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## **Assam Land Revenue, Rent And Cess (Apportionment) Act, 1950**

**14 of 1950**

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## **Assam Land Revenue, Rent And Cess (Apportionment) Act, 1950**

**14 of 1950**

An Act to apportion and fix the land revenues, rents and ceases in respect of the portions and situated within the State of Assam of certain estates, tenures and holdings Whereas certain estates, tenures and holding in the State of Assam as it existed before the date on which the award came into force are comprised of the lands situated after the said date, partly in the State of Assam in the Union of India and partly in the Province of East Bengal in the Dominion of Pakistan; And where as it is expedient to apportion and fix the land revenues or rents, as the case may be, and the cesses payable in respect of the portions situated in the State of Assam, of the common estates, tenures of holdings. It is hereby enacted as follows:-

### **1. Short Title, Extent And Commencement :-**

(1) this Act may be called the Assam land Revenue, Rent and Cess

(Apportionment) Act, 1950.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context-

(1)"award" means the award of the Boundary Commission referred to in S. 3 of the Indian Independence Act, 1947.

(2)"Cess" includes the local rates levied under the Assam Local Rates Regulation, 1876;

(3)the expression "common estates, tentures or holdings" means estate, tentures and holdings which are comprised of lands situated after the date on which the award came into force, partly in the State of Assam in the Union of India and partly in the Province of East Bengal in the Dominion of Pakistan;

(4)"land revenue" includes any payable in respect of any common estate.

(5)"prescribed" means prescribed by rules made by the state Government under this Act; and

(6)"Revenue Officer" includes any officer whom the State Government may appoint to discharge any of the functions of a Revenue Officer under this Act.

## **3. Power To Order Preparation Of Record Of Lands In Common Estates, Tentures And Holdings :-**

The State Government may, by notification in the official Gazette, make an order directing that a record be prepared in such manner and containing such particulars as may be prescribed of all lands in Assam forming parts of the common estates, tentures and holdings.

## **4. Preparation Of Record :-**

When an order has been made for the preparation of a record under S.3, the Revenue Officer shall prepare such record accordingly containing, in addition to the particulars referred to in S.3 the amounts of land revenues or rents, as the case may be, and of cesses payable in respect of the portions included in Assam of the common estates, tentures and holdings, to be determined by the Revenue Officer in such manner and in accordance with such

principles as may be prescribed.

## **5. Preliminary Publication Of Record :-**

When a record has been prepared under S.4, the Revenue Officer shall cause a draft of it to be published in such manner and for such period as may be prescribed and shall receive, during the period of publication of the record, any objection made in regard to any entry therein or omission there from relating to the apportionment of land, revenues, rents or cesses.

## **6. Final Disposal Of Objections And Confirmation And Final Publication Of Record :-**

(1) After the expiry of the period of publication of the record under S.5, the Revenue Officer shall submit the record to the Revenue Authority prescribed with a summary of the objections, if any, which he has received and his report thereon.

(2) Such authority shall finally dispose of the objection submitted to it under sub-S.(1) according to such rules as the State Government may make and may confirm the record with or without amendment: Provided that no entry shall be amended or omission supplied unless notice has been given to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter.

(3) After confirmation by such authority the Revenue Officer shall cause the record to be finally published in the manner prescribed and such publication shall be conclusive evidence that the record has been prepared under this Act.

## **7. Appeal And Saving :-**

(1) Any person who is aggrieved by any entry in or omission from, the record finally published under S.6 in so far as such record relates to the appointment and fixation of rents or cesses in respect of tentures of holdings, may appeal to the superior Revenue Authority prescribed in such manner and within such period as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, no Court shall have any jurisdiction in respect of any issue arising out of the proceedings under this Act for the appointment and fixation of land-revenues, rents or cesses or shall annul or alter any decision of a Revenue Officer or a Revenue

Authority under this Act.

### **8. Correction Of Record :-**

The Revenue Officer, at any time, either of his own motion or on application, and after giving notice to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the such manner as may be prescribed to appear and be heard in the matter, correct any arithmetical or clerical mistake in the record finally published under S.6 or any error arising therein from any accidental slip or omission and shall make such alterations therein as may be necessary to give effect to any decision on appeal under sub-Section (1) of Section 7.

### **9. Commencement And Effect Of The Record. On The Final Publication Of The Record Under Section 6 :-**

(a) the appointment and fixation thereunder of land-revenues or rebts, as the case may be ,and of cesses in respect of the portions situated in Assam of the common estates, tentures, holdings shall, notwithstanding anything contained in any other law for the time being in force or in any contract, be deemed to have come into force and the common estates, tentures and holdings, as the case may be , shall deemed to have been and to be partitioned accordingly, on and from the date on which the award came into force (hereinafter referred to as the said date), and

(b) all laws for the time being in force relating to the creation or settlement of estates, tentures and holdings or to the recovery of land-revenues , rents, or cesses in respect thereof shall be deemed to have been and to be applicable mutatis mutandis to such portioned estates, tentures and holdings on and form the said date.

### **10. Protection Of Action Taken Under The Act :-**

(1) No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) Save as otherwise expressly provided in this Act, no suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

### **11. Power To Make Rules :-**

(1) The State Government may 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 all or any of the following matters, namely:

(a) the manner of preparing a record and the particulars to be contained therein referred to in Section 3.

(b) the manner of, and the principles for, determining the amounts of land-revenues, rents and cesses referred to in Section 4;

(c) the manner and period of publication of a draft referred to in Section 5;

(d) the Revenue Authority referred to in sub-Section (1) of Section 6 , and the disposal of objections under sub-Section (2) and the manner of final publication of a record under sub-Section (3) of that section.

(e) The period of, and the manner of giving notice referred to in the proviso to sub-Section (2) of Section 6 and in Section 8; and The superior Revenue Authority referred to in sub-Section (1) of Section 7, the manner of presentation of appeals to such authority and the period within which such appeals shall be presented under the said subsection.