

The Garo Hills District (Awil Fees) Act, 1960

MEGHALAYA

India

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Act 1 of 1960

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The Garo Hills District (Awil Fees) Act, 1960(Act No. 1 of 1960)Last Updated 19th February, 2020[Passed by the Garo Hills District Council.][Received the assent of the Governor of Assam on 11th July, 1960]Published in the Assam Gazette, dated the 27th July, 1960.An Act provide for the assessment and collection of awail fees in the Autonomous District of Garo HillsPreamble. - Whereas it is expedient to make provision for the regulation assessment and collection of Awail fees which are in vogue in the District:It is hereby enacted in the Eleventh Year of the Republic of India as follows:

1. Short title, extent and commencement.

(1)This Act may be called the Garo Hills District (Awil Fees), Act, 1960.(2)It extends to the whole of the Garo Hills District.(3)It shall come into force at once.

2. Definitions.

- In this Act-(1)"AkHING" means-(a)any land held by a clan or "machong" under the custody of the head of the clan or "machong" called "Nokma" recognised as such by the District Council.(b)any land held collectively by a particular community of a village or group of villages under the custody of the recognised head of the said community called "Nokma";(2)"Awil fees" means-(a)any fee assessed on timbers and all other forest produces in addition to any forest Royalty assessed in respect of such timbers and also such other forest produces extracted from any AkHING.(b)any fees assessed on any land within an AkHING jhumed by any person other than a permanent resident thereof but who has been permitted to jhum in the said AkHING by the recognised Nokma;(3)"Chief Executive Member" means the Chief Executive Member of the Executive Committee of the Garo Hills District Council;(4)"District" means the Garo Hills Autonomous District;(5)"District Council" means the District Council of the Garo Hills Autonomous District under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951;(6)"Executive Committee" means the Executive Committee of the Garo Hills District Council constituted under the Assam Autonomous

Districts (Constitution of District Councils) Rules, 1951;(7)"Forest Revenue Stations" means the Forest Revenue Stations of the Garo Hills District Council;(8)"Forest Range Officer" means the Forest Range Officer of the Garo Hills District Council;(9)"Jhum" means any form of shifting cultivation;(10)"Jhumer" means any person who practices any form of shifting cultivation;(11)The word "Timber" shall have the same meaning as defined in the Garo Hills District (Forest) Act, 1958;(12)"Unclassed State Forest" means any forest in the District other than a reserved forest constituted as under the Assam Forest Regulation VII of 1891;(13)"Village" means an area where a number of families live together, having a distinct place, name and notified as such by the District Council;(14)"Recognised" means recognised by the District Council;(15)"Notified" means notified in the Assam Gazette.

3. Assessment of Awil fees.

(1)Awil fees shall be assessed on timbers and all other forest produces as defined in Section 2 of the Garo Hills District (Forest) Act, 1958, in addition to forest royalty assessed in respect of such timbers and other forest produces extracted from any other than a Reserved Forest constituted under the Assam Forest Regulation, 1891, falling within the area of an Akhing in the district.(2)Awil fee shall also be assessed on any land jhumed within an Akhing by any person other than a permanent resident thereof but who has been permitted to jhum in the said Akhing by a recognised Nokma.(3)The Awil fees assessable under the foregoing sub-sections of this section shall be specified in the Schedule to this Act.

4. Assessing Officers.

- The Awil fees assessable under sub-section (I) of Section 3 of the Act shall be assessed and collected in the Forest Revenue Stations by the Forest Range Officers or their subordinates competent to assess and collect Forest Revenue under the provisions of the Garo Hills District (Forest) Act, 1958.(2)The Awil fees assessable under sub-section (2) of Section 3 of this Act shall be assessed and collected by the Laskars in their respective Elakas.For the purpose of facilitating the assessment and collection of the Awil fees under this sub-section the Nokma shall bring to the notice of the Laskar and Jhumer other than a permanent resident of his Akhing.

5. Allocation of share of Awil fees.

- The Awil fees assessed and collected under the preceding sections of this Act shall be allocated as follows:(a)The Nokma of the Akhing shall be entitled to a share of twenty five per cent of the total Awil fees collected from within his Akhing:Provided that in the case there are two or more nokmas of the same Akhing the amount payable to the Nokma shall be equally paid and divided to them;(b)The remaining twenty-five per cent of the Awil fees shall be credited to the District Fund to be spent for the collective benefit of the residents of the Akhing.

6. Maintenance of accounts.

(1)The Forest Range Officer shall keep proper accounts of the Awil fees assessed and collected by them under sub-section (1) of Section 4 and payable and creditable to the Nokmas and the District Fund respectively under Section 5 and for the purpose maintain a personal ledger for each Nokma in the form prescribed by the Executive Committee in this behalf.(2)The Laskars shall keep proper accounts of the Awil fees assessed and collected by them under sub-section (2) of Section 4 and payable and creditable to the Nokmas and the District Fund respectively under Section 5.

7. Penalty.

- Whoever contravenes any of the provisions of the Act or any rules made thereunder shall be punishable with a fine which may extend to fifty rupees and in the event of such person having been previously punished for an offence under this Act or under any rule made thereunder, with fine which may extend to five hundred rupees.

8. Recovery of fees.

- when any person without any reasonable cause fails or refuses to pay the Awil fees, the Forest Range Officer or the Laskar, as the case may be, may forward to the Chief Executive Member, a certificate over the signature specifying the amount of Awil fees due from such person and the Chief Executive Member, on receipt of such a certificate shall proceed to recover shall Awil fees including such penalty as he deems fit not exceeding one half of the Awil fees due as if it were an arrear of land revenue:Provided that the Chief Executive Member shall not proceed before the expiry of the period within which an appeal may be preferred under Section 9, or if such an appeal has been preferred, before it has been decided.

9. Appeal.

(1)Any person aggrieved by an order relating to the assessment, collection or recovery of an Awil fees may within a period of 30 days from the date of such order prefer an appeal to the Chief Executive Member.(2)Any person aggrieved by an order passed by the Chief Executive Member under Section 8 may within a period of 30 days from the date of such order prefer an appeal to the District Revenue Tribunal appointed under Section 6 of the Garo Hills Local Rate Regulation, 1953.(3)Every order in an appeal passed by the Chief Executive Member or by the District Revenue Tribunal, as the case may be, shall be final.

10. Power to make rules.

- The District Council may rules for the purpose of carrying into effect the provisions of this Act. The rules so made shall come into force on publication in the Assam Gazette.

11. Application of proceeds of the Awil fees.

- The share of the proceeds of the awil fees credited to the District Fund shall be utilised by the District Council for the following purposes only and in the following orders: (i) The payment of expenses incurred on account of the assessment and collection of the Awil fees; (ii) The payment of the cost of the development projects which may be taken up by the District Council in consultation with the Nokma of the Akhing and the residents thereof for the benefit of the residents of the Akhing.

Schedule

[Section 3 (3)] Rate of the Awil fees

1. Awil fees assessable on forest timbers, and all other forest produces extracted from the Unclassed State Forest Falling within the Akhing shall be at the rate of two annas per rupees for the forest royalty assessed in respect of such timbers and other forest produces.

2. Awil fees assessed on any land jhumed within an Akhing by a person other than a permanent resident thereof shall be one rupee per jhumed plot per annum.