the fee exceed 5 per cent of the amount which, in the opinion of the Governor, represents the market value of the property comprised in the Raj at the time of the previous holders. (2) The fee shall be paid within the prescribed manner, and if unpaid, shall be recoverable as an arrear of land revenue. See 12A inserted by the A.O. by A.O. 1950. u OF 1931 67 13. The [State Government] may by notification Power to make rules providing for— make (a) the time and manner of making nominations and of submitting them for confirmation ; (h) the publication of nominations before and after confirmation ; (c) the temporary of the Raj in cases not provided for in section 9 ; and (d) the time and manner of payment of succession fees ; and to carry out the purpose of this Act. SCHEDULE I. The estate, in the permanently-settled parganas of Halaghat and in the district of Goalpara bearing in the rent roll, assessed with the standard P 5.2 to 7.3-1 per year, and covering an approximate area of 943 square miles

2. The estate known as "acknowledged estate Of the Raja of Biini" in the Biini Duar in the district of Goalpara an approximate area acres, and bounded on the— Mmth.—By the line indicated by Samudra Narayan in Jas, K. tnungo, from the river a mile above the village. Subsequently running till it reaches the Sikartgaia and thence along the said river to its junction with the Manag river. the district of Eamrup. South.—By the pargana of Khutaghat. West.—The Daichang Jhara, Kanarnakra and Xic rivers

3. The estate in the Bini. A Mahni included in the Garo Hills district and titled 10110— .1 Wing blocks— (i) Khokhol. (ii) Belpara. (iii) Manikganj. (iv) Bengsi. (v) Chitook. (vi) Bhagabata. by the A O 1930 Govt. contract" where the AO 1931 for "L G". was