

THE ASSAM BHOODAN RULES, 1968

Vide Notification No. RRT 48/61/17, Dated the 9th August 1968. In exercise of the power conferred by Section 18 of the Assam Bhoodan Act, 1965 (Assam Act XXIII of 1966), the Governor of Assam is pleased to make the rules to carry out the purposes of the Act.

1. Short title and commencement – (1) These rules shall be called the Assam Bhoodan Rules, 1968.

(ii) These rules shall come into force at once.

2. Definitions – In these rules unless there is anything repugnant in the subject or context : –

(a) “Act” means the Assam Bhoodan Act, 1965 (Assam Act XXIII of 1966);

(b) ‘Deputy Commissioner’ means the Deputy Commissioner of the District and in the case of a Subdivision includes the Subdivisional Office;

(c) “Sub-Deputy Collector” means Sub-Deputy Collector in-charge of the circle within which the land donated is situated;

(d) ‘Form’ means a form appended to these rules;

(e) ‘Section’ means a Section of the Act;

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

3. Form of Declaration under Section 3. – (1) The declaration under sub-section (1) of Section 3 of the Act shall be in Form 1 and shall be filed before the Sub-Deputy Collector.

(2) The declaration shall be presented by the person making the declaration or by any person authorised by him in writing in this behalf. A declaration may also be sent by registered post.

(3) Every declaration shall be signed by the person in the presence of a Gazetted

Officer or the President of the Gaon Panchayat within whose jurisdiction the land proposed to be donated is situated and shall be attested by him.

(4) Separate declaration shall be filed in respect of land held under different pattas and in case of tenants, lands held from different landlords.

(4) Documents to be filed with the declaration under Section 3. – (1) Every declaration in Form I shall be accompanied by the original patta of the land proposed to be donated or a copy thereof attested by a Gazetted Officer or the President of the Gaon Panchayat within whose jurisdiction the person making the declaration resides.

(2) If the declaration is filed for lands referred to in clause (a) of sub-section (2) of Section 3, the declaration shall also be accompanied by the written approval of the State Government as required by the said clause of the said Section.

5. Publication of Declaration – Every declaration under sub-section (1) of Section 3, shall be entered in a register to be maintained by the Sub-Deputy Collector and shall be given publication by affixing a copy thereof in the Notice Board in the office of the Sub-Deputy Collector together with a notice in Form II requiring all persons interested in the land to submit their objections, if any, in writing before the Sub-Deputy Collector within 30 days of the publication of the declaration. A copy of the notice together with a copy of the declaration shall be served on all persons recorded as land holders in respect of lands and shall also be posted in the Notice Board in the following places : -

(a) office of the Deputy Commissioner;

(b) Offices of the Mauzadar or Tahsildar as the case may be, Anchalik panchayat and the Gaon Panchayat within whose jurisdiction the land covered by the declaration is situated.

(6) Procedure for enquiry and disposal of objections. – (1) As soon as after the expiry of thirty days from the date of publication, the sub-Deputy Collector shall make the following further enquiries on the declaration before he passes any order under sub-section (4) of Section 3.–

(i) Whether the person making the declaration has a prima facie right, title or interest in the land specified in the declaration;

(ii) Whether such person is legally competent to make the declaration;

(iii) Whether the particulars contained in the declaration are correct, and

(iv) Whether the land is in arrear in respect of land revenue, local rate and other dues.

(2) In making an enquiry under sub-rule(I), the Sub-Deputy Collector may call for such papers or documents from the declarant as he may deem fit for the purpose.

(3) All enquiries under this rule shall be made by the Sub-Deputy Collector locally where the land proposed to be donated is situated.

(4) The order of the Sub-Deputy Collector under sub-section (4) of Section 3, confirming or refusing to confirm the declaration shall be published in the Notice Board in the office of the Sub-Deputy Collector as well as in the office of the Gaon panchayat within whose jurisdiction the land covered by the declaration is situated.

7. Appeal. – (1) Appeal against the order of the Sub-Deputy Collector under Rule 6, shall lie to the Deputy Commissioner.

(2) Every appeal shall be accompanied by a certified copy of the order appealed against.

8. Procedure for declaration of donation of land by way of Bhoodan before the commencement of this Rule. – The list prepared by the Deputy Commissioner under the provision of Section 4 (I) of the Act, shall be published by affixing a copy thereof, in the notice board in the offices of the Deputy Commissioner and Sub-Deputy Collectors, with a notice in Form II requiring all persons interested in lands to submit their objections, if any, in writing before the Deputy Commissioner within 30 days of the publication of the declaration. A copy of the notice together with a copy of the declaration shall be served on all persons recorded as land-holders in respect of such lands and shall also be pasted in the notice board in the following places –

(a) Office of the Deputy Commissioner.

(b) office of the Mauzadar or Tahsildar as the case may be, Anchalik panchayat and the Gaon Panchayat within whose jurisdiction the land covered by declaration is situated.

9. Mutation of name of the grantee in Records-of-Rights as provided for in Section 13(3) of the Act.— On receipt of the information of distribution of any donated land in favour of a grantee, under sub-section (3) of Section 7 of the Act from the Bhoodan Board, the Sub-Deputy Collector shall, correct the village Jamabandi or the tenants Khatian, as the case may be, mentioning the fact that the land is Bhoodan land.

10. A lease shall be issued to the grantee by the Bhoodan Board in Form III.

FORM - 1

(See Rule 3)

**Declaration under Section 3 of Assam Bhoodan Act, 1965
(Assam Act XXIII of 1966)**

I.....S/o aged
..... years respectively, resident of village
.....Circle..... District/Subdivision
..... do hereby make the following declaration –

(1) that I have understood the provisions of the Assam Bhoodan Act, 1965 (Assam Act XXIII of 1966) :

(2) that I am not minor;

(3) that I am owner of the land particulars of which are given below,
being patta holders _____ in respect of the aforesaid land;

(4) that the aforesaid land –

(a) is not owned by two or more persons as co-owners/that the land is owned jointly by _____ who are jointly making this declaration;

(b) is not subject to mortgage or any other encumbrances whatsoever/is subject to mortgage and this declaration is made jointly by the mortgagor _____ (name and address) and the mortgagee _____ (name and address);

(c) is not hypothecated as security for any Government loan or any other Government dues directly or indirectly;

(d) is not/is held under a grant, lease or assignment from the State Government without permanent rights and the previous approval of the State Government is attached herewith.

(e) is not in arrears in respect of land revenue, local rates or other dues to the Government.

(5) that the original copy of the Patta revenue receipt for the current year in respect of the land are attached thereto.

(6) that I hereby voluntarily donate by way of Bhoodan my lands in village _____ specified below :-

PARTICULARS OF THE LAND

1. Circle
2. Mauza
3. Village
4. Patta No.
5. Area
6. Dag Nos.
7. Revenue/Rent
8. Name, parentage, address and residence of the patta/estate-holder
9. Name, parentage of tanant, if any

Witness—

Date of declaration :—

Place at which made :—

Signature

VERIFICATION

I solemnly affirm that the particulars given above are correct to the best of my knowledge and belief.

Signature

FORM - II
(See Rule 5)
Notice under Section 3(3) of Assam Bhoodan Act, 1965
(Assam Act XXIII of 1966)

In the Court of Shri Sub-Deputy Collector of
..... Circle, District/Sub divi-
sion.....

Whereas the person whose names are given below, who claim to be the sole owners of the lands specified against the names, have filed declarations, in Form I of the Assam Bhoodan Rules, 1968 made under the Assam Bhoodan Act, 1965 (Assam Act XXIII of 1966), donating by way of Bhoodan their lands in village now, therefore, notice is hereby given, requiring all persons interested in the land, to file objections, if any, in writing to the undersigned on or before

Action will be taken by the undersigned in regard to the declaration as required by sub-section (3) of Section 3 of the Assam Bhoodan Act, 1965 (Assam Act XXIII of 1966), after considering all objection filed on or before the said date and no notice will be taken of any objection filed after that date.

Serial No. Name of person
Particulars of lands

Given under my hand and seal of the Court, thisday of
.....

(seal)

Circle Sub-Deputy Collector

Note – In filling in the the last date for filing objections sufficient margin should be given so that the people will get at least 30 days clear notice from the last date of publication of the notice in the places specified in Rule 5.

FORM - II

Lease to the Grantee of the Bhoodan as provided for in Section 7 (I) and Section 13. The Assam Bhoodan Act, 1965 read Rule 10 of the Assam Bhoodan Rules, 1968.

I Secretary, Bhoodan Board/Sub-division Bhoodan Committee of Subdivision hereby declare that I have on behalf of the Bhoodan Board settled with you, your heirs, representatives and assigns the land mentioned in the schedule on the reverse of the lease for a period of years from 1st April, to 31st March, on a revenue and local rate mentioned below which you, your heirs, representatives and assigns will well and duly pay according to the following instalments :-

	Due date	Amount		
		Revenue	Local rate	Total
First instalment				
Second instalment				
Total				

2. The local rate mentioned in this lease has been calculated on the scale now sanctioned by Government. The scale is liable to revision from time to time according to law.

3. The revenue and local rate mentioned in this lease have been calculated on the understanding that the land is to be used for agricultural purposes. Should the land or any part of it be used for purposes which in the opinion of the Local Government are other than agricultural, it shall at once become liable to re-assessment, and you, your heirs, representatives and assigns, shall be liable to pay revenue and local rate at the rate fixed or to be fixed on re-assessment.

4. The right of the public is reserved to the use of all rivers and streams flowing over the said land or along the boundary of the same, and capable at any session of the years of floating boats or timber and to the use at all time of a strip of land of twenty feet in width on each said of such river or stream for the purpose of towing mooring, of loading and

lending goods, and for all other purposes incidental to navigation, the floating of timber and fishing.

5. In the case of all lands within 35 feet of the edge or base of the embankment of a provincial or local board's road, Government reserve to themselves and their agents the right to take earth from for the repair of the roads without payment of compensation and to appropriate such lands or any portion thereof without payment of compensation except for growing crops, fruits tree and buildings.

6. If you are a professional cultivator, the right of transferring the estate or dag or part of a dag within it to one who is not a professional cultivator shall be exercised only with the previous sanction of the Deputy Commissioner.

7. If you wish to resign the whole of your estate of any dag within your estate, you should tender your resignation on or before the prescribed date.

8. The grantee shall not be entitled to transfer or subject the land or any part thereof.

9. The grantee shall not allow the land to remain fallow for two consecutive years without reasonable cause.

10. A grantee under item 8 above shall pay to the State Government land revenue and other dues, if any on the land on due dates thereof.

11. Any other condition which may be prescribed by the State Government in consultation with the Bhoodan Board.

Should you infringe any of the above conditions this lease is liable to be terminated and the land will be restored to the Bhoodan Board.

12. Revenue /rent will liable to revision on 31st March, 19.....

————— 000 —————