

Introduction of the Assam Act IX, 1961

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The Assam Act IX, 1961 entitled The Assam Acquisition of land Belonging to Religious or Charitable Institutions of Public Nature Act came into force from 12th April, 1961. This was found to be necessary in bringing to an end the innumerable litigations and to provide for a better management of the temples and other religious establishments of Assam and their endowments.

In fact, under all the pre-British administrations, the temples, satras, mathas and mosques use to received land, men and other valuables. For the proper management of the wealth thus accumulated in these institutions, a management machinery was necessary.

In ancient Kàmarùpa the temple affairs were looked after jointly by the sovereign and the sectarian leaders.¹ Under the Koch and the Mughal rule the priests were responsible for the management of the temple properties and the performance of regular and daily worship of the presiding deities.² A regular system was created for this purpose under the Ahom and more particular during the reign of Sivasimha (1714 – 1744 A.D.) when he created an office of a Superintendent called Sevàcaloà.³ He was entrusted upon with the duties and responsibilities of an intermediary between the temples and the royal house, but the Daloi, the next immediate officer was responsible for daily worship and the internal management of a temples. They were assisted by a number of subordinate officers belonging to both Bràhmana and non-Bràhmana castes viz, Pàthak, Bhàndàr Kàyastha, Menà, Meteri, Ràjkhoà etc. and the manual Servitors like Æthparià, Goàl, Hàthimàthut, Pàiks, Bàricoà etc.

During the Burmese invasion and their temporary occupation of Assam almost all the temple officers including the Sevàcaloà fled away to Goalpara and the Burmese authority appointed new officers. After the advent of the British, the fugitives returned and hence claims and counter claims took place for the same offices.⁴ The British Government allowed these claims to be settled in the *Panchàyats* with a provision to appeal to a higher authority. David Scott, the Agent to the Governor-General, found that huge areas of land were enjoyed as revenue free by these

temples. He therefore intended to levy a tax upon such lands. But at the protests lodged by the *Bardeoris*, the Government had to modify its earlier orders and broadly divided the temple lands into three categories,⁵ viz., *Devottara* (lands issued in the name of the deities.), *Brahmattara* (lands issued to Brahmanas) and *Dharmottara* (land issued for religious purposes particularly to *Sattras* and other religious personalities). The claimants of such grants were asked to substantiate their right by showing the relevant copperplate grants and *perakàkats* of the previous government. The *Devottara* grants were exempted from taxation while the *Dharmottara* and *Brahmottara* were brought under the provisions of Assam Land Revenue Regulations of 1886, and taxed at half of the usual rate. Some years later it was claimed by the grantees that this was a temporary system and Scott promised to withdraw it on the completion of the Lakheraj enquiry.⁶ But the enquiry virtually was never complete and the system was to continue till 1961 and the responsibilities to collect such revenues and to deposit them in the Government treasury were entrusted upon the *Daloi*, while the post of the *Sevàcaloà* was abolished a few years earlier.⁷ The *Bardeoris* as a class were given the right of a *Zamindar* of *Devottara* lands and the *Daloi* being their manager became the master of the situation who had to distribute the profits to the *Bardeoris* after defraying the necessary expenditure for the daily worship of the deity of a temple.⁸

A constant rivalry among the *Bardeoris* for the lucrative post of the *Daloi* divided them into a number of groups in each and every temple. This led to litigations. The temple officers belonging to both *Bràhmana* and non-*Bràhmana* castes viz., *Gitàpàthak*, *Bhàndàr Kàyastha*, *Menà*, *Meteri*, *Ràjkhoà* etc. were brought to the scene by the rival groups of *Bardeoris* and were introduced in the courts of law in their support. The officers then united themselves and claimed a share in the management of the respective temples. The manual labourers including *Àthparià*, *Pànitalà*, *Bàricoà*, *Hàthimàhut*, *Balikatà* came forward under the banner of *pàik* and submitted petitions in the courts of law for their time honoured rights in the management of the respective temples. In the process, three types of litigations were instituted-(a) litigations from amongst the *Bardeoris* for the office of the *Daloi*; (b) between a section of *Bardeoris* and the *Sevats*, and (c) between a section of *Bardeoris* and *Sevat* and the *paiks*. The respective officiating judges in whose courts the cases were contested, finding no otherway asked the contending parties to submit a scheme of management of their own. Some of them responded positively and after a scrutiny made by the appointed commission, a

scheme of management was framed.⁹ Some years later this attempt found to be futile when the old litigations began to be re-instituted and the situation went from bad to worse when even the daily and regular *sevāpujās* had ceased for weeks together. Taking the advantage of the situation the *Dalois* stopped to deposit the amount of land revenues he collected from the tenants and *paiks* and a huge amount of Government dues remained in arrear.¹⁰ There was none to receive the pilgrims and the temple buildings faced a severe ruin.¹¹ The temples were in the officiating District judges left the religious matters at the hands of the *Dalois* and the *Sevāits* and turned their eyes only on the clearance of government dues. The *Bardeoris* were asked to elect or select a new Dolai when the *Dalois* were habitual defaulters, it led to of a practice of buying and selling of votes among the *Bardeoris* and the highest bidder held the office of the Dolai.¹² The Government also suspended the Dolais and appointed some commission agents to collect the revenues of the temple lands. The District judges issued an order that the tenants and *paiks* could deposit their dues directly in the treasury. The *Bardeoris* raised their voice against this arrangement and the tenants and *paiks* could deposit their dues directly in the treasury. The *Bardeoris* raised their voice against this arrangement and the tenants and *paiks* started a no tax paying movement until and unless they were given ownership right on the lands they possessed.¹³

The Government Assam in 1954, therefore, appointed Mr. S.K. Chakravarty, a retired officer of Assam Civil Service, to make a detailed survey of the problems of management of the temples and their lands in Assam.¹⁴ Mr. Chakravarty visited almost all the temples and other religious establishment of Assam and submitted his report to the in 1955. He had also referred to a number of legislations relating to the management of religious establishment in other parts of India.¹⁵

After a critical consideration of the suggestions of Mr. Chakravarty, the Government of Assam proposed to introduce a Bill entitled *The Assam Hindu Religious Endowments Bill, 1959* by which it was intended (a) to appoint Commissioner of Endowments for the general superintendence of all Hindu religious endowments in the State; (b) to acquire all rights in lands (except the lands included in the compound or orchard) of a temple including the right of any intermediaries in such land by the State Government, and (c) to frame a scheme of management of the temples in future. The State Assembly in its deliberations suggested that the Bill should cover all the religious and charitable endowments of public nature

and so the title of the Bill should be changed. With this modifications, the Bill was sent to the President of India who gave his assent on 2nd April, 1961 and the Assam State Acquisition of Land Belonging to Religious or Charitable Institution of Public Nature Act 1959 (Assam Act IX, 1961) came into force on 12th April, 1961.

The Act consists of three chapters. The first chapter deals with its preamble, title and other definitions. Regarding the definition it is said that "Religious or Charitable Institutions of Public Nature shall include Satra, Mathas, Public temple, Public mosques and Durgahs, Gurudwaras, Churches or similar institutions or endowments for public purposes of charitable or religious nature".¹⁶ The second chapter deals with the mode of acquisition and says that the state Government "may from time to time by publication in the official Gazette declare that all rights in land belonging to Religious or Charitable institutions of public nature shall rest in the state free from all encumbrances with effect from the first day of the agricultural year next following from the date of publications of such notification.". The same chapter also allows the institutions to retain the possession of revenue free "all such lands which on or before the last day of Caita 1365 B.S (A.D. 1958) were actually occupied by it constructing building and raising orchards and flower gardens together with the compound apartments there and all lands reserved for the resident devotees for residential purposes, but the right of ownership or possession of such lands should not be transferable or alienable". It also provides for a compensation to each and every institution whose lands would be acquired. For the realization of any arrear of revenue, local rates or other dues lawfully payable to the state or central Government by an institution, provision was made to deduct at the root 25% of the total amount of annual compensation payable. Thus after such deduction the annuity be paid to the "Head of the Institution" as defined in the first chapter of the Act. In case of any dispute in this regard the amount shall be kept in the Government treasury and the dispute shall be referred to the civil court of competent jurisdiction and the amount shall then be paid in terms of the final decision of the court.

Thus all the *Devottara* lands acquired under this Act were settled with the *paiks*, *Sevants* and tenants in occupation and the *Dharmottara* and *Brahmottara* lands were settled with the original grantees under the provision of different Acts, subject to the limitations prescribed under section 4 of the Assam fixation of ceiling on land holding Act, 1956. Thus all the land of our concern become liable to be assessed at full rate

of revenue under the *Assam Land Revenue Regulations of 1886* or the *Assam Revenue Reassessment Act, 1936* or *Goalpara Tenancy Act 1929* or the *Sylhet Tenancy Act 1939* as the case might be.

Evidently, the Government was concerned with the recovery of the huge amount of arrear and the regular collection of revenue on lands belonging to the temples. The Act did not provide a better management of the Institutions in respect of their buildings and worship. Deprived of monetary profits, the *Bardeoris* and the *Sevants* began to desert the institutions and in most of the temples the worships ceases due to want to money, priests and Servitors. As a consequence mismanagement prevailed in most of the institutions for which the Government of Assam had to amend subsequently the Assam Act IX, 1961 with an intention to provide a supervising machinery for the proper management of the institutions.

Notes and References

1. G.Adhikary '*The Concept of Nuclear Area and the Temples of Kamarupa*' *Proceedings of NEIHA*, XXth session, Dibrugarh, 1999 p. 69-79.
2. G.Adhikary, '*Function and power of the Daloi in the temples of Kamrup*' *NEIHA*, XXIst session, Imphal, 2000, pp. 34 -39.
3. Mohan Sharma, *Kamakhya, A Town of Assam, Census of India, 1972*, vol.I part IV-B, New Delhi, p.65.
4. *Ibid.*, p.66; G.Adhikary, *A History of the Temples of Kamrup and Their Management (HTKM)*, Guwahati, 2001, p.131.
5. D.D. Mali, *Revenue Administration in Assam*, New Delhi and Guwahati, 1985, p. 8.
6. For details or Lakheraj enquiry please see, W.E. Ward's 'Introduction' to *The Assam Land Revenue Manual*, Shillong, 1906, pp. lxix - lxxvi.
7. G.Adhikary, *HTKM*, Guwahati, 2001, p. 144.
8. W.W. Hunter, *A Statistical Account of Assam*, Vol. I, Delhi, 1982, p. 37.
9. Thus we find the Scheme of Management for Hayagrivamàdhava temple at Hojo was framed in 1908, that of Uratàrà in 1938, Suits were instituted for the same for Kàmàkhyà temple in 1927, and for Umànanda in 1945. The temples of Asvagrànta at North Guwahati, and Chatràkàr at Guwahati were also administered each under a

scheme sanctioned by the District judge, vide S.K.Chakravarty, *A Report on the Administration of Temples and Their Lands*. An unpublished Report submitted to the Government of Assam, Rev. Department dated, 29.6.1955. p. 11.

10. *Ibid.*, p 12
11. *Ibid.*, Appendix A.
12. H.C. Goswami, the then Extra Asst. Commission and Asst. Settlement officer, Darrang submitted a note in this regard on 9th September, 1908, vide *Paper Book in Form original Decree No. 80 of 1909* (Srada Charan Choudhury Vs. Surja Dutta Sarma), pp. 168 – 170.
13. S.K. Chakravarty, *Ibid.*, p 12
14. Assam Government letter No. RR. 69/54/21 dated 5th September, 1954 and Deputy Minister Revenue's order dated 20th August, 1954 relating to temple enquiry.
15. Vide his Report, pp. 19-22.
16. V.K. Dewan (ed.), *North Eastern Region Local Acts and Rules*, Vol. X., Allahabad, 1979, p. 759.