

THE ASSAM SATRA PRESERVATION AND DEVELOPMENT COMMISSION BILL, 2025

A
BILL

Preamble to constitute the Assam Satra Preservation and Development Commission for the protection, preservation, management, maintenance and regulation of the cultural heritage of the Satras and their lands and for matters connected therewith and incidental thereto.

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

PART I :PRELIMINARY

Short title, extent and commencement 1. (1) This Act may be called the Assam Satra Preservation and Development Commission Act, 2025.
(2) It shall extend to the whole of the State of Assam except for the Sixth Schedule areas.
(3) It shall come into force on the date of its notification in the Official Gazette.

Definitions 2. In this Act, unless the context otherwise requires:-
(a) "Assam Satra Preservation and Development Fund" means the fund established under section 17 for the purposes of this Act;
(b) "Commission" means the Assam Satra Preservation and Development Commission constituted under section 3;
(c) "Chairperson" means the Chairperson of the Commission;
(d) "Department" means the Revenue and Disaster Management Department of the Government of Assam;
(e) "District Commissioner" includes the Additional District Commissioner and Co-District Commissioner of the districts;
(f) "Member" means a member of the Commission;
(g) "Member Secretary" means the Director of Land Requisition, Acquisition and Reforms, Assam.
(h) "prescribed" means prescribed by rules made under this Act;
(i) "regulations" means the regulations made under this Act;
(j) "rules" means the rules made under this Act;
(k) "Satra" means any institution of religious and cultural eminence established under Vaishnavite tradition in Assam and also such other institutes as may be recognised by the Commission and as notified by the Government from time to time ;
(l) "Satra land" means any land or immovable property belonging to, or held in trust for a Satra and also includes lands where the Satras or its subsidiary institutions are or were situated;
(m) "State Government" means the Government of Assam;
(n) "Year" means the Financial Year.

PART II: CONSTITUTION, COMPOSITION AND TENURE OF THE COMMISSION

Constitution of the Commission 3. (1) The State Government shall, by notification published in the Official Gazette, constitute for the purposes of this Act, the Assam Satra Preservation and Development Commission for the protection, management, development and regulation of the Satras and their lands within the State.


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Composition and
Tenure of the
Commission

- (2) The Commission shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its name for the purpose of this Act.

4. (1) The Commission shall consist of the following Members, namely:-

- (i) The Chairperson, who shall be a retired Judge of a High Court, appointed by the State Government;
- (ii) The Director of Land Requisition, Acquisition and Reforms, Assam, who shall serve as the Member Secretary of the Commission;
- (iii) Two members representing the Satra institutions to be nominated by the Government;
- (iv) One retired Civil Servant, not below the rank of Secretary, with substantial experience in land administration, to be appointed by the State Government.

- (2) The Chairperson and Members (excluding the Director of Land Requisition, Acquisition and Reform who shall serve as ex-officio) shall be appointed for a term of three years from the date of appointment or till 65 years (sixty-five years), whichever is earlier and which may be extended for a further period not exceeding two years, as may be decided by the State Government.

- (3) If a vacancy occurs before the expiry of any Member's term, the appointment to fill such vacancy shall be only for the remainder period of the term.

Terms and
Conditions of
Service of the
Chairperson and
Members

5. (1) The Chairperson shall be entitled to a monthly salary equivalent to the last drawn salary of a High Court Judge(minus pension) and other allowances as admissible to a serving High Court Judge or such other amount as may be decided and notified by the State Government from time to time.

- (2) Other Members (excluding the ex-officio Member Secretary) shall be entitled to a monthly honorarium along with allowances for travel, accommodation and incidental expenses incurred in the performance of their duties as may be notified by the State Government from time to time.

- (3) The Chairperson and Members, except at clause (ii) of sub-section (1) of section 4 shall not be eligible for re-appointment after the expiry of their extended term, if any.

- (4) The Chairperson or any Member, except at clause (ii) of sub-section (1) of section 4, may resign from office by giving notice in writing to the State Government, and such resignation shall take effect from the date of acceptance by the State Government.

- (5) The State Government may, by notification in the Official Gazette remove any Member from office, if it is of opinion that the continuation of the incumbent in the said position, shall not lead to furtherance of the objectives of the Commission or on any other ground, which the Government, may feel deemed fit and proper for such removal:

Provided that no person shall be so removed from office unless he has been given a sufficient and reasonable opportunity to show-cause against his removal.

- (6) The other terms and conditions of service, including salary, allowances and other benefits of the members shall

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- Meetings of the Commission
6.
- (1)

The Chairperson shall preside over the meetings and in his absence, the Member as mentioned above in clause (iv) of sub-section (1) of section 4, shall act as the Chairperson.
- (2)

Three members shall constitute a quorum, including the Chairperson and at least one member as mentioned in clause (iii) of sub-section (1) of section 4:
Provided that, in case of difference of opinion on any matter, amongst the members of the quorum constituted as per this sub-section0, the decision on such matter on which there is a difference of opinion, shall be decided upon by the full Commission constituted under section 4 of this Act.
- (3)

The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided in the regulations made under this Act.

PART III: FUNCTIONS, POWERS AND DUTIES OF THE COMMISSION

- Powers and Jurisdiction of the Commission
7.
- (1)

Notwithstanding anything contained in any other regulation or extant Acts or notifications, the Commission shall specifically function as an entity for the protection, preservation, management, maintenance and optimal utilisation of Satra lands including preserving and conserving their cultural heritage and Assam's ethnocentricity and the Commission shall have the power and jurisdiction to perform any such function related to the Satra lands including entertaining appeals and petitions and revising decisions against orders of the District Commissioners, pertaining to Satra lands and such other lands which the State Government, may by notification include under its jurisdiction.
- (2)

The Commission shall undertake such preliminary investigation, survey or other measures as it deems necessary, to inspect or cause to be inspected any works undertaken by the Government concerning the preservation and maintenance of the Satra and the lands.
- (3)

The Commission shall have the power to take up suo motu investigations in matters related to encroachment and the observations of the Commission in such cases shall be binding on the District Commissioner and the State Government for taking further necessary action concerning encroachments on Satra lands.
- (4)

The Commission shall also recommend measures for the maintenance, protection and preservation of the heritage structures.
- (5)

The Commission shall also have such powers and jurisdiction as may be conferred on it by any other law for the time being in force.
- (6)

Such other matters as may be prescribed.
- Power of State Government to assign additional duties and functions
8.
- Without prejudice to anything contained in section 7, the State Government may, by notification, assign to the Commission such other duties and functions related to preservation and sustainable development of the Satra entities as it may deem fit.
- Commission to have powers of a Civil Court
9.
- The Assam Satra Preservation and Development Commission, for the purposes of its functions under this Act, shall have the same powers as a civil court under the Code of Civil Procedure, 1908 (5 of 1908), including summoning and enforcing the

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attendance of any person and examining them on oath, ordering the discovery and production on of any document or material object admissible as evidence, receiving evidence on affidavits, requisitioning any public record, issuing commissions for the examination of witnesses, reviewing its own decisions, directions, and orders, and addressing any other matter that may be prescribed or notified:

Provided that the Commission, with its headquarters in Guwahati, may hold its proceedings at any place within the State of Assam as per the orders of the Government issued from time to time.

Commission's
decision final

10. No appeal or revision shall lie against any order passed by the Commission in the exercise of its powers of appeal or revision under this Act.

Review of the
orders of the
Commission

11. (1) The Commission may, either on its own motion or on the application of any party interested within 90 days, review its own decision or order in any case and pass in reference thereto such order as it thinks fit:

Provided that the Commission may admit an application preferred after the period of 90(ninety) days, if it is satisfied that the applicant has sufficient cause for not preferring the application within the 90(ninety) days period as mentioned above.

(2) An application for review under sub-section (1) by any party shall be made within ninety days from the date of the decision or order of the Commission.

(3) In computing the period of limitation, the provisions of the Limitation Act, 1963 shall be applicable to the applications for review of a judgment or order of a Civil Court, so far as they apply to applications for review under this section.

Act No. 63
of 1963

(4) No such application made by any party shall be entertained unless the Commission is satisfied that there has been a discovery of a new and an important matter or evidence which after the exercise of due diligence was not within the knowledge of such party, or could not be produced by him, at the time when its decision was made, or there has been some mistake or error apparent on the face of the record, or for any other sufficient reason.

(5) No such order shall be varied or revised unless notice has been given to the parties interested to appear and an opportunity has been given to be heard in support of such order within 90 (ninety) days.

Delegation of
powers

12. The Commission may delegate to the Chairperson, any member or officer of the Commission, any of its powers or duties under this Act, except the power to sub-delegate.

Power to make
rules

13. The State Government may by notification in the Official Gazette, make rules consistent with the provisions of this Act for carrying out all or any of the purposes of this Act.

Power to make
Regulations

14. Subject to the previous sanction of the State Government, the Commission shall, from time to time, frame regulations, to be published in the Official Gazette, consistent with the provisions of this Act, for regulating its procedure and disposal of its business.

Contempt

15. The Commission shall exercise contempt powers equivalent to those of a High Court, with the police being duty-bound to make arrests for non-compliance of the orders of the Commission or for contempt of the Commission's authority.


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Costs 16. In any proceeding, the Commission may award such costs as it thinks fit and determine by whom such costs are to be paid and where there are several persons liable, the amount to be paid by each such person. Any costs awarded by the Commission shall be recoverable as if it were an arrear of land revenue.

PART IV: FINANCIAL PROVISIONS

Funds of the Commission 17. (1) The Commission shall have autonomous funding and shall maintain a fund called the Assam Satra Preservation and Development Fund.
(2) The Fund shall consist of:
(i) grants-in-aid from the State Government;
(ii) donations, endowments and bequests;
(iii) income from property and investments of the Commission;
(iv) fees, fines and service charges realized by the Commission if any;
(v) any other sums received by the Commission.
(3) The Director of Land Requisition, Acquisition and Reforms shall incorporate the necessary budgetary provisions for the Commission in it's budget submitted to the Revenue and Disaster Management Department for every financial year.

Budget 18. The Commission shall prepare in such form and in such time of each year as may be prescribed, a budget in respect of the next financial year ensuring the estimated receipts and expenditures and copies thereof which shall be treated as expenditure payable out of the fund of the Commission.

Application of the Fund 19. The Fund shall be applied towards, namely:-
(i) meetings held for administrative purpose and for the operational expenses of the Commission;
(ii) grant of assistance for preservation and development of Satra lands and heritage, historical artefacts;
(iii) salaries, allowances and honorarium of members;
(iv) any other purpose approved by the Commission in furtherance of its functions.

Accounts and Audit 20. (1) The Commission shall maintain proper books of accounts and such other books and shall prepare annual statement of accounts in the manner as may be prescribed.
(2) The accounts of the Fund shall be audited annually by the Accountant General (Audit), Assam.

PART V: MISCELLANEOUS

Reports 21. The Commission shall, before such date and in such form and at such interval as may be prescribed, submit to the State Government a report on such matters as may be prescribed and the State Government shall cause such report to be published in the Official Gazette. Every such report shall be laid before the House of the State Legislature as soon as may be after it is published.

Deputation of Officials 22. Officials of the Revenue and Disaster Management Department and its Directorates shall be placed on deputation to the Commission for carrying out its functions and furtherance of the objectives of this Act.

Bar of jurisdiction 23. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Commission is empowered to determine under this Act, except as provided

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| Correction of clerical or arithmetical mistakes | 24. | Clerical or arithmetical mistakes in decisions or orders or errors arising therefrom from any accidental slip or omission may at any time be corrected by the Commission either of its own motion or on the application of any of the parties. |
| Not to invalidate | 25. | No act or proceeding of the Commission shall be deemed to be invalid by reason only of the existence of any vacancy in the Commission or any defect in the appointment of any manner thereof. |
| Government's power to give directions to the Commission | 26. | The State Government may give the Commission such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act and it shall be the duty of the Commission to comply with such directions. |
| Protection of action taken in good faith | 27. | No suit, prosecution or other legal proceeding shall lie against the Commission or any member, officer or employee of the Commission for anything done or intended to be done in good faith under this Act. by notification in the Official Gazette, |
| Removal of difficulties | 28. | If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with this Act as appear to be necessary for the removal of the difficulty. |


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