

Land Laws of Assam

Course Code: 9.1

9th Semester

B.A.LL.B./ BBA.LL.B. (Honours/Non Honours)

2nd Semester

Course Code --2.4 OP₁, LL.B. (Honours/ Non-Honours)

End Semester: 80

Internal Assessment: 20

Total Marks: 100

Course Description:

Land is a vital resource that significantly influences the social, economic and legal framework of Assam. This course introduces students to the laws governing land administration, land rights, tenancy, land acquisition, land reforms and rent control in the State. It examines the historical evolution of land laws and the Assam Land and Revenue Regulation, 1886, along with other important land legislations. The course covers settlement operations, mutation, partition, revenue administration, protection of tribal belts and blocks, tenancy laws, land acquisition and ceiling on land holdings. It also explores contemporary developments, including the Assam Tenancy Act, 2021, to provide a comprehensive understanding of issues of land rights and corresponding legal framework in Assam.

Course Objectives:

1. To develop a comprehensive understanding of the historical evolution, legal framework and administrative structure of land laws in Assam, particularly the Assam Land and Revenue Regulation, 1886, including land rights, classifications of land, revenue administration, settlement operations, mutation, partition, recovery of land revenue arrears and the protection of tribal and backward communities.
2. To examine and analyze the laws encompassing agricultural, urban and non-agricultural tenancies in Assam with special emphasis on the rights and obligations of landlords and tenants, tenancy reforms, rent regulation, maintenance of records of rights and protection against unlawful eviction.

3. To evaluate the legal framework relating to land acquisition, requisition, land ceiling, land reforms and contemporary rent control and tenancy legislations, including the Assam Tenancy Act, 2021 with a view to understanding compensation mechanisms, public purpose acquisitions, distribution of land, landlord–tenant relations and housing governance in Assam.

Course Outcomes:

After successful completion of this course, students will be able to:

- Explain and apply the legal framework of land administration in Assam, including the historical evolution of land rights, land revenue administration during the Ahom and British periods, the provisions of the Assam Land and Revenue Regulation, 1886 and procedures relating to settlement, survey, demarcation, mutation, partition, revenue recovery and protection of tribal belts and blocks.
- Analyze the rights, duties, and legal relationships arising under tenancy laws in Assam, including agricultural, urban, and non-agricultural tenancies, rent regulation, tenancy rights, eviction procedures, maintenance of records of rights and the legal position of landlords and tenants.
- Critically evaluate land reform and housing laws in Assam, including legislation relating to land acquisition, requisition, ceiling on land holdings, distribution of surplus land, compensation, public purpose acquisitions, and contemporary rent control and tenancy laws, particularly the Assam Tenancy Act, 2021, in comparison with earlier enactments.

Unit 1: Introduction to Assam Land and Revenue Regulation, 1886 (as modified up to date) **Marks:16**

1.1 Origin of Land Rights in Assam-land revenue administration during Ahom rule and British Colonial Period

1.2 Assam Land and Revenue Regulation, 1886-purpose, extent and applicability of the Regulation

1.3 Definitions: Proprietor, permanently settled estate, revenue free estate, temporarily settled estate, landholder, periodic lease, Settlement holder, annual lease, short lease, estate, special cultivation, ordinary cultivation, agricultural year, terminal year, waste land, land revenue

1.4 Rights over land –rights of proprietor, rights of land holders, rights of settlement holders-other-than-landholder

1.5 Allotment of grazing land, disposal of government waste land, rights in fishery

Unit 2: Land Administration Procedure under Assam Land and Revenue Regulation, 1886 (as modified up to date) Marks: 16

2.1 Settlement Operation: procedure for settlement – survey & demarcation of land -preparation of record of rights – assessment of land revenue; resumption, Hoe tax

2.2 Mutation: classes of persons entitled to mutation-obligations for mutation- Procedure for mutation; field mutation

2.3 Arrears & Mode of recovering it: defaulter – defaulting estate; modes of recovering Arrears – Attachment & sale of movables – attachment of defaulting estate – sale of defaulting estate, sale of immovable property other than the defaulting estate.

2.4 Partition: meaning – need – who can sue for partition – procedure – restriction for partition

2.5.1 Powers of Officers, Procedure and Appeals and Matters exempted from cognizance of civil court

2.5.2 Protections of backward classes - tribal belts & blocks

Unit 3: The Assam Urban and Non-Urban Areas Tenancy legislations: Marks: 16

3.1 The Assam (Temporary Settled Areas) Tenancy Act, 1971

3.1.1 Objectives and Scope of the Act

3.1.2 Definitions- land, land lord, tenant, rent, holding, revenue officer, revenue court, town land, personal cultivation

3.1.3 Different kinds of tenant and their rights under the Act

3.1.4 Acquisition of Intermediary and Ownership Rights, Rent and Sale of Occupancy Tenant's holding For Arrear under Decree

3.1.5 Ejectment and Preparation and Maintenance of Record-of-Rights.

3.2 The Assam Non-Agricultural Urban Areas Tenancy Act, 1955

3.2.1 Objectives and Application and Exception provided under the Act

3.2.2 Definitions: land, permanent structure, urban area, land lord, rent, tenant

3.2.3 Protection from ejectment and Retrospective Operations

3.2.4 Ejection procedure, notice of ejectment and compensation for improvements

3.2.5 Fair rent, Enhancement of Rent and Salami

Unit 4: The Assam Land Acquisition & Requisition and Distribution Legislations: Marks: 16

4.1 Assam Land (Requisition and Acquisition) Act, 1964

4.1.1 Objectives, Scope and Definitions under the Act

4.1.2 State power to requisition and acquisition of land for public purpose

4.1.3 Acquisition of land for flood control and anti-erosion measures

4.1.4 Compensation determination

4.1.5 Comparison with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4.2 The Assam Fixation of Ceiling on Land Holdings Act, 1956 (as modified up to date)

4.2.1 Extent, objectives, exemptions and definitions of the Act

4.2.2 Ceiling on existing holding: Land used for staff building excluding labour lines, acquisition of lands under labour lines

4.2.3 Procedure for acquisition of excess land and determination of compensation

4.2.4 Disposal of excess land and Acquisition of excess land under annual lease

4.2.5 Ceiling on future acquisition and resumption of land from tenants

Unit 5: The Assam Urban Areas Rent Control Legislations: Marks: 16**5.1 Assam Tenancy Act, 2021**

5.1.1 Application and Objectives & Comparative study with the Assam Urban Areas Rent Control Act, 1972

5.1.2 Important Definitions: Landlord, local authority, premises, property manager, rental agent, rent authority, rent court, rent payable, rent tribunal, schedule, sub tenant, tenant, Act not to apply to certain premises

5.1.3 Tenancy Agreement, Rent, Period of tenancy, Rights and obligations of successor in case of death

5.1.4 Rights and Obligations of Landlord and Tenant and Eviction and Recovery of Possession by Landlord

5.1.5 Rent authorities, their powers and appeals, Rent Courts, Rent Tribunals and Schedules

Recommended Books:

1. O.D. Ladia, "Land laws in Assam & Meghalaya", Assam Law House, Guwahati, 2005 Edition.
2. K.N. Saikia, Land Laws of Assam, Assam Law House, 2007 Edition.
3. K.C. Mazumdar, "Commentaries on Land Laws of Assam", Assam Law house, Guwahati, 2010 Edition.
4. Late J.N. Das, "Land laws of Assam, Book land, Guwahati, 2012 Edition.

Referred cases:**Unit I**

Hedlot Khasia v. Karan Khasian, 15 C.L.J. 241 (Cal.1911)

Ganga Ram Das v. The Tezpur Kaibarta Co-operative AIR 1957 SC 377

Kamala Kanta Deka v. State of Assam (1983) 2 GLR 258

Md. Salak Uddin v. The State of Assam & Ors. (2024) SCC Online Gau 921

Unit II

Satyaranjan Paul Majumdar v. Assam Board of Revenue AIR 1977 Gau 83

Shri Goya Prasad Khemani v. The Assam Board of Revenue, (1982) 1 GLR 130

Soneswar Basumatary v. Assam Board of Revenue & Ors., 1998 (2) GLT 134 (Gau)

Abdul Rejak Laskar v. Mafizur Rahman & Ors., 2024 INSC 1023

Unit III

Haridwar Upadhyya v. Jitendralal Roy, (1991) 2 GLR (NOC) 4

Ram Prasad Kurmi v. Suraj Nath, 2005 Supreme (Gau) 156

Rafiquenessa v. Lal Bahadur Chetri, AIR 1964 SC 1511

Ranjit Dey v. Md. Shahjahan Ali (2004) 1 GLR 44

Unit IV

NandeswarChakravati v. State of Assam AIR 1958 (Assam) 140 (DB)

On Death of Md. Abdul Matlib His L/R ...v. State of Assam And Ors. (2003)2GLR574

Sawna Brahma v. Assam Board of Revenue AIR 1972 Gau 121

Jokai India Ltd. v. State of Assam, (1991) 2 GLR (NOC) 7

Unit V

Kali Kumar Sen v. Mohan Lal Biswas AIR 1969 A & N 66

Ramjilal Sharma v. Purushottam Lal Sharma (1983) 1 GLR 342

Priyalal Das v. Shyam Sundar Goneka (1985) 1 GLR 47

Bata India Ltd. and Ors. v. United Publishers and Anr. (2005)3GLR317