
ASSAM ALIENATION OF LAND (REGULATION) ACT, 1980

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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 (38 of 1980), the President is pleased to enact as follows :- Prefatory Note-Reasons for the enactment.-The Assam Alienation of Land (Regulation) Ordinance, 1980, promulgated by the Governor of Assam on the 7th April 1980, prohibited transfer of land to any person who was not a citizen of India or to any body corporate or firm of which the majority of directors, shareholders or partners were not citizens of India, or which was incorporated, formed or registered outside India without the previous sanction of the Collector. All the transfers made in contravention of the provisions of the Ordinance were declared to be void and the land alienated through such transfers was to vest in the State Government free from all encumbrances. The Bill seeks

to replace the aforesaid Ordinance. 2. The Consultative Committee constituted under the proviso to sub-section (2) of Section 3 of the Assam State Legislature (Delegation of Powers) Act, 1980, has been consulted before the enactment of this measure as a President's Act.

1. Short title and extent :-

(1) This Act may be called the Assam Alienation of Land (Regulation) Act, 1980.

(2) It extends to the whole of Assam.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "alienation", 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) "prescribed" means prescribed by rules made by the State Government under this Act.

3. Act to override other laws, etc :-

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract, express or implied, or in any instrument.

4. Restrictions on alienation :-

No person shall, without the previous sanction of the Collector obtained in such manner as may be prescribed, 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 may be, are not citizens of India, or which is incorporated, formed or registered outside India.

5. Withholding of sanction :-

(1) The sanction referred to in Section 4 may be withheld if-

(a) the transferee is, in the opinion of the Collector, 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 under this section, he shall record his reasons for doing so.

(3) An appeal shall lie from the order of the Collector withholding sanction under sub-section (1) within sixty days from the date of such order to the State Government : Provided that the State Government may entertain an appeal after the expiry of the period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing it in time.

(4) On receipt of any such appeal, the State Government shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry 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.

6. Consequences of alienation in contravention of Section 4

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(1) Any alienation of any land made in contravention of the provisions of Section 4 shall be void and of no effect and the land alienated shall vest in the State Government from the date of alienation free from all encumbrances.

(2) The Collector may, after giving the parties an opportunity of being heard, by order-

(a) direct any person in whose possession or control 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;

(b) impose on the transferor a penalty which may amount 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 consideration, if any, paid by the transferee in respect 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.

7. Delivery of possession of land to State Government and penalty :-

(1) On the issue by the Collector of an order under clause (a) of sub-section (2) of Section 6 , directing the delivery of possession of any land or part of land to the State Government any person in whose possession or control such land or part of land may be, shall forthwith deliver possession thereof to the State Government.

(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 land or part of land, delivery of possession whereof to 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.

8. Disposal of land vested in the State Government :-

Any land vested in the State Government under sub-section (1) of Section 6 shall be dealt with and disposed of by the State Government in such manner as may be prescribed.

9. Delegation of power :-

The State Government may, by notification in the Official Gazette, direct that the power exercisable by it 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. Indemnity :-

No suit or other legal proceeding shall lie against the State Government, 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.

11. Bar of jurisdiction of courts :-

No order made under this Act shall be called in question in any civil or criminal court.

12. Power to make rules :-

(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.

13. Repeal and saving :-

(1) The Assam Alienation of Land (Regulation) Ordinance, 1980 (Assam Ordinance II of 1980), is hereby repealed.

(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.