

The 12th April 1955
No.LJL.80/54/39.—The following Act of the Assam Legislative Assembly, which has received the assent of the President is hereby published for general information.

(Received the assent of the President on the 11th April 1955)

ASSAM ACT VI OF 1955

THE ASSAM ACQUISITION OF LAND FOR FLOOD CONTROL AND PREVENTION OF EROSION ACT, 1955

[Published in the *Assam Gazette*, Extraordinary, dated the 12th April 1955]

(Passed by the Assembly)

An

Act

to provide for speedy acquisition of land for works or other development measures in connection with flood or prevention of erosion.

Preamble.—WHEREAS it is expedient to make provisions for the speedy acquisition of lands necessary for works or other development measures in connection with flood or prevention of erosion.

It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Assam Acquisition of Land for Flood Control and Prevention of Erosion Act, 1955.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

(1) “Land” and “person interested” have the meanings respectively assigned to them in the Land Acquisition Act, 1894 (Act I of 1894).

(2) “Collector” means the Deputy Commissioner or Subdivisional Officer in charge of a subdivision.

3. Power to acquire land.—If, in the opinion of the State Government or such officer as is empowered in this behalf by the State Government it is necessary or expedient to acquire speedily any land for works or other development measures in connection with flood control or prevention of erosion, the State Government or such officer, may by order in writing, acquire any land stating the area and boundaries of the land.

4. Service on owner or occupier affected by the order of acquisition.—The Collector shall cause the order passed under section 3 to be served in such manner as may be prescribed on the owner of the land and on the occupier in cases where the owner is not in occupation of the land and also a notice to the same effect stating that claims to compensation for all interests in the land may be made to him within such time as may be prescribed:

Provided that when the person to be so served is not readily traceable or the ownership of the land is in dispute, the Collector shall cause the above order and notice to be published in such other manner as may be prescribed.

5. Vesting and taking possession of the land.—(1) When an order of acquisition is served or is published under section 4, the land shall vest absolutely in the State Government free from all encumbrances on the date the order is so served or published.

(2) The Collector may, at any time after the land becomes so vested, proceed to take possession thereof.

(3) On such vesting, the order passed under section 3 shall be published in the official Gazette in the manner prescribed.

6. Compensation.—The owner of the land which has vested in the Government under section 5(1) shall get compensation at the following rate:—

(1) for land excluding building or structure, if any, a sum not exceeding twenty times the annual land revenue:

Provided that in case of revenue free land and land paying revenue at concessional rate the compensation will be assessed on the basis of the revenue of similar revenue paying land of the neighbourhood.

In determining this sum the Collector shall take the following into consideration:—

- (a) the value of the land as at the date of acquisition ;
- (b) the adverse effect on the value of the land due to possible floods on the land or danger of erosion of such land ;
- (c) the benefit the owner is likely to derive in respect of his other lands in the area due to the control measures ;

(d) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector taking possession thereof ;

(2) for building or structure, if any, a sum equivalent to the sale proceeds of the materials of the same *plus* 15 per cent. thereof :

Provided that if in lieu of this compensation the owner chooses to take away the materials the Collector shall allow him to do so within such time as specified by him and the cost of the shifting of the materials as may be approved by the Collector in the manner prescribed shall be borne by the Government, which cost however, shall not exceed 20 per cent. of the value of the materials as determined by the Collector.

7. Payment of interim compensation.—The Collector may, in cases where the owner prays for payment of compensation pending the investigation of his claim and determination of the compensation, make interim payment after a preliminary enquiry on the execution by the claimant of an indemnity bond with two sureties.

8. Award.—Whenever in pursuance of this Act any land is acquired the Collector shall make an award under his hand of—

(i) the area of the land ;

(ii) the compensation which in his opinion should be allowed for the land, stating the interim payment if any, made by him ;

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land of whom or of whose claims he has information.

9. Appeals.—Any person aggrieved by an award made by the Collector may apply to the Collector within seven days of the making of the award requiring the Collector to refer the matter to arbitration and the Collector shall thereupon prepare a brief statement of the case and refer the matter to the decision of the arbitrator appointed by the State Government in this behalf.

10. Collector may enforce order.—If the Collector is opposed or impeded in taking possession under this Act of any land, he may use or cause to be used such force as may be necessary to evict any person from the land.

11. Penalties.—Whoever obstructs any person from lawfully taking possession of any land under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

12. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any order made thereunder.

13. Bar to jurisdiction.—Except as otherwise expressly provided in this Act no Court shall have jurisdiction to question the legality of any action taken or order made under this Act.

14. Power to make rules.—The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which any notice or order under this Act may be served on the person interested or published ;

(b) the manner in which the Collector shall exercise any of his powers under this Act ;

- (c) the procedure to be followed in arbitrations ;
- (d) the procedure for sale or disposal of materials of buildings or structure on land ;
- (e) the manner in which the cost for the shifting of materials to be borne by the State Government shall be approved.

15. Any sum payable to the Government under the provisions of this Act may be realised as an arrear of land revenue.

16. Repeal of Assam Ordinance II of 1955.—(1) The Assam Acquisition of Land for Flood Control and Prevention of Erosion Ordinance, 1955 (Assam Ordinance II of 1955), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

B. C. BARUA,

Secy. to the Govt. of Assam, Leg. & Judl. Deptt.