



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 31 দিশপুৰ, বুধবাৰ, 12 ফেব্ৰুৱাৰী, 2014, 23 মাঘ, 1935 (শক)

No. 31 Dispur, Wednesday, 12th February, 2014, 23rd Magha, 1935 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

REVENUE & D. M. (REGISTRATION) DEPARTMENT

NOTIFICATION

The 12th February, 2014

No. REGN.37/2011/61.- In exercise of the powers conferred under section 78A of the Registration Act, 1908 (Act No. XVI of 1908) as amended by the Registration (Assam Amendment) Act, 2013 (Assam Act No. XXIV of 2013), and in partial modification of the relevant Notifications previously issued in the matter, the Governor of Assam is hereby pleased to reduce the registration fees for registration of Conveyance Deeds mentioned under Article 23 of Schedule-I of the Indian Stamp Act, 1899 (Central Act II of 1899), as amended by the Indian Stamp (Assam Amendment) Act, 2013 (Assam Act No. IX of 2013), payable under section 78 of the Registration act, 1908 (Act No. XVI of 1908), from the existing rates as mentioned in the Table of Registration fees prepared vide Government Notification No. REGN 43/86/68 dated Dispur the 7th December, 1989, which shall now be payable at the following rates with effect from the date of coming into force of this Notification:-

- (1) 1% of the Market Value of the property in case of Women;
- (2) 2% of the Market Value of the property in case of joint registration with Women;
- (3) 2% of the Market Value of the property in case of other registrants.

This Notification shall come into force on the date of its publication in the Official Gazette.

S. C. DAS,

Addl. Chief Secretary to the Govt. of Assam,
Revenue & D. M. Department.



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THE ASSAM GAZETTE

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EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 417 দিশপুৰ, শুক্ৰবাৰ, 4 অক্টোবৰ, 2013, 12 আহিন, 1935 (শক)

No. 417 Dispur, Friday, 4th October, 2013, 12th Asvina, 1935 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

REVENUE (REFORMS) & D. M. DEPARTMENT

ASSAM SECRETARIAT (C), DISPUR, GUWAHATI-6

NOTIFICATION

The 20th September, 2013

NO. RRT.17/2009/165.- In exercise of powers conferred by sub-section (1) of Section 22 of the Assam Land Grabbing (Prohibition) Act, 2010 (Assam Act No. XXI of 2011), the Governor of Assam is hereby pleased to make the following rules, namely:-

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|------------------------------|---|
| Short title and commencement | 1. (1) These rules may be called the Assam Land Grabbing (Prohibition) Rules, 2013. |
| | (2) They shall come into force on the date of their publication in the Official Gazette. |
| Definitions | 2. In these rules, unless the context otherwise requires,- |
| | (a) "Act" means the Assam Land Grabbing (Prohibition) Act, 2010 (Assam Act No. XXI of 2011); |
| | (b) "Chairman" means the Chairman of the Special Court; |
| | (c) "Form" means the form appended to these rules; |
| | (d) "Lot Mandal" means a mandal holding the charge of a "Lot" in a Revenue Circle; |
| | (e) "Member" means the Member of the Special Court; |
| | (f) "Presiding Officer" means the concerned District and Sessions Judge including the Additional District and Sessions Judge of the District designated as the Special Tribunal under section 7 of the Act; |

- (g) "Registrar" means the Registrar of the Special Court;
- (h) "Revenue Circle Officer" means a Revenue Circle Officer holding the charge of a Revenue Circle;
- (i) "Village" means the Revenue Village;
- (j) Words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

Procedure for making application before the Special Tribunal

3. (1) Every application to be made before the Special Tribunal under sub-section (2) of section 8 of the Act, shall be in Form I and shall be duly signed and verified by the applicant.
- (2) Every such application shall be presented, in person or by an authorized agent or by an Advocate, to such officer of the Special Tribunal as may be authorized in this behalf by the Presiding Officer of the Special Tribunal.
- (3) On receipt of the application, the officer receiving the application shall give a receipt acknowledging the receipt of the application and immediately register the case in the case Register maintained for the purpose and record the case number on the application so received for presenting the same before the Presiding Officer for taking cognizance of the case in accordance with the provisions of the Act.

Court Fee

4. Every application / petition and other representation filed before the Special Tribunal and also appeals preferred / filed before the Special Court shall be filed affixing such court fee stamp of the amount as may be required in case of an application filed before a Judicial Court under the Court Fees Act, 1870 (Act No. VIII of 1870) as applicable in the State of Assam.

Procedure of the suo-moto action by the Special Tribunal

5. Where a Special Tribunal desires that any case should be taken cognizance of suo-moto under sub-section (2) of section 8 of the Act, it may record a statement of facts within its knowledge and information and register a case and issue notice to the alleged land grabbers, aggrieved persons and such other persons as may be deemed necessary, to appear before the Special Tribunal and make their representation for necessary hearing for taking cognizance of the case and to decide the same in accordance with the provisions of the Act.

- Verification of application
6. (1) Every application filed under sub section (2) of section 8 of the Act or every case taken cognizance of suo moto by the Special Tribunal, may be referred for local inspection or verification or both by the Revenue Circle Officer having jurisdiction over the area or by any other Officer of the Government authorized by the Special Tribunal in this behalf.
- (2) The Revenue Circle Officer or any other Officer authorized by the Special Tribunal to whom the application has been referred under sub-rule (1), shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt of order with reference to revenue records and facts on ground as to the following:-
- (i) the correctness of the statements made in the application;
 - (ii) the facts relating to ownership, actual possession and use of the land concerned; and
 - (iii) such other particulars and information as may be useful to the Special Tribunal to arrive at a correct decision on the claims made in the application.
- (3) The Revenue Circle Officer or any other Officer authorized by the Special Tribunal to whom the application has been referred, shall also furnish copies of the extracts of the Government records including chitha and /or jamabandi to show Village, Mouza, Dag No, Patta No., trace map along with the report, before the Special Tribunal.
- (4) A copy of the report may be furnished by the Special Tribunal to the applicant, respondents and other persons, if any, having interest in the land free of cost.

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| Notification of taking cognizance of a case | 7. | The Special Tribunal shall, after taking cognizance of the case under the Act, give notification in Form-II as required under section 8 (5) of the Act. |
| Notice to persons interested in land. | 8. | The Special Tribunal shall give notice in Form-III to the persons known or believed to be interested in the land. |
| Notice to the land grabber | 9. | The Special Tribunal shall, after taking cognizance of the case, give notice to Land Grabber in Form-IV. |
| Filing of written representation | 10. | The respondent or interested party may, and if so directed by the Special Tribunal shall, file written representation before the Special Tribunal within a period of fourteen days from the date of receipt of notice or such extended time as the Special Tribunal may grant in this behalf. |
| Withdrawal of the case from the Special Tribunal | 11. | A petition for withdrawal of a case pending before any Special Tribunal shall be made before the Special Tribunal accompanied by an affidavit stating the reasons of the withdrawal of the application. Notice of the withdrawal accompanied by the withdrawal petition shall be served on the respondents and other interested parties before hearing of the matter by the Special Tribunal and passing order in this regard. |
| Procedure for delivery of possession | 12. | The Special Tribunal shall communicate its final decision or order to the parties concerned and take appropriate steps for execution of the order in accordance with the procedure as provided in the Code of Civil Procedure, 1908 (Act V of 1908) as authorized in the Act. |
| Appeal | 13. (1) | An appeal under section 13 of the Act shall be preferred in the form of a Memorandum signed by the appellant and his advocate and presented before the Registrar. The Memorandum shall set forth concisely and under distinct heads, the grounds of objection to the order appealed against and the precise relief sought for. |

- (2) The memorandum of appeal presented shall be accompanied by as many authenticated copies on plain paper, of the memo of appeal, and order of the Tribunal as there are respondents to be served and four such copies in addition, for Court record, besides the certified copy of the order as required to be filed under Order XLI-Rule-I of the Code of Civil Procedure, 1908, (Act V of 1908).
- (3) When an appeal is presented after the expiry of the period prescribed by the Act, it shall be accompanied by an application supported by an affidavit stating the facts on which the appellant relies to satisfy the Court that he had sufficient cause for not preferring the appeal within the period specified. If the Special Court sees no reasons to reject the application, without issue of notice to the respondents, notice shall be issued to the respondents and the matter shall be finally decided by the Special Court **before it proceeds to deal with the appeal.**

Procedure of
hearing
Applications /
Appeals.

14. The Code of Civil Procedure shall *mutatis mutandis* apply to the hearing of applications / appeals before the Special Court so far they are not inconsistent with the provisions of the Act and the rules made thereunder.

Seals and
Emblem

15. (1) There shall be an official seal of the Special Tribunal in respect of each District containing the name of the Special Tribunal as “.....(name of the district) Land Grabbing Cases Special Tribunal” and the name of the place with the National Emblem at the centre of the seal. Similarly, there shall be an official seal in respect of the Special Court containing the name of the Special Court as “The Land Grabbing Cases Special Court, Assam” with the name of the place, where the Special Court is situated and the National Emblem at the centre of the seal.
- (2) There shall be separate seals for the Presiding Officers of the Special Tribunal of each District and for the Chairman and Members of the Special Court containing the

respective designations and the name of the Special Tribunal and the Special Court, as the case may be.

Salary and allowances of the Chairman and Member of the Special Court.

16. (1) In case of appointment of the Chairman of the Special Court from a sitting Judge of the High Court, he shall be entitled to his salary and allowances which is admissible to a sitting Judge of the High Court.
- (2) In case of appointment of a retired Judge of the High Court as Chairman of the Special Court, he shall be entitled to his Salary and Allowances of a sitting Judge of the High Court minus pension.
- (3) In case of appointment of the Judicial Member of the Special Court from a sitting District and Sessions Judge, he shall be entitled to the salary and allowances which is admissible to a sitting District and Sessions Judge.
- (4) In case of appointment of retired District and Sessions Judge as Judicial Member of the Special Court, he shall be entitled to the Salary and Allowances which is admissible to a sitting District and Session Judge minus pension.
- (5) In case of appointment of the Revenue Member of the Special Court from a serving officer of the Indian Administrative Service, he shall be entitled to the salary and allowances, which is admissible to a serving officer of the Indian Administrative Service in the corresponding rank.
- (6) In case of appointment of a retired officer of Indian Administrative Service as Revenue Member, he shall be entitled to the Salary and allowances which is admissible to a serving member of the Indian Administrative Service in the corresponding rank minus pension.

FORM-I

[The Assam Land Grabbing (Prohibition) Rules, 2013]

[See rule 3(1)]

Application Form

To

The Special Tribunal (District Judge and Sessions Judge)

1. Full Name of the Applicant
2. Father's / Husband's name
3. Address
 - Village / Town
 - P. O.
 - District
4. Name(s) of the respondent (s) with father's / husband's name
 - Name
 - Father's / husband's name
5. Address of the respondent (s)
 - Village / Town
 - P. O.
 - District
6. Name of the village / Municipality / Corporation
7. Name of the Revenue Circle
8. Name of the District
9. Classification of land
10. Detailed specification of land
 - Dag No.
 - Patta No.
 - Village
 - Mouza
 - P.S.
 - District
 - Area of land

11. Extent of interest
12. Boundaries or
dag no. of
adjacent lands
- | | |
|-------|--------------------|
| North | Patta No..... |
| | Dag no |
| | Type of land |
| South | Patta No..... |
| | Dag No..... |
| | Type of land |
| East | Patta No..... |
| | Dag No |
| | Type of land |
| West | Patta No..... |
| | Dag No |
| | Type of land |
13. Value of Land
14. Whether there
are any house or
structures on the
land;

If so, to whom
they belong;

How they were
acquired ;
15. A concise
statement of all
relevant facts as
to the claim and
provision under
which it is
preferred;(if
necessary, extra
sheet may be
added)
16. Summary of the
evidence
proposed to be
adduced;
17. True copies of
the documents

duly attested
relied upon;

18. Other relevant
particulars to
identify the
property;

19. Any other
particulars which
the applicant
intends to
furnish:

I hereby declare to the best of my knowledge and belief that the information and particulars furnished above and its enclosures are full, complete and correct.

Place:

Date:

Signature of the applicant

FORM-II

[The Assam Land Grabbing (Prohibition) Rules, 2013]

[See rule 7]

NOTIFICATION

The Special Tribunal has taken cognizance of the case filed by Sri/Smti..... Son / daughter / wife of Sri / Lateof Village / Town.....of Mouza..... It is alleged that the land belonging to as specified in the Schedule below is grabbed by Sri / Smti Son / daughter / wife of Sri / Late of Village / Town of Mouza.....in the District of.....

Notice is hereby given to whomsoever it may concern including the custodian of evacuee property that if any person intends to file any objection, he may submit his objections if any, before the Special Tribunal on or before theday offor its consideration.

If no objections are received by the Special Tribunal within the stipulated time as mentioned hereinabove, it shall be presumed that there are no objections **for proceeding further** and the case will be preceded accordingly.

THE SCHEDULE

Name of the owner of the land	Village in which it is located	Revenue Circle and District in which it falls	Dag No. and Patta No. of the alleged land	Boundaries of the land	Extent of the land	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Place:-

Signature :-

Date:-

Designation :-

Form-III
[The Assam Land Grabbing (Prohibition) Rules, 2013]
[See rule 8]

NOTICE

To:

Sri/ Smti

Son / daughter / wife o f Sri /
Late

Village /Town

Ward No.(in case of town)

Street

P. O.

P. S.

District

Whereas a case No. being.....has been registered before this Special Tribunal and the case has been taken cognizance of by this Special Tribunal;

And whereas, the Special Tribunal, after preliminary hearing / inquiry has considered that you are interested / likely to be interested in the subject matter of the case, for which your appearance in the case before the Special Tribunal is necessary;

Notice is hereby given to you to appear personally or through your authorized legal representative / attorney/ advocate / pleader, to submit your written representation/objection to the case before the Special Tribunal on at 10.00 AM in the interest of disposal of the case; otherwise, the case shall be decided ex-parte.

Place:-

Signature :-

Date:-

Designation :-

Form-IV
[The Assam Land Grabbing (Prohibition) Rules, 2013]
[See rule 9]

NOTICE

To:

Sri/ Smti

Son / daughter / wife of Sri / Late

Village /Town

Ward No.(in case of town)

Street

P.O

P.S

District

Whereas a case No. being..... has been registered before this Special Tribunal and the case has been taken cognizance of by this Special Tribunal;

And whereas, the Special Tribunal, after preliminary hearing / inquiry has considered that, you are alleged to have been involved in the case of the alleged land grabbing for which you are required to appear before this Special Tribunal for your defence in the case;

Notice is hereby given to you to appear personally or through your authorized legal representative / attorney/ advocate / pleader, to submit your written representation / objection to the case before the Special Tribunal on at 10.00 AM, in the interest of disposal of the case; otherwise, the case shall be decided ex- parte.

Place:- Signature :-

Date:- Designation :-

S. C. DAS,
Additional Chief Secretary,
Revenue & D.M. Department.