

[Dated 4th January, 1963]

No. 98/61-In exercise of the power conferred by Section 30 of the Assam State Acquisition of Lands belonging to Religious or Charitable Institution of Public Nature Act, 1959 (Assam Act, IX of 1961), the Governor of Assam is pleased to make the following rules for carrying out the purpose of the Act, namely-

THE ASSAM STATE ACQUISITION OF LANDS BELONGING TO RELIGIOUS OR CHARITABLE INSTITUTION OF PUBLIC NATURE RULES, 1962¹

1.Short Title and commencement- (1) These rules may be called the Assam State Acquisition of Lands Belonging to Religious or Charitable Institution of Public Nature Rules, 1962.

(2) They shall come into force on the date² on which the Act is brought into force.

2.Definition- In these rules, unless, there is anything repugnant in the subject or context-

(a) the 'Act' means the Assam State Acquisition of Lands Belonging to Religious or Charitable Institution of Public Nature Act, 1959;

(b) 'Section' means a section of the Act;

(c) 'Form' means a form appended to these rules; and

(d) all words and expressions used in these rules and not defined herein but defined in the Act shall respectively have the same meanings as assigned to them in the Act.

1. Published in the Assam Gazette Part-IIA, dated, the 9th January, 1963.

2. To come into force with effect from 1st January, 1963.

3. Submission of returns under Section 18 - (1) The return to be submitted under Section 18 shall be in Form A and shall be submitted in duplicate.

4. Collection of information under section 19 - (1) If the return under the preceding rule is not submitted within the period specified in Section 18, then the Deputy commissioner shall obtain the information in Form A through the agency of Settlement Officer and his staff where a settlement operation is in progress, and through the Circle Sub-Deputy Collector and his staff where no such settlement operation is in progress.

5. Verification under Section 20 (1) of the information given in the return- Where a return is submitted under Rule 3, the information contained therein shall be verified through the agency of the Settlement Officer and his staff where a settlement operation is in progress and through the Circle Sub-Deputy collector and his staff where no such settlement operation is in progress.

6. Manner of service of the draft statement under sub-section (2) of section 20 - (1) The draft statement prepared by the Deputy Commissioner under sub-section (1) of Section 20 shall be in Form B.

(2) The Deputy Commissioner shall serve the draft statement on the Head of the institution holding the excess land by tendering and delivering a copy thereof to him or to his duly authorised agent.

(3) If the Head of the institution ordinarily resides outside the jurisdiction of the Deputy Commissioner, then the draft statement may be served by sending a copy to him by registered post and such posting shall be deemed to be sufficient service.

(4) If service on the Head of the institution or his duly constituted agent be impracticable due to their absence or otherwise, then the draft statement shall be sent by Registered Post to the address at which the Head of the institution or his authorised agent ordinarily resides and such posting shall be deemed to be sufficient service.

(7) Manner of service under Section 3 of the copy of the notification of acquisition- The copy of the notification of acquisition of land published under Section 3, shall be served by the Deputy Commissioner or the Head of the institution, in the manner

laid down in Rule 6 for the service of the draft statement.

8. Period within which any building crop etc., shall be removed under Section 10 from the vested land— (1) The Deputy Commissioner may serve a notice calling upon the owner of any building, structure or crop that may exist on the vested land to remove it within 90 days of the service of notice and state therein that if it is not so removed within the said period of 90 days, then such building, structure or crop shall be sold in public auction.

(2) Such notice shall be served in the manner prescribed for service of notice under Rule 18 (3) of the Settlement Rules under the Assam Land and Revenue Regulation, 1886.

9. Manner of disposal of claims for compensation— The claims for compensation submitted under Section 11 shall be in Form C. The Deputy Commissioner shall dispose of the claims after such verification as may be necessary and decide the perpetual annuity to be paid in cash under Section 8 (5) The order of the Deputy Commissioner fixing the perpetual annuity shall be in Form D.

10. Claims by creditors — Claims under Section 13 shall be preferred in Form E.

11. Procedure for disposal of claims of creditor—(1) On receipt of a petition for claim, the Deputy Commissioner shall see if it is in order. If not in order the claimant shall be given one month's time to correct it. The Deputy Commissioner shall issue notice to the Head of the Institution concerned to file a written statement in respect of the claim within 30 days of the service of the notice. If the claim is admitted by the Head of the institution, the Deputy Commissioner shall allow the claim.

(2) If the amount of the claim is not admitted by the Head of the institution, the Deputy Commissioner shall give reasonable opportunities to both the parties for producing evidence to determine the extent of the claim. If the Head of the institution fails to submit his written statement without any just or reasonable ground within the period fixed, the Deputy Commissioner may proceed to determine the claim *ex-parte*.

(3) The Deputy Commissioner shall record a summary of the evidence tendered and record his decision allowing or rejecting the claim in whole or in part briefly stating the

reasons for arriving at the decisions.

12. Requisition for production of documents, registers etc., – Any requisition for production of documents, papers or registers referred to in Section 26 shall be in Form F.

13. Manner of *ad.interim* payment of probable compensation – A provisional compensation statement shall be prepared and maintained by the Deputy Commissioner more or less in the same form as the compensation statement in form D on the basis of which an *ad interim* payment in cash not exceeding 75 per cent of the probable amount of compensation may be made after a preliminary enquiry referred to in section 9 has been made.

The Deputy Commissioner may draw the total amount of ad-interim compensation payable in a particular year and disburse the same to individual. Heads of the institution making reference to the particular serial No. etc. of the provisional compensation statement.

14. Fees– The following documents shall be affixed with Court Fee Stamp of the value shown against each of them–

(1) Objection petition against the draft statement under sub-section (2) of Section 20..... 75 P.

(2) Appeal petition to the State Government preferred under sub-section (3) of Section 20 against the order of the Deputy Commissioner..... Rs. 15.

(3) Appeal petition to the District Judge against the order passed under Sections 11 and 13 by the Deputy Commissioner or the Officer authorised in this behalf Rs. 5.

(4) Claim petition filed by a creditor before the Deputy Commissioner under Section 13..... Rs. 2

(5) Miscellaneous petition..... 75 N.P.

FORM A

**The Assam State Acquisition of lands Belonging to Religious or Charitable
Institution of Public Nature rule, 1962**

Return of land held by a Religious or Charitable Institution of Public nature

[See Section 18 and Rule 3]

Name and address of the Head of the Religious or Charitable Institution—

Name and address of the Head of the Religious or Charitable Institution	Patta, number and Tauzi Number of the land the village and Mauza in which situated, and the nature of the patta	Plot No. or Boundary of each plot belonging to the institution	Total area of each plot (in bigha)				Nature of tenant	Area under tenant	Area not under tenant	How the land is utilized	Land held in ownership on or before the last date of Chaitra, 1365 B.S which the institution is entitled to return under Section 5				Total area entitled to be-retained	Total area belonging to the institution	Total area liable to be acquired	Remarks (any other relevant information may be given here)
			Area under tenant	Nature of tenant	Area not under tenant	How the land is utilized					Under occupation by construction building	Orchard and flower Garden	Reserved for resident devotees purpose	Tea Garden lands				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			

FORM B

[See Rule 6]

Draft statement under sub-Section (2) of Section 20 of the Assam State Acquisition of Lands belonging to Religious or Charitable Institution of Public Nature Act, 1959 (Assam Act IX of 1961).

Name and address of the Religious/Charitable Institution.....

Name and address of the Head of the Religious Institution in whose name the lands are held	Land belonging to the Institution			Area allowed to be retained under-Section 5			Land liable to acquisition				Remarks			
	Village	Patta and Tauzi No.	Plot No. Area	Village	Patta No.	Plot No. Area	Village	Patta No.	Plot No.	Area				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	

FORM C

Particulars to be furnished by the Head of the Institution while preferring claim under Section 11 of the State Acquisition of Lands belonging to Religious or Charitable Institution of Public Nature Act, 1959

[See Rul 9]

1	2	Situation of land belonging of the Institution			5	6	7	8	Gross annual income for the agricultural year preceding the date of vesting from														
		District	Mauza	Village					Forest	Fishes	Ferries	Hats	Bazare	Roads	Grazing reserves	mines	Minerals						

FORM C
(Contd.)

Total amount payable in respect of the land acquired for the agricultural year preceding the date of vesting as																							
17	Land Revenue	18	Ceas	19	Royalty	20	Municipal Tax	21	Chowkidar Tax	22	Agricultural Income Tax	23	Any other State Tax	24	Any Central Tax	25	Rent to Superior Land-lord	26	Any other tax or legal imposition payable in respect of the landed property not expressly mentioned in the Act or in the Rules or any services or obligations of any other forms to be rendered or discharged as a condition precedent to the enjoyment of such land.	27	The extent of share of the income of the institution or a lump sum allowance to which any person is entitled to, under the terms of any grant or endowment relating to the institution, for consideration of payment of personal annuity or lump sum allowance, as provided for under Section 8(5) of the Act.	28	Remarks

Signature

Head of the Institution

FORM D
Compensation Statement
(See Rule 9)

1	Name of the Institution																				
2	Patta No., Mauza and Village																				
3	Name of the Head of the Institution with father's name and address																				
4	Extent of interest of other person if any entitled to a share of the income of the institution or to a lump sum allowance under the terms of any grant or endowment relating to the institution.																				
5	Gross annual income																				
6	Net annual income																				
7	Amount of compensation payable (calculated on total net income in column 6, vide Section 8)																				
8	Amount to be deducted on account of arrears of revenue, cesses and local rate or other dues lawfully payable to the State or Central Government (vide Section 12).																				
9	Amount payable to creditors whose interest is subject to mortgage or charge vide Section 13(4)																				
10	Deduction on account of share of income or lump sum allowance under the terms of any grant or endowment relating to the institution, vide section 8(5) proviso.																				
11	Deduction to be made on account of adinterim compensation paid under Section 9																				
12	Total amount of compensation payable (after deduction on account of Columns 8-11)																				
13	Remarks																				

FORM B
PARTICULARS FOR CLAIM PETITION
(See Rule 10)

Name and Address of the Creditor	Name and address of the Head of the Religious or Charitable Institution against whom the claim is filed	Nature and extent of mortgage or charge	Amount of the principal advanced	Number patta and name of Mouza of the landed property mortgaged (if a part is mortgaged, the share mortgaged or charged should be stated here)	Original or certified copy of the document forming the basis of the claim	The amount of interest or the total of the profits from the mortgaged property already realised by the creditor and time or times of realisation of such Interest or profits	Any other particulars which may be necessary for the determination of the claim	Remarks
1	2	3	4	5	6	7	8	9

Date

Signature of Creditor

FORM F
[See Rule 12]

FORM OF REQUISITION UNDER SECTION 26

To,

Shri,

Whereas the land belonging to the institution known as.....
has vested in the Stet under Section 4 of the Assam, State Acquisition of lands
belonging to Religious or Charitable Institution of Public Nature Act, 1959 and
whereas the documents, papers and registers specified below relating to the
same land which are necessary for the proper discharge of my duties under the
provisions of the said Act, and the Rules made thereunder are understood to be
in your possession or under your control or that you are in a position to furnish
the information specified below, I..... Deputy Commissione
of..... do hereby order you to produce the said documents,
papers and registers and to furnish the said information within 48 hours/
..... days of the service of this requisition.

Given under my land and seal this day of
..... 20.....

Particulars of documents,
papers, registers and
information under requisition

Deputy Commissioner.