

ASSAM LAND (REQUISITION AND ACQUISITION) RULES, 1964

1. Short title and commencement.

(1) These rules may called the Assam land (Requisition and Acquisition) Rules, 1964.

(2) They shall come into force at once.

2. Definitions. They shall rules, unless there is anything repugnant in the subject or context-

(a) “the Act “ means the Assam land (Requisition and Acquisition) Rules, 1964.

(b) “Form” means a form appended to these rules;

(c) “Section” means a section of the Act;

(d) 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. Manner of submission of representation by interested persons when land is necessary to be requisitioned for landless or displaced persons.

When it is necessary to requisition any land for landless or displaced persons the person interested in the land shall be informed of the intention of requisitioning his land and such person may make written representation, if any, against it within 15 days from the date of receipt of such information. The information shall be in the form of a notice in Form “A”.

Such representation when received shall be disposed of by State Government of the person authorised to requisition the land, as the case may be, after due consideration, if necessary by local inquiry, by an officer, not below the rank of a Sub-Deputy Collector.

1. An order of requisition under S.3 (1) shall be in Form "B" as far as may be, with such modification, if any, as may be necessary.
2. An order S.4 (1) of the Act shall be in Form "C". Where the surrender or delivery of possession is to be made to any person other than the collector, the later shall issue an order authorizing the person before an order for surrender or delivery of possession is issued.
3. **Breaking open of locks on requisitioned property.** Where the possession of the requisitioned property is not handed over in compliance with an order issued under sub-S (1) of S.4 of the Act, and /or the premises are found locked, the Collector or any other persons authorised by it writing in this behalf may break open the lock in the presence of two witnesses and take possession of the property:

Provided that-

- (a) before any such action is taken, the competent authority shall satisfy itself that the order under sub-S.(1) of S. 4 has been duly served on the party concerned and that the party is evading compliance with the order;

(b) the power under this rule shall not be exercised at any time after sun-set or before sun-rise; and

(c) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witnesses and such articles should be stored in safe custody.

7. A notice under S. 6 (1) shall be in form “D”.

8. A notice under S.8 (3) shall be in Form “E”.

9. An order under S. 9(1) shall be in Form “F” and a notice under S.9 (2) shall be in Form “G”. The publication of the order under s.9(1) and of the notice under S.9 (2) as required by the proviso to the said sub-section shall be made by affixing a copy each of the order and notice in Forms “F” and “G” respectively in some conspicuous part of the land or premises acquired.

10. The publication of an order under S.9 (1) of the Act as required by S.10 (3) shall be in Form “F”.

11. **Manner of service of order.**

(1) Every order passed under sub-S.(1) of S.3 sub-S .(1) of S.4 and sub-S (1) of S.9 and every notice giving an opportunity to make representation under the second proviso to sub-S(1) of S.3 and every notice under sub-S.(1) of S.5 and which is under sub-S(2) of S.9 shall be served on the owner of the land or the tenant or the occupier, as the case may be, in the following manner:

a. in the case of any order affecting in individual, corporation or firm in the manner provided for the manner provided for the service of summons in R.2 of Order XXIX of R.3 of Order XXX, as the case may be, in the First Schedule of the Code of civil Procedure, 1908 (V of 1908),

b. in the case of any order affecting an individual person (not being a corporation or a firm)-

(i) by delivering or tendering to that person; or

(ii) if this cannot be so delivered or tendered, by delivering or tendering these to any officer of such person or any adult member of the family of such person, or by affixing a copy thereof on the outer door or in some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or failing by these manners;

(iii) by registered post:

Provided that when the person to be served is not to be served is not readily traceable and the order and the notice cannot be served without undue delay or when the ownership of the land is in dispute, the order and the notice shall be published in the official Gazette.

(2) A return by the serving officer stating the date of affixing the copies under item (ii) of Cl. (b) to sub-R (1) and

attested by two persons present at the time of affixing shall be considered sufficient proof of service.

12. **Allotment of requisition land.** Soon after requisition of a particular area, it shall be properly demarcated and allotted to respective individuals or groups of individuals.
13. **Manner of payment of compensation.** The individuals or groups who are allotted land shall be jointly and severally liable to pay local rate and also compensation as assessed by Government (i) for use and occupation of the land during the period of requisition, (ii) for any damage willfully caused to such land during the period under their occupation, and (iii) for acquisition of such land if acquired at any time later.
14. **Period for payment of compensation.** The compensation for use and occupation of land shall be payable annually during the period of requisition on or before the fifteen day of February following the year of requisition and any arrear shall be realizable as arrear of land revenue subject to R.15:

Provided that the compensation for any requisitioned buildings shall be payable monthly.

15. **Cancellation of allotment on failure to pay compensation.** In case of default of payment of compensation or any part thereof as mentioned in R.13 the allotment shall be liable to cancellation and the allottees to summary eviction.
16. **Advance payment of compensation.** The individuals or groups may be allowed to make part payment of compensation for acquisition in advance if they so desire before or after the actual allotment and such payment shall be credited to

treasury under the head "IX-Land Revenue-Miscellaneous-Miscellaneous Receipts".

17. **Disposal of trees and standing crops.** Trees on requisitioned land when required to be felled and crops thereon shall be sold in public auction after due notice in the locality concerned. The sale proceeds of the action sale on trees shall be payable to the owner after deduction of the royalty, if any, and also subject to R. 18:

Provided that when the owner of the land wishes to take away the trees himself, he shall be allowed to do so within two months from the date of taking over the possession of the land on written assurance that the owner shall not claim any compensation for the trees. In that case the Forest Department shall realise the royalty direct from the owner.

18. **Government demand to be deducted from the compensation payable to the owner.** From the amount realised under Cl. (i) of Rr. 13 and 17 the arrears of land revenue and local rate, if any, shall be deducted and the balance paid to the owner.
19. **Apportionment of compensation in case of dispute.** If any dispute arise as to the apportionment of the amount payable to the owner under R.18, the Deputy Commissioner or any other officer authorised under S.3 shall keep the amount in 'revenue deposit' until the disputes are finally disposed of by him, and on such disposal shall to the person or persons concerned the amount due to him or them.
20. **Manner of Settlement on acquisition of requisitioned land.** After acquisition of any requisitioned land under S.6,

settlement of the allotted land shall be offered to those allottees who make full payment of their share of compensation under R.13 (i) and outstanding compensation, if any, under R.13 (i) and (ii) if accepted, annual leases in the first instance shall be issued to them and there forth the land shall be assessable to annual land and revenue and local rate at the rates payable for similar class or classes of land in the neighbourhood.

21. **Annual lease of the land.** Subject to any general prohibition of restriction laid down by Government from time to time, the annual leases mentioned in R. 20 above shall be convertible to periodic when such land becomes fit to be made periodic under the Revenue Law in force and in also when the annual lease-holders make full payment of their share on compensation under r.13.
22. **Summary eviction.** If any allottee of any requisitioned land keeps the land fallow for one year from the date of allotment, he shall be liable to summary eviction at the end of the year.
23. **Execution of bond for settlement of requisitioned land.** The individual or group who are allotted land shall execute a bond in the terms of the conditions mentioned in the foregoing rules within thirty days from the date of allotment. It shall be specifically mentioned in the bond that all money payable to Government shall be realisable as arrears of land revenue. Failure to execute such a bond within the stipulated time shall make the allotments liable to cancellation and the allottees to summary eviction.

24. Repairs to requisitioned premises.

- (1) A notice under S.5 shall be in Form "H". The time for execution of repairs to be specified in the notice shall be such as may be specified in the notice.

- (2) In case where the State Government or the person authorised by the State Government execute the repairs, the cost shall be realised from the owner in monthly instalments and ordinarily at a rate not exceeding 50 percent of the monthly requisition compensation payable to him and the number of instalments fixed accordingly; provided that where the cost of repairs exceeds three times the monthly requisition compensation the instalment may be equal to 75 percent of the requisition compensation monthly payable.

FORM A
Notice and order

[See Rule 3 and second proviso to Section 3(1)]

Whereas the land described in the schedule hereto annexed is necessary to be requisitioned and it is proposed that the said land should be requisitioned for providing land to landless or displaced persons;

Now, therefore, in exercise of the powers conferred by second proviso to S. 3 (1) of the said Act, I hereby call upon you being the person interested in the said land to make representation in writing within fifteen days of the date of service of this notice why the said land should not be requisitioned.

SCHEDULE

Secretary to the Government of Assam, Revenue Department /
Person authorised by the State Government under S. 3 (1)

To
Shri.....

FORM B

Order

[See Rule 4 and Section 3 (1)]

In exercise of the powers conferred on me under S.3 (1) of the Assam Land (Requisition and Acquisition) act 1964 (Act XV of 1964) under Notification No.....dated.....I do hereby requisition under S.3 (1) of the Assam Land Requisition and Acquisition) Act, 1964, the land described in the schedule below with effect from the date of this order, for the purpose of.....

SCHEDULE

District.....

Mauza/ Pargana.....

Village..

Dag No.....

Patta No.....

Area.....

Name and address of the owner of the land...

Name of the tenant, if any, in occupation of the land and his address.....

Boundaries of the land

North:

South:

East:

West:

Date

* Secretary to the Government of Assam, Revenue Department/ *
Person authorised under S.3 (1)

Here enter name and designation .

Here enter purpose in detail.

Strike off the irrelevant words.

FORM C

[See rule 5 and Section 4(1)]

Whereas the land described below has been requisitioned under S.3 of the Assam Land (Requisition and Acquisition) Act, 1964 (Act XV of 1964) you, being the owner/ tenant/ person in occupation of the said land and directed to surrender or deliver possession of the requisitioned land to the Collector of...../or.....being the person authorised in this behalf by the Collector withindays from the date of service of his order.

Description of the land

District.....

Mauza/ Pargana.....

Village

Dag No.....

Patta No.....

Area.....

Name and address of the owner of the land.....

Name of address of the person in occupation , if any

* Secretary to the Government of Assam, Revenue Department/ *
Person authorised under S.3 (1) and 4 (1)

*strike off the irrelevant portion.

FORM D

Notice

Dated.....

Under S.6 (1) of the Assam land (Requisition and Acquisition) act, 1964.

No.....

It is hereby notified that in pursuance of S.6 (1) of the Assam Land (Requisition and Acquisition) Act, 1964 (Assam Act XV of 1964), the Governor of Assam is pleased to decide the acquisition with effect from the date of publication of this notice of the land requisitioned under S.3 (1) of the said Act as per schedule below, measuring as area ofbigha,.....katha,.....leassas/Chittaks in mauza /pargana.....villagein thedistrict of

SCHEDULE

District.....

Mauza/ Pargana.....

Village

Dag No.....

Patta No.....

BOUDARIES

Secretary to the Government of Assam,
Revenue Department.

FORM E

Notice

[See Rule 8 and sub-Section (3) of Section 8]

Whereas the property specified in the schedule below was requisitioned by the order of theNo.....dated.....with effect from.....

And whereas, the State Government have decided that the said property shall be released from requisition;

And whereas, the person to whom the possession of the requisitioned land is to be delivered cannot be found or is not readily available or has no agent or other person empowered to accept delivery on his behalf;

Now, therefore, in exercise of the powers conferred by sub-s. (3) of S.8 of the said Act, the Governor of Assam do hereby declare that the said property is released from requisition.

SCHEDULE

District.....

Mauza/ Pargana.....

Village

Dag No.....

Patta No.....

Secretary to the Government of Assam, Revenue Department

To,

Shri.....

FORM F

Form of order under sub-section (1) of Section 9

Whereas in the opinion of the Government of Assam /the Collector ofit is expedient or necessary to acquire land speedily for works other development measures or in connection with flood control and anti erosion measures, embankment and drainage;

Now therefore, in pursuance of s. 9 of the Assam Land (Requisition and Acquisition) Act, 1964, the Government of Assam /the Collector ofis pleased to order that the land as per schedule below measuring an area of bighas,.....kathas.....leassa/chittaks.....in the villageMauza ofdistrict shall be acquired.

Schedule of land

1. Area.....

Pattadar's name.....

Patta No.....

Dag No....

2. Description of the boundaries:

North:

South:

East:

West:

3. Name of villages and mauza in which situate.....

To

Name and address of the owner.....

Name and Address of the tenant, if any.....

Name and address of the occupant, if any.....

***Secretary to the Government of Assam, Revenue
Department/ Collector**

Dated

*Strike off the irrelevant words

FORM G

Notice under subsection (2) of Section 9

Whereas an order has been passed to acquire the land described below in.....Sub-division offor works or other development measures in connection with flood control and anti-erosion measure embankment and drairage, under sub-Ss. (4) of S.9 of the Assam Land (Requisition and Acquisition) Act, 1964;

Now, therefore, I hereby give notice that, claims to compensation, if any, for all interests in the land shall be received by the Collector within 10 days of the service or publication, as the case may be, of this notice.

Notice is further given that the possession of the said land will be taken over by the Collector or any officer deputed by him on his behalf under sub-S (2) of S. 10 of the Act on.....

Description of the land

District.....

Mauza/ Pargana.....

Village

Dag No.....

Patta No.....

Area.....

1. Description of the boundaries-

North:

South:

East:

West:

2. Area.....

To,

Name and address of the owner of the land.....

Name and Address of the tenant, if any.....

Name and address of the person in occupation of the land, if
any.....

Dated.....

Collector.....

FORM H

[See rule 24 and Section 5]

Whereas the premises described belowhave been requisitioned under S.3(1) of the Assam Land (Requisition and Acquisition) Act, 1964 or are deemed to have been requisitioned under S.21 of the said Act;

And whereas the said premises are in need of repairs specified in the schedule hereto appended;

Now, therefore, in exercise of the powers conferred by S.5 of the said Act, I.....(enter name)(enter designation, being the person authorised under the said Act, do hereby order.....the owner

Of the said premises to execute the repairs specified in the schedule, being repairs which are necessary and are usually made by landlords in the locality in which the premises are situated within a periodfrom the date of service of the notice.

If the said owner fails to execute repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expenses and the cost thereof shall, without prejudice to any other recovery be deducted from the compensation payable to him in accordance with the rules framed in this behalf.

Description of the premises

Schedule

*Secretary of the Government of Assam Revenue Department/ *
Person authorised under S. 5 (1)

To

.....

Secretary to the Government of Assam , Revenue department

* Strike off the underlined portion if order is issued by the state
Government

* Strike off the irrelevant words.