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19 (Sem-5) LLWA 5-4

2015

**LAND LAWS OF ASSAM**

Paper : 5-4

Full Marks : 80

Time : Three hours

**The figures in the margin indicate full marks for the questions.**

1. Fill in the blanks with suitable words as given in brackets:  $1 \times 10 = 10$

(a) The concept of absolute state ownership of land was prevalent in Assam during \_\_\_\_\_

(The British Rule, The Ahom Rule) ✓

(b) The \_\_\_\_\_ Amendment of the Constitution in 1978 transformed the right to property from the category of Fundamental Rights by repealing Art. 31, and converted it into an ordinary constitutional right.

(Forty-Fourth, Twenty-Fifth)

Contd.

(c) Settlementholder is defined under \_\_\_\_\_ of the Assam Land and Revenue Regulation, 1886.

(Section 3h, Section 3f)

(d) The three 'F's of all tenancy laws are to secure namely—fair rent, fixity of tenure and \_\_\_\_\_. (freedom of holding, freedom from arbitrary ejection)

(e) Hoe-tax or House-tax is collected in lieu of \_\_\_\_\_.

(land revenue, home revenue)

(f) The Assam Tenancy Act 1971 applies only to agricultural tenants and their landlords in \_\_\_\_\_.

(rural areas, urban areas)

(g) 'Urban Area' is defined by section \_\_\_\_\_ of the Assam Urban Areas Rent Control Act, 1972. [2(g), 2(b)]

(h) In \_\_\_\_\_ it was held that the definition of 'landlord' in The Assam Urban Areas Rent Control Act means a person who is "for the time being receiving or entitled to receive rent". (Hari Gopal Agarwalla V. Hari Prasad Doshi, Surajmal V. Kanaklata)

(i) The short lease is granted for any period not exceeding \_\_\_\_\_ years. (three, five)

(j) 'Salami' equal to one year's rent at the initiation of the lease is allowed but 'Salami' in excess thereof is \_\_\_\_\_.

(legal, illegal)

2. Write short notes on **any five** of the following: 2×5=10

(a) Absolute state ownership.

(b) What do you mean by proprietor under Assam Land and Revenue Regulation Act 1886 ?

- (c) Alluvion and Dilluvion
- (d) What are the salient features of the Assam (Temporary Settled Areas) Tenancy Act, 1971 ?
- (e) Permanent Structure.
- (f) Urban area under Assam Urban Areas Rent Control Act, 1972

3. Write the factors necessitated to land rights in Assam along with the concept of absolute state ownership. 8+4=12

**Or**

Write notes on

6+6=12

- (a) Eminent domain
- (b) Article 300A of the Constitution of India.

4. 'The Assam Land and Revenue Regulation 1886, is the Magna Carta of land rights in Assam' — Discuss

Can you suggest some new measures for reformation of Land Laws in Assam ?

10+2=12

**Or**

Define perfect and imperfect partition. What conditions are to be satisfied for allowing partition ? State the procedure for effecting such partition.

4+4+4=12

5. How do Article 31B and Ninth Schedule of the Constitution of India validate the Assam (Temporary Settled Areas) Tenancy Act 1971 against being challenged in the courts of law for violation of the fundamental rights ?

12

**Or**

What are the methods of acquisition of ownership and intermediary rights on the initiative of government for the tenant under the provisions of the Assam (Temporary Settled Areas) Tenancy Act 1971? 12

3. 6. Discuss the scope of section 5 of the Assam Non-Agricultural Urban Tenancy Act 1955. Can section 5 of the Act be applied retrospectively? Discuss the question with the help of leading case. 12

**Or**

'The Assam Non-Agricultural Urban Area Tenancy Act 1955 is an Act to regulate in certain respects the relationship between landlord and tenant in respect of non-agricultural lands in the urban areas of the State of Assam' — Discuss. 12

7. State the procedure for determination of fair rent under the Assam Urban Areas Rent Control Act 1972. What are bars against passing of decree and order for ejection?

7+5=12

**Or**

"Standard Rent cannot be an amount fixed in perpetuity". — Discuss and state the provisions of Assam Urban Areas Rent Control Act 1972, as regards the standard Rent.

Discuss the procedure and grounds of ejection of tenant. 6+6=12