

THE ASSAM AGRICULTURAL LAND (REGULATION OF RECLASSIFICATION AND TRANSFER FOR NON-AGRICULTURAL PURPOSE) (AMENDMENT) BILL, 2024

A

BILL

further to amend the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-agricultural Purpose) Act, 2015.

Preamble

Whereas it is expedient further to amend the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-agricultural Purpose) Act, 2015 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XXVI
of 2015

It is hereby enacted in the Seventy-fifth year of the Republic of India, as follows: -

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-agricultural Purpose) (Amendment) Act, 2024.
- (2) It shall have the like extent as in the principal Act.
- (3) It shall come into force at once.

Amendment
of title

2. In the principal Act, for the title, the following shall be substituted, namely:-

“The Assam Regulation of Reclassification and Reclassification cum Transfer of Lands Act, 2015.”

Amendment of
the long title

3. In the principal Act, for the long title, the following shall be substituted, namely:-

“An Act to regulate the reclassification and the re-classification cum transfer of lands from one class to another class of usage in the state of Assam and for matters connected therewith or incidental thereto.”

Amendment of
Preamble

4. In the principal Act, for the Preamble, the following shall be substituted, namely:-

“Whereas it is expedient to regulate the reclassification and transfer (hereinafter called reclassification – cum – transfer) of lands from one class to another class of usage for sustainable development of agriculture and all sectors of economy in the state of Assam and for matters connected therewith or incidental thereto.”;

Amendment of
Short title

5. In the principal Act, for the Short title, the following shall be substituted, namely:-

“The Assam Regulation of Reclassification and Reclassification cum Transfer of Lands Act, 2015.”

Substitution of
the word Deputy
Commissioner

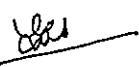
6. In the principal Act for the word “Deputy Commissioner” wherever it occurs the word “District Commissioner” shall be substituted.

Amendment of
section 2

7. In the principal Act, in section 2,

(i) for clause (e), the following shall be substituted, namely:-

“(e) “The District Commissioner” means the District Commissioner of the District under whose jurisdiction the land to be reclassified or reclassified - cum - transferred is situated”;


VETTED BY THE
LEGISLATIVE DEPARTMENT
Date 20.8.2024

- (ii) for clause (k), the following shall be substituted, namely:-
“(k) “Local Authority” means and includes an Urban Development Authority or a Gram Panchayat in rural areas, Municipal Corporation or Municipal Board for urban areas or any other Authority, which the government may from time to time notify as Local Authority, under whose jurisdiction the intended land falls”;
- (iii) for clause (w), the following shall be substituted, namely:-
“(w) “Reclassification premium” means a ‘premium’ charged and realized by the state from the owner for change of land use”;
- (iv) for clause (y), the following shall be substituted, namely:-
“(y) “reclassification” means change of land use from one class to any other class and “reclassified land” means land for which permission is given for reclassified usage under this Act”;
- (v) for clause (z), the following shall be substituted, namely:-
“(z) “reclassification-cum-transfer” means reclassification of any land and subsequent transfer of the said land”;
- (vi) for clause (za), the following shall be substituted, namely:-
“(za) “transferee” means a person to whom a land has been transferred after reclassification”;

Insertion of section 3 7. In the principal Act, in section 3, for the first paragraph, the following shall be substituted, namely:-

“Reclassification of agricultural land use to non- agricultural land use (1) No person shall use or transfer agricultural land for intended non-agricultural purposes without reclassification and reclassification-cum-transfer of the said land:

Provided that the classes of non-agricultural land if cease to be used, for the purpose for which it had been reclassified, the landowner may reclassify or reclassify-cum-transfer the said plot of land to agricultural land or to any other class of non-agricultural land.”

(2) No agricultural land and reclassified non-agricultural land shall be reclassified and reclassified-cum-transfer without obtaining permission in the manner as follows, namely:-”

Amendment of section 4 8. In the principal Act, in section 4, for sub-section (1), the following shall be substituted namely:-

“(1) Such land which is recorded as agricultural land but has already become unfit for agricultural purposes or where there has been no agricultural activity for at least ten years preceding the date of application for permission, shall only be reclassified or reclassified-cum-transferred to non-agricultural land with prior approval of the District Commissioner and such reclassified non-agricultural land, if becomes unfit for the purpose for which it was reclassified, shall further be reclassified or reclassified-cum-transfer to agricultural land or other classes of non-agricultural land, by the owner after payment of premium as notified by the Government from time to time subject to condition that intended land use is permissible as per the notified land use plan of jurisdictional local authority, with the prior approval of the District Commissioner.”

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Amendment of
section 5

9. In the principal Act, in section 5,
- (i) for sub-section (1), the following shall be substituted, namely:-
“(1) Any owner of reclassified non-agricultural land who intends to reclassify and reclassify-cum-transfer his land for agricultural purpose as mentioned in the proviso of section 3 of the Act and any owner of non-agricultural land who intends to reclassify and reclassify-cum-transfer his land from one class of non-agricultural land to another class of non-agricultural land as specified in sub-section (1) of section 4 of the Act shall make an application with affidavit for permission to the District Commissioner under whose jurisdiction the land is situated, giving full details of his land and justification of the proposed reclassification or reclassification-cum-transfer as per proviso of section 3 and sub-section (1) of section 4 in such form and manner as may be prescribed.”
- (ii) for sub-section (8), the following shall be substituted namely:-
“(2) No person shall use agricultural land without reclassifying the same to non-agricultural use and no non-agricultural land shall be used without reclassifying the said land to agricultural use or any other class of non-agricultural use without payment of the fees for the reclassification and reclassification-cum-transfer as may be notified by the Government from time to time.”

Amendment of
section 16

8. In the principal Act, in section 16,
- (i) the sub-clauses (a), and (h) shall be omitted.
- (ii) for clause (d), the following shall be substituted, namely:-
“(d) lands under Tea cultivation in the state; except the lands allowed to be used for ancillary purposes permissible under the Assam Fixation of Ceiling on Land Holdings Act, 1956 as amended from time to time.”

Assam
Act No. I
of 1957

20.8.2022
CHECKED BY THE
LEGISLATIVE DEPARTMENT

Statement of Objects and Reasons

The object of the Bill is to give effect to amendments of the existing provisions and insert the new provisions, it is proposed to bring the draft amendment Bill namely, "the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non- agricultural Purpose) (Amendment) Act, 2024" incorporating some amendments/ insertions.

The amendments/ insertions are proposed in order to authorize for reclassification and reclassification-cum-transfer of Agricultural land to Non-Agricultural purposes and for reclassification and reclassification-cum-transfer of Non-Agricultural land to Agricultural purposes or to other Non- Agricultural purposes, by the owner after payment of premium as notified by the Government from time to time subject to condition that intended land use is permissible as per the notified land use plan of jurisdictional local authority, with the prior approval of the District Commissioner.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non- agricultural Purpose) (Amendment) Bill, 2024 in the Autumn Session of Assam Legislative Assembly to amend the Act.

The Cabinet, in the meeting held on 21/08/2024, approved the amendment as proposed by Revenue & D.M. Department and hence placed in the Autumn Session of the Assam Legislative Assembly to amend the regulation.

The Bill seeks to give effect to the aforesaid objects.

Signed by

Jogen Mohan

Date: 26-08-2024 21:25:43

(Jogen Mohan)

MINISTER

Revenue & D.M. Department



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, but the revenue will be generated through realization of reclassification premium.

Signed by

Jogen Mohan

Date: 26-08-2024 21:24:27

(Jogen Mohan)

MINISTER

Revenue & D.M. Department

Memorandum of Delegated Legislation

This Bill authorizes for reclassification and reclassification-cum-transfer of Agricultural land to Non-Agricultural purposes and for reclassification and reclassification-cum-transfer of Non-Agricultural land to Agricultural purposes or to other Non- Agricultural purposes, by the owner after payment of premium as notified by the Government from time to time subject to condition that intended land use is permissible as per the notified land use plan of jurisdictional local authority, with the prior approval of the District Commissioner.

The above provisions of the Bill regarding delegated legislation are thus of normal type and are mainly intended to cover matters of procedure.

Signed by

Jogen Mohan

Date: 26-08-2024 21:23:23

(Jogen Mohan)

MINISTER

Revenue & D.M. Department

Existing provision of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 and the proposed provision of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) (Amendment) Bill, 2024.

| Amended Section | Existing Provision | Proposed Provision |
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| Amendment of Title | The Assam Agricultural Land (Regulation of Reclassification and Transfer for Non- Agricultural Purpose) Act, 2015 | In the principal Act, for the title, the following shall be substituted, namely:- "The Assam Regulation of Reclassification and Reclassification cum Transfer of Lands Act, 2015." |
| Amendment of long title | to regulate the reclassification and the transfer (hereinafter called reclassification-cum-transfer) of agricultural lands for intended non-agricultural purpose in the state of Assam and for matters connected there with or incidental thereto . | In the principal Act, for the long title, the following shall be substituted, namely:- "An Act to regulate the reclassification and the re-classification cum transfer of lands from one class to another class of usage in the state of Assam and for matters connected therewith or incidental thereto." |
| Amendment of Preamble | Whereas it is expedient to regulate the reclassification and the transfer (hereinafter called reclassification-cum-transfer) of agricultural land for intended non-agricultural purpose for enabling judicious growth and simultaneous preservation and furtherance of agricultural sector for overall economic development in the state of Assam and for matters connected therewith or incidental thereto; | In the principal Act, for the Preamble, the following shall be substituted, namely:- "Whereas it is expedient to regulate the reclassification and transfer (hereinafter called reclassification - cum - transfer) of lands from one class to another class of usage for sustainable development of agriculture and all sectors of economy in the state of Assam and for matters connected therewith or incidental thereto."; |
| Amendment of Short Title | This Act may be called the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non Agricultural Purpose) Act, 2015. | In the principal Act, for the Short title, the following shall be substituted, namely:- "The Assam Regulation of Reclassification and Reclassification cum Transfer of Lands Act, 2015." |
| Substitution of the word "Deputy Commissioner" | In the principal Act for the word "Deputy Commissioner" wherever it occurs the word "District Commissioner" shall be substituted. | |
| Amendment of Section 2 | Definitions- In this Act, unless the context otherwise requires,- (e) "The Deputy Commissioner" means the Deputy Commissioner of the District under whose jurisdiction the agricultural land is situated; (k) "Local Authority" means and includes an Urban Development Authority or a Gram Panchayat in rural areas or any other Authority which the government may from time to time notify as Local Authority, under whose jurisdiction the agricultural land falls; | In the principal Act, in section 2, (i) for clause (e), the following shall be substituted, namely:- "(e) "The District Commissioner" means the District Commissioner of the District under whose jurisdiction the land to be reclassified or reclassified - cum - transferred is situated"; (ii) for clause (k), the following shall be substituted, namely:- "(k) "Local Authority" means and includes an Urban Development Authority or a Gram Panchayat in rural areas, Municipal Corporation or Municipal Board for urban areas or any other Authority, which the government may from time to |

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| | <p>(w) "Reclassification Premium" means a 'premium' charged and realized by the state from the owner for change of land use from agricultural to intended non-agricultural purpose;</p> <p>(y) "reclassification" means change of land use from agricultural purpose to intended non-agricultural purpose and "reclassified land" means land for which permission under this Act is granted for use for non-agricultural purpose;</p> <p>(z) "reclassification-cum-transfer" means reclassification of the agricultural land for intended non-agricultural purpose and subsequent transfer of the land;</p> <p>(za) "transferee" under this Act means a person to whom an agricultural land has been transferred after reclassification to an intended non-agricultural purpose;</p> | <p>time notify as Local Authority, under whose jurisdiction the intended land falls";</p> <p>(iii) for clause (w), the following shall be substituted, namely:- "(w) "Reclassification premium" means a 'premium' charged and realized by the state from the owner for change of land use";</p> <p>(iv) for clause (y), the following shall be substituted, namely:- "(y) "reclassification" means change of land use from one class to any other class and "reclassified land" means land for which permission is given for reclassified usage under this Act";</p> <p>(v) for clause (z), the following shall be substituted, namely:- "(z) "reclassification-cum-transfer" means reclassification of any land and subsequent transfer of the said land";</p> <p>(vi) for clause (za), the following shall be substituted, namely:- "(za) "transferee" means a person to whom a land has been transferred after reclassification";</p> |
| <p>Insertion of Section 3</p> | <p>No person shall use or transfer agricultural land for intended non-agricultural purposes without reclassification and permission in the manner as mentioned herein below :-</p> | <p>In the principal Act, in section 3, for the first paragraph, the following shall be substituted, namely:-</p> <p>(1) No person shall use or transfer agricultural land for intended non-agricultural purposes without reclassification and reclassification-cum-transfer of the said land: Provided that the classes of non-agricultural land if cease to be used, for the purpose for which it had been reclassified, the landowner may reclassify or reclassify-cum-transfer the said plot of land to agricultural land or to any other class of non-agricultural land."</p> <p>(2) No agricultural land and reclassified non-agricultural land shall be reclassified and reclassified-cum-transfer without obtaining permission in the manner as follows, namely:-"</p> |
| <p>Amendment of Section 4</p> | <p>(1) Such land which is recorded as agricultural land but has already become unfit for agricultural purposes or where there has been no agricultural activity for at least ten years preceding the date of application for permission, shall only be reclassified or reclassified-cum- transferred for intended non-agricultural purposes with the prior approval of the Deputy Commissioner.</p> | <p>In the principal Act, in section 4, for sub-section (1), the following shall be substituted namely:-</p> <p>"(1) Such land which is recorded as agricultural land but has already become unfit for agricultural purposes or where there has been no agricultural activity for at least ten years preceding the date of application for permission, shall only be reclassified or reclassified-cum-transferred to non-agricultural land with prior approval of the District Commissioner and such reclassified</p> |

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| | | non-agricultural land, if becomes unfit for the purpose for which it was reclassified, shall further be reclassified or reclassified- cum-transfer to agricultural land or other classes of non-agricultural land, by the owner after payment of premium as notified by the Government from time to time subject to condition that intended land use is permissible as per the notified land use plan of jurisdictional local authority, with the prior approval of the District Commissioner." |
| Amendment of Section 5 | <p>(1) Any owner of agricultural land who intends to reclassify or reclassify- cum-transfer agricultural land for non-agricultural purpose under clause (i) and (ii) of Section 3, shall make an application to the Deputy Commissioner under whose jurisdiction the agricultural land is situated giving full particulars of his land and justification of the proposed reclassification or reclassification-cum-transfer as under Section 4, in such form and manner as may be prescribed.</p> <p>(8) No agricultural land shall be put to non-agricultural use without the payment of the prescribed Reclassification Premium by the owner.</p> | <p>In the principal Act, in section 5, (1) for sub-section (1), the following shall be substituted, namely:-</p> <p>"(1) Any owner of reclassified non-agricultural land who intends to reclassify and reclassify-cum-transfer his land for agricultural purpose as mentioned in the proviso of section 3 of the Act and any owner of non-agricultural land who intends to reclassify and reclassify-cum-transfer his land from one class of non-agricultural land to another class of non-agricultural land as specified in sub-section (1) of section 4 of the Act shall make an application with affidavit for permission to the District Commissioner under whose jurisdiction the land is situated, giving full details of his land and justification of the proposed reclassification or reclassification-cum-transfer as per proviso of section 3 and sub-section (1) of section 4 in such form and manner as may be prescribed."</p> <p>(ii) for sub-section (8), the following shall be substituted namely:- "(2) No person shall use agricultural land without reclassifying the same to non-agricultural use and no non-agricultural land shall be used without reclassifying the said land to agricultural use or any other class of non-agricultural use without payment of the fees for the reclassification and reclassification-cum-transfer as may be notified by the Government from time to time."</p> |
| Amendment of Section 16 | <p>Nothing in this Act shall apply to,-</p> <p>(a) lands falling within the jurisdiction of the Municipal Corporations and the notified Municipal Boards or Town Committees under the Assam Municipal Act, 1956;</p> <p>(h) lands of an Industrial Zone notified under Section-3A of the Assam Land Revenue Reassessment Act, 1936 ;</p> <p>(d) lands under Tea cultivation in the state;</p> | <p>In the principal Act, in section 16,</p> <p>(i) the sub-clauses (a), and (h) shall be omitted.</p> <p>(ii) for clause (d), the following shall be substituted, namely:- "(d) lands under Tea cultivation in the state; except the lands allowed to be used for ancillary purposes permissible under the Assam Fixation of Ceiling on Land Holdings Act, 1956 as amended from time to time."</p> |