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1903 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE (LAW) DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATION

The 30th December 1981

No.LGL.91/80/2.—The following Act promulgated by the President and published in the Gazette of India Extraordinary Part-II of Section 1, dated 30th December, 1981 is republished for general information.

U. TAHBILDAR,
Secretary to the Govt. of Assam,
Legislative Department.

Name of Act	No. of Act	Date of assent.
The Assam Land and Revenue Regulation (Amendment) Act, 1981.	President's Act No. 2 of 1981.	28th December 1981

20-13
21-10
24-11

President's Act No. 2 of 1981

Received the assent of the President of India on 28th December, 1981

THE ASSAM LAND AND REVENUE REGULATION
(AMENDMENT) ACT, 1981

Enacted by the President in the Thirty-second Year of the Republic
of India.

An
Act

further to amend the Assam Land and Revenue Regulation, 1886.

In exercise of the powers conferred by section 3 of the Assam State Legislature (Delegation of Powers) Act, 1981 (39 of 1981), the President is pleased to enact as follows:—

1. **Short title.**—This Act may be called the Assam Land and Revenue Regulation (Amendment) Act, 1981.

2. **Amendment of section 162.**—In section 162 of the Assam Land and Revenue Regulation, 1886 (Regulation I of 1886), (hereinafter referred to as the principal Regulation),—

(a) in sub-section (1), the concluding portion beginning with the words "where this is not possible" and ending with the words "rules made thereunder" shall be omitted;

(b) in sub-section (2), the following proviso shall be inserted at the end, namely:—

"Provided that nothing contained in this Chapter or in the rules made thereunder shall affect any transfer by way of a mortgage in favour of any nationalised bank, a co-operative society registered under the Assam Co-operative Society Act, 1949 (Assam Act I of 1950), or such other financing institution as may be approved by the State Government."

3. **Amendment of section 163.**—In section 163 of the principal Regulation,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In adopting and directing such policy or procedure the State Government shall take into consideration—

(a) first, the **bonafide** needs of the persons belonging to the classes notified under sub-section (2) of section 160, who are permanently residing in such area from before its constitution under section 161;

(b) secondly, the **bonafide** needs of the persons belonging to such classes who are temporarily residing in such area from before its constitution but who are settlement holders of land within the area, on the date of its constitution, and who are likely to undertake to become permanent residents therein within a reasonable time; and

(c) thirdly, if the extent of cultivable land available for settlement in the belt or block be large enough, the bonafide needs of,

(i) the persons belonging to the other classes of people residing in the belt or block from before the constitution of the belt or block;

(ii) the persons belonging to the classes notified under sub-section (2) of section 160, who are living elsewhere in the State.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The policy adopted and directed under sub-section (1) shall also provide that no settlement with the persons belonging to the classes of people mentioned in clause (c) of sub-section (2) shall be made except with the previous approval of the State Government.”.

4. Amendment of section 164.—In section 164 of the principal Regulation, in sub-section (2), the following provisos shall be inserted, namely:—

“Provided that no land holder shall transfer his land in a belt or block—

(a) to any person not belonging to a class of people notified under section 160; or

(b) to any person who is not a permanent resident in that belt or block:

Provided further that no such land holder shall transfer his land in a belt or block to any person who is a permanent resident in that belt or block who does not belong to a class of people notified under section 160 except with the previous permission of the Deputy Commissioner:

Provided also that in granting such permission the Deputy Commissioner shall have due regard for the interests of persons belonging to the classes notified under that section.”.

5. Insertion of new section 164A.—After section 164 of the principal Regulation, the following section shall be inserted, namely:—

“**164A.—Bar of acquisition by prescription in a belt or block.**—Notwithstanding anything to the contrary contained in this Act or in any law relating to limitation, no person to whom any land is transferred in a belt or block in contravention of the provisions of this Chapter shall acquire any right or title in that land by any length of possession, whether adverse or not.”.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secretary to the Govt. of India.

Reasons for the enactment

Chapter X of the Assam Land and Revenue Regulation, 1886 (Regulation I of 1886) provides for protection and furtherance of the interest of tribals in land. The State Government are competent to specify, by notification, the classes of people deserving, in their view, special protection and to constitute belt or blocks in areas predominantly people by such classes. The existing scheme of allotment of land for ordinary cultivation or for purposes ancillary thereto in the areas constituted into belts or blocks requires, according to the State Government, some modifications. They have suggested that a clear and unambiguous priority should be given in the law to tribals, that there should be statutory restrictions on the right of transfer, and that transfer in contravention of the law should not be saved by the law of limitation. It has, however, been felt that transfers in favour of nationalised banks co-operative societies or other financing institutions approved by the State Government should not be subject to these restrictions. The Bill seeks to amend Chapter X of the Assam Land and Revenue Regulation, 1886 to give effect to these changes.

2. The Consultation Committee constituted under the proviso to sub-section (2) of section 3 of the Assam State Legislature (Delegation of Powers) Act, 1981, has been consulted before the enactment of this measure as a President's Act.

S. C. VARMA,
Secy. to the Govt. of India,
(Ministry of Rural Reconstruction).

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