

**THE ASSAM (TEMPORARILY SETTLED AREAS) TENANCY
(AMENDMENT) BILL, 2022**

**A
BILL**

further to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971.

Preamble

Whereas it is expedient further to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XIII
of 1971

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam (Temporarily Settled Areas) Tenancy (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 71

2. In the principal Act, in section 71, in clause (v), in fourth and fifth line, for the words and figure "be punishable with imprisonment which may extend to one thousand rupees or with both" appearing after the words "against him", the words "be punishable with a fine which may extend upto rupees fifty thousand" shall be substituted.

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RECEIVED BY THE
LEGISLATIVE DEPARTMENT
ON 14.12.2022

Statement of Objects and Reasons

The object of the Bill is to amend the penalty provisions under Section – 71 of the **Assam (Temporarily Settled Areas) Tenancy Act, 1971**.

In view to facilitate business friendly environment in the state through reforms under Ease of Doing Business (EoDB), the Department is carrying out systematic exercises to simplify, streamline, de-criminalize and remove redundant laws/ regulations. Special emphasis has been placed on de-criminalization of such omissions / commissions which can be otherwise disposed of through civil proceedings, fines etc.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam (Temporarily Settled Areas) Tenancy (**Amendment**) Bill, 2022 in the winter session of Assam Legislative Assembly to amend the Act.

The Cabinet in the meeting held on 15/12/2022 approved the proposal with a direction to place in the winter session of the Assam Legislative Assembly in form of a Bill as proposed by the Department.



(Jogen Mohan)

MINISTER

Revenue & DM Department
Assam, Dispur



(Hemen Das,)

Principal Secretary

Assam Legislative Assembly
Assam, Dispur

Financial Memorandum

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.



(Jogen Mohan)

MINISTER

Revenue & DM Department

Memorandum of Delegated Legislation

There is no delegation of legislative powers proposed in the Bill.



(Jogen Mohan)
MINISTER

Revenue & DM Department

Existing provision of the Assam (Temporarily Settled Areas) Tenancy Act, 1971 and the proposed provision of the Assam (Temporarily Settled Areas) Tenancy (Amendment) Bill, 2022:

Existing provision	Proposed provision
<p>Section-71 (Penalties)</p> <p>Whoever-</p> <ul style="list-style-type: none"> (i) willfully fails or neglects to comply with any requirements made of him under this Act, or (ii) contravenes any lawful order passed under this Act, or (iii) obstructs the Deputy Commissioner or the Revenue Officer or any Officer authorised by him in taking any lawful possession under this Act, or (iv) willfully contravenes any provisions made in this Act or Rules made there under, or (v) furnishes information which he knows or believes to be false or does not believe to be true, shall, on conviction before a Magistrate, and in addition to any other action that may be taken against him, be punishable with imprisonment which may extend to 6 months or with fine which may extend to one thousand rupees or with both.” 	<p>In the principal Act, in section-71, Act, in clause (v), in forth and fifth line, for the words and figure “be punishable with imprisonment which may extend to one thousand rupees or with both” appearing after the words “against him”, the words “be punishable with a fine which may extend upto rupees fifty thousand” shall be substituted.</p>